LONG WALK TO RESTORATION:

Lessons from Somalia's transition process

The third transitional arrangement in Somalia ended successfully in August 2012. Against a backdrop of the numerous challenges and failures of previous transitional endeavours, the ending of the transition – while not implying the return of peace to the country – has raised hopes about progress towards peace. This situation report discusses the lessons learned from the process including how it succeeded, and the imperatives for sustaining and replicating the achievements in many of Africa's challenging cases of instability.

Somalia's troubled recent history began with the fall of the Siad Barre regime in 1991 and the subsequent outbreak of war among various clan-based actors in the different regions of the country. Since then, all efforts to restore peace, stability and normality of state functions have faced numerous challenges, which have culminated in a number of peace processes, agreements and more recently three major transitional arrangements. From the first Transitional National Government (TNG), established through the 2000 Arta Declaration and under the leadership of Abdiqasim Salad Hassan, the country struggled through more than a decade of two additional transition arrangements under the leaderships of presidents Abdullahi Yusuf Ahmed (2004–2008) and Sharif Sheikh Ahmed (2009–2012) till the end of the transition on 20 August 2012.

In the run-up to the August 2012 deadlines, internal political dynamics and delays in meeting certain crucial deadlines raised the level of anxiety within the international community as to the feasibility of the process to end the transition. Despite numerous challenges, the third transitional arrangement ended successfully and managed to raise the hopes and aspirations of many Somalis as well as the expectations of members of the international community that the end of instability in the Horn of Africa country was imminent. Stakeholders of the process succeeded in drafting and adopting a provisional constitution, and nominated members to a new parliament, who in turn elected a president, who nominated a prime minister. The prime minister subsequently composed a cabinet in charge of different ministries of the country.

Against a backdrop of the numerous challenges and failures of previous transitional endeavours, the successful ending of the last transitional arrangement has called for discussions regarding the lessons learned from the process within the context of the imperatives for sustaining successes and replicating similar achievements in many of Africa's challenging cases of instability. This situation report analyses the final stages of the United Nations (UN)-led political processes that managed the end of the transition, teasing out lessons learned for the various stakeholders and assessing the sustainability of the successes chalked. It is based on interviews with various UN staff involved

in the process, Somali academics, staff of civil society organisations and government officials conducted in November 2012.

The report is organised into seven major sections. Section one (introduction) provides a background to the key milestones and achievements of the process. An overview of what the transition entailed and a brief historical background then follow. In the third section, the key milestones and achievements before the end of the process are discussed. Section four discusses the key challenges that bedevilled the process. The chapter next outlines the factors that contributed to the successes achieved. In the sixth section, the key lessons from the process are teased out. Finally, the seventh section discusses the imperatives of sustaining the gains made in the country.

THE TRANSITION: WHAT IT WAS

The 1990s saw numerous attempts to reconcile the various factions of the Somali conflict. In all, more than 14 attempts were made. These include the 1993 Conference on National Reconciliation in Addis Ababa; the 1997 Conference on National Reconciliation in Sodere, Ethiopia, which saw the creation of the 41-member National Salvation Council (NSC), responsible for organising a transitional government; the 1997 Cairo Peace Conference, which led to the 'Cairo Declaration' providing for a 13-person Council of Presidents; and the 2000 Djibouti Conference.

While many of these attempts did not make a significant impact on the trajectory and dynamics of the conflict, it can be argued that each of them contributed incrementally to the overall progress in resolving the Somali conflict. The 2000 Djibouti peace process, however, was a turning point in terms of how the peace agreement was negotiated. For the first time the issue of inclusiveness featured strongly in the key components of the agreement. It thus marked a major shift in the trail of failures and laid the foundation for inclusivity and decisions that became the key milestones of the transition to a new political dispensation in the country.

The resultant Arta Declaration from the process, establishment of the TNG, the Transitional National Charter (TNC) and the Transitional National Assembly in 2000 together signified an important step in the consolidation of progress in the quest for peace in the country. The TNG enjoyed significant international recognition at the UN level and in the regional economic communities (RECs), particularly the Intergovernmental Authority on Development (IGAD). The TNC provided a legal framework for the emerging government and its functions.

Following the inability of the TNG to establish adequate security and functional state institutions in the midst of rigid opposition from the Somali Reconciliation and Restoration Council (SRRC), a follow-up peace and reconciliation conference under the auspices of the

Government of Kenya and the IGAD was organised in 2002 and continued up to 2004. Its main aim was to reconcile the remaining factions. Known as the Eldoret/Mbagathi peace process, the key highlights of the process were the creation of the Transitional Federal Institutions (TFIs) and the election of Abdullahi Yusuf Ahmed as transitional president, which ushered in the second phase of the transitional arrangements in 2004. The TFIs were made up

The Transitional National Charter provided a legal framework for the emerging government and its functions

of a Transitional Federal Government (TFG), a Transitional Federal Charter, and a 275-member Transitional Federal Parliament (TFP). The TFP was later expanded in 2008 through the 11-point Djibouti Framework agreement to a membership of 550 to include groups opposed to the TFIs. Such groups included the Alliance for the Re-liberation of Somalia (ARS), some civil society organisations and some women groups.

