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**The Somali Problem: A Perspective of the
Parliament of Kenya**

Presentation by

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The Problem in Somalia: A Perspective of the Parliament of Kenya

"The case of Somalia as the country whose people have chosen not only to destroy fundamental structures of their state, but also the institutional and, to some extent, even the geographical viability of their nationhood, is now especially and, from a disciplinary perspective, a quasi-permanent, if not perplexing reality"

Abdi Ali A. (2003)

Reconstructing the Somali state, and the promise of federalism

1.0 OVERVIEW

Nation-state exist to provide a decentralized method of delivering political (public) goods to persons living within designated parameters (borders). Human security; free, open and full political participation; and the provision of material goods and social services by the state comprise the political goods. States succeed or fail across all or some of these dimensions.

The Somalia problem epitomises the practical case of a failed state that has continued to perplex the entire world. Said Samatar (2005), surmised the situation as *"a Nation of greed and ambition gone mad"*. Nevertheless, state failure is not a single event but the result of a long process and series of events.

The Somali Republic (1960 – 1991) constituted the former Italian colonies of south-central Somalia and Puntland and the former British protectorate of Somaliland. After thirty years of experimenting with different political systems and ideologies, the Somali state eventually collapsed in 1991. Therefore, it is only for nine years that Somali enjoyed democracy after independence between 1960 and 1969, and power changed hands peacefully between two presidents and three prime ministers. The independence constitution of 1961 gave parties the freedom to organize and to compete for political office.

From October 21 1969 to January 27 1991, the country was ruled by a military dictatorship led by Mohamed Siad Barre. The military takeover and thereafter the introduction of state sanctioned violence to the discourse and practice of the Somali political culture contributed to the eventual demise of the Somali state. After the collapse of the state the northern clans in May 1991, unilaterally declared an independence Republic of Somaliland. Although this entity has not received

recognition from the United Nations (UN) or by any government, it has maintained a stable existence and has made efforts to establish a constitutional democracy. The neighbouring self-declared autonomous state of Puntland has been self governing since 1998.

2.0 THE POST-1991 SOMALIA

The ouster of Mohamed Siad Barre was followed not by a replacement government but by a period of turmoil, warfare and anarchy. Armed conflict and factional fighting pitting clan-based militias against one another over control of key towns and seaports has dominated the political and social landscape of the country ever since. An estimated 250,000 Somalis died in this civil war and famine and the number rises by the day. In the subsequent period, the war produced a powerful array of interests perpetuating lawlessness and violence which has continued to block reconciliation efforts.

Somalia has been depicted as a rare example of nation-state in Africa where the majority of the population is homogeneous sharing the same ancestral genealogy, same language and same religion. However, this has not prevented the country from the devastating civil war and unprecedented socio-political disintegration. Polarization along clans and regional lines appears to present political leaders in Somalia with a perennial dilemma of reconstituting the state while warlords have used it as an opportunity to advance their own and clan interests. To date, warlords power base rely entirely on a chronic state of insecurity.

The above notwithstanding, some of the problems that have stood in the way of growth, reconciliation and stability of the Somali state are intrinsic to the Somali cultural milieu and social composition. As a mostly traditional rural based people, modern concepts such as statehood, government and other attendant features are not very well understood by the majority of the Somali people. Further, high level clan segmentation consciousness makes political compromises and peace for the Somali people more difficult. It is on this premise that the independent Somali state miserably failed to cement strong national cohesion among the citizenry.

3.0 THE SOMALI PEACE PROCESS

Many nations and individuals have extended and exerted tremendous efforts in trying to reverse the unsavoury situation and to bring Somalia back into the fold of international community. The more promising of the interventions so far has been the establishment of the Transitional Federal Government of Somalia that is the result of a two year long Somali National Reconciliation Conference hosted by Kenya from October 2004 under the auspices of Inter-Governmental Authority on Development (IGAD).

Despite raising hopes that Somalia was on the path to recovery from its two decades of statelessness, the transitional government has not succeeded in reconstituting her collapsed state and bringing together the fragmented nation. The Transitional Federal Charter which outlines a five-year mandate leading to the establishment of a new Somali constitution and a transition to a representative government following national elections may not be adhered to.

Internal wrangling and disputes over representation and leadership, including the unbridgeable differences and the extreme polarizations that have previously divided the Somali political leaders and that have derailed reconciliation efforts have been playing out in the parliamentary discourse of the Transitional Federal Government (TFG). The TFG is now headed by its second President after the departure of President Abdullahi Yusuf who resigned after failing to stabilize the country.

Structural impediments that have bedevilled the Somali peace process revolve around banditry, warfare and displacement in southern Somalia. There is ever the inherent fear that this government will go the way of the previous endeavours. This is the preoccupying thinking of many observers and is heavily weighing on the hearts of many goodwill people - both Somali and non-Somalis.

4.0 PROBLEM IN SOMALIA AS UNDERSTOOD BY THE PARLIAMENT OF KENYA

Understanding the Somalia problem needs to be looked at from the viewpoint of cause-effect paradigm, and can only be viewed from diverse perspective depending on a country's geographical positioning. Attempts at addressing the Somali conflict should be informed by not only issues internal to Somalia but also the immense impact on regional stability in terms of security, economic, and environment issues.

Indeed, the problem of Somalia and the absence of stable state has serious implications for Kenya. Owing to its proximity to the country and the eminent social, political and economic impacts on Kenya, including historical linkages among her people, Parliament has all along taken keen ^{interest} on the developments in Somalia.

Issues of concern as understood by the Parliament in Kenya and which have a direct link to the problem in Somalia comprise a multitude of inter-related factors that cause, perpetuate, and impact on the region.

4.1 Causal and Perpetuating Factors

Proliferation of small arms: The degeneration into anarchy and subsequent collapse of state structures in Somalia has been a source of unchecked proliferation of small arms and light weapons (SALW) in Kenya and the Horn of Africa region. Due to the prolonged nature of the conflict and the absence of arms control mechanisms in the country, SALW are easily accessible and even purchased in the open market and smuggled across the porous Kenya-Somalia border.

Culture of impunity: Because there is no structure of accountability, a culture of impunity persists, and Somalis continue to rely on weapons to settle disputes.

International Influences: developments in Somalia need to be understood within the broader context of the region. In this perspective, Somalia is often a battleground for divisions between its African and Arab neighbours, each trying to exert their influence in Somalia. Indeed, incompatible regional interests have been critical in delaying reconciliation and a political resolution of Somalia's problems.

Borders: the international borders for Somalia were imposed by external actors, that is, colonialists without considerations for clan configurations, thus dividing kindred across boundaries. This situation has led to armed conflict and diplomacy among states being shaped as much by interactions between governments as by cross-border relationships among clans. Clan feuds within Somalia have at times spilled into Kenya raising serious security concerns in the House.

Fragmented entities: It is instructive upon the downfall of Siad Barre, Somalia fragmented herself into three regions with both Somaliland and Puntland claiming autonomy from the greater Somalia. Each of these divide continued to attract external attention from countries keen to exert their influence and other interests. The fragmentation is a source of dilemma for conflict resolution initiatives and the recreation of the pre-1991 Somalia.

Clan culture: This aspect is important to the Somalia conflict. It has deep historical roots and has become much of an ideology of the elite to the point of being legitimised on occasions in pursuit of elitist interests. Despite important milestones having been achieved in restoring peace in the country, conflict and competition for supremacy and control has made national cohesion ever uncertain. A lack of wide and inclusiveness participation by all stakeholders has in the past dented implementation of previous initiatives at national cohesion and peace leading to relapse into warfare.

4.2 Impacts

Refugees: As one of Somalia's frontline neighbours, Kenya has borne heavily from the influx of refugees from Somalia than any other state. The increase in refugee numbers led to the introduction of The Refugees Bill during Kenya's Ninth Parliament. Despite going sailing through the First and Second Reading in both the second and fifth sessions of the Parliament, the Bill did not get to the House for the Third Reading and therefore lapsed.

Environmental degradation: The strain on the environment caused by refugees is evident on the negative impact on the environment in where the refugee camps are located. Firewood is the main source of energy for cooking in the camps, and which has led to unchecked

falling of the available shrubs and trees in the neighbourhood of the camps seriously flouting Kenya environmental laws and policy.

Armed Crime and illegal gangs: Armed crime has soared as a result of easy availability of the SALW. Numerous times, the issue of armed crime has come to the floor of the House and attracted condemnation by Members of Parliament. Such arms have also landed in the wrong hands and led to formation of illegal gangs and other militant groups that have become a threat to national security. A select committee has been set up in the Kenya Parliament to address the issue of illegal organised groups. This is no longer a Kenyan issue but one which calls for regional concern.

Human rights violations and trafficking: There are innumerable cases of human rights violations, with victims unable to pursue justice. This is rampant in the refugee camps and within the volatile southern regions of Somalia. In addition the very porous and unprotected border between Kenya and Somalia is deemed a route in human trafficking making Kenya a transit country. This impairs Kenya's reputation internationally and Parliament has been in the forefront in ratifying international conventions on illegal migration and people trafficking.

Terrorism: The insecurity and absence of state machinery have offered safe abode to terrorist groups within Somalia. This has attracted outright condemnation by the international community. Indeed, Kenya continues to suffer irreparable image and foreign exchange losses in its tourism industry arising from travel advisories issued against travelling to Kenya due to this perceived threat by terrorists crossing into the country from Somalia. It has further undermined business confidence and scared away foreign investors.

Bilateral Trade: Conflict, whenever it occurs is an impediment to the smooth flow in the transaction of goods and services. As a frontline state, Kenya's trade with Somalia has suffered over the years. This is particularly with the trade that relies on the road network. Militant groups and other violent crimes make this form of cross-border trade untenable.

Humanitarian assistance: a humanitarian catastrophe is eminent in Somalia with close to half the population (approx. 3.25 million) in need of emergency aid. The grim situation is exacerbated by reluctance by relief agencies to operate in Somalia because of extreme violence and particular targeting of aid workers. According to Oxfam International, more than 30 aid workers were killed in 2008 alone while trying to carry out their work in Somalia. For Kenya, this is a recipe for increased inflow of refugees from Somalia escaping from the harsh realities.

War crimes: The untold suffering of the displaced Somalis and the killing of innocent civilians renders all parties involved in the conflict guilty of committing war crimes. The international community must act by enforcing international laws and holding accountable all those committing atrocities inside Somalia. The transitional Parliament can be impressed upon to ratify the treaty establishing the International Criminal Court to facilitate such trials. The Parliament in Kenya understands this as a way to reign on the Somali warlords.

Sea piracy: An emerging practice that is attracting renewed international attention to the Somali conflict is the piracy off the coast of Somalia which in the last two years has gained prominence. While the international community views this as a source of quick riches, the Kenya Parliament perspective on its upsurge is in the light of the huge ransoms demanded and the worry on the eventual use of the proceeds in the volatile region, especially in funding or arming the warring militant factions. In addition, shippers using the port of Mombasa are forced to use a longer detours thus increasing freight charges and causing rapid rise of imports into Kenya especially fuel.

Diplomatic relations: Diplomacy with Somalia continues to suffer from the persistent insecurity with most diplomats and international aid agencies to Somalia operating from Nairobi. This includes Kenya's own Ambassador to Somalia. This slows diplomacy and relations are never restored to the full. The incessant divisions among members not based on principle or particular ideology in the transitional parliament also makes Somalia Parliament participation in inter-parliamentary fora and adoption of resolutions difficult. Besides capacity building for both parliamentary staff and members is slowed and return to democratic practice an uphill task.

5.0 SUMMARY

The rapid shift in international norm that removes the thin veneer of sovereignty in the conduct of international relations from "non-interference to non-indifference" is likely to stimulate more interest in the Somali problem. Already the Africa Union (AU) has committed to send peacekeeping troops to Somalia but only two countries, Burundi and Uganda have sent in peacekeepers. However, emergent Islamic extremist such as the al-Shabaab with links to al-Qaeda operatives continue to object to non-Muslim country peacekeepers being deployed causing security concerns for the peacekeepers.

Stakeholder commitment is critical to finding a lasting solution to the Somali problem especially in efforts to address the political context in adequate scope and depth. Indeed, understanding the nature of the Somali conflict has always been the focal point of consideration for the Parliament in Kenya. This empowers us to appreciate and embark on peace initiatives that draw from the strength of local knowledge and values, and to influence an enabling environment at national and international levels which fosters and supports local initiatives.

Notably, lineage in Somalia underpins the Somali society, with divisions defined along clan and sub-clans. Over time, political leadership has skilfully and manipulated and politicized clan identity leaving a legacy of deep clan divisions and grievances. However, close to two decades of internecine civil war and three decades of oppressive dictatorship have destroyed all bonds of communal solidarity and national cohesion, and have caused rooted suspicions and widespread fragmentation at all levels of the society which make their reconciliation a daunting and challenging task.

Above all, strategic coordination of political interventions is required in resolving the Somalia conflict. These key strategies can be elaborated along several distinct axis and dimensions including – the political and policy environment, thematic, geographic and institutional strengthening strategies.

Longer term threats to the Somalia problem from the viewpoint of Parliament in Kenya will revolve around: Poverty; Weak institutions coupled with sustained poor governance; and Shifting vulnerability from immediate militia/warlord threats to structural problems.

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