The TNC was replaced by the Transitional Federal Charter (TFC), which provided in its Article 11 for the federal character of the Somali Republic and also outlined the components of the federation.[1] It also provided in Article 71 for crucial tasks, including disarmament, the drafting of a new constitution and elimination of tribalism. While the four-year mandate of the TFG was principally to oversee these key milestones and organise national elections for the onset of government, progress on these important issues was limited. Instead, the security situation in the country worsened as a result of the activities of Al-Shabaab – the youth wing of the Union of Islamic Courts (UIC) – which had emerged following the ousting of the UIC in 2006 to contest the presence of Ethiopian forces in the country. The TFG governed by proxy from Kenya and could only reclaim Mogadishu in January 2007.

In 2009, however, as a result of a lack of progress in implementing the agreements of the Djibouti peace process, Sheikh Sharif Sheikh Ahmed took over from President Abdullahi Yusuf Ahmed. The TFG was extended in the same year for two additional years with the mandate to draft the new constitution and organise elections to pave the way for a permanent political arrangement in the country. However, by 2011, it was apparent that the TFG was not in a position to realise the mandate. Concurrently, the President had come under intense international pressure over allegations of shielding suspected pirates,

corruption and mismanagement of funds.[2] Worst of all, the TFIs were simmering with tension and embroiled in bitter infighting. The relationship between President Sheikh Ahmed and the Speaker of Parliament, Sheikh Hassan Sheikh Ahmed, had deteriorated.

A number of factors underpinned the crisis that confronted Sheikh Ahmed's government. First, he did not trust his cabinet. Consequently, the President and his prime ministers did not get along, which led to several changes in members of the cabinet. Prime Ministers Sharmarke and Mohamed Abdullahi Mohamed were forced to resign because of their inability to work with the president or some related infighting.[3]

The second problem was that, despite Sheikh Ahmed's experience in security management under the UIC, his approach largely involved deal making. He was, therefore, known to spend a substantial amount of his time negotiating for peace as a strategy for dealing with the numerous issues that came into his office.[4] The third issue was that he had no standing army and as a result was not able to function as he would with a functioning national army behind him. He also failed to reach out to the regional states, particularly Puntland, that had a well-structured army and could have lent support to the central government in the fight against Al-Shabaab, as they did during President Yusuf's regime.[5]

> The Kampala Accord provided the immediate framework for exerting international pressure and identifying important benchmarks for the end of the transition

In the midst of these issues, there was little hope that the August 2011 deadline for ending the transition was going to make any meaningful progress in the realisation of the mandate of the TFG. Additionally, there were real concerns on the part of the troop-contributing countries to the African Union Mission in Somalia (AMISOM) about the need to sustain military successes that had been realised. A meeting between President Sheikh Sharif Sheikh Ahmed and Speaker of Parliament Sheikh Sherif Sheikh Hassan was organised on 9 June 2011 under the auspices of President Yoweri Museveni in Kampala, Uganda. The meeting was facilitated by the Special Representative of the Secretary-General (SRSG), Ambassador Augustine Mahiga, and, among other important issues, it was agreed to extend the term of the TFG for another year until August 2012 and reshuffle the cabinet.[6]

Known as the Kampala Accord, the agreement ended five months of political deadlock but its extension of the TFG's term received mixed reviews from both Somalis and the international community. Notwithstanding, the agreement provided the immediate framework for exerting international pressure, identifying important benchmarks for the end of the transition, establishing compliance mechanisms for the realisation of priority tasks, and clarifying the requirements for a roadmap.

KEY MILESTONES AND ACHIEVEMENTS BEFORE AUGUST 2012

Following the Kampala agreement, a consultative meeting was held in Mogadishu on 6 September 2011 to draft the roadmap to end the transition. The meeting refined the milestones of the transition by zeroing in on (a) security stabilisation, (b) drafting and adoption of a constitution, (c) reconciliation and (d) good governance, as the four most important tasks for ending the transition.

The four priority tasks were anchored on the principles of (i) Somali ownership, (ii) inclusivity and participation, (iii) resource support by the international community and (iv) monitoring and compliance.[7] The next meeting was held in Garowe on 24 December 2011 to create an outline for permanent government and representation of women. A second meeting at the same venue took place on 18 February 2012 and primarily established the framework for the federal structure, electoral and parliamentary systems that made up the new government. A month later, agreements reached in the last two meetings were expanded through the Galkayo agreement, which also touched on ways of unifying emerging regional governments.

Intense efforts by stakeholders to meet the various provisions of the roadmap led to progress in a number of areas. First was progress with the liberation of Mogadishu, characterised by the securing of *Villa Somalia*[8] and its environs through the deployments and operations of AMISOM. Securing the presidential palace made it possible for the TFG to find its feet as a key actor in Somalia. It also provided the basis for liberating other strategic towns, in this way reducing the hold and influence of Al-Shabaab. This feat ultimately saw the liberation of Kismayo after the transition through the efforts of the Kenya Defence Forces (KDFs) and Ras Kamboni local militia in October 2012.

In the midst of these efforts, Somalia received a great deal of international attention, capped by two important high-profile meetings. The first was the London Conference, which took place in Lancaster House on 23 February 2012. The meeting succeeded in gathering international momentum on the Somali issue and pledged support for a coherent and cooperative international approach. This was followed by the second Istanbul Conference on Somalia, which was organised in June 2012 and emphasised the

need for reconstruction as a prerequisite for sustainably completing other important tasks. It also stressed the need for predictable financing and for establishing mutually accountable regimes for the transition administration. Apart from providing the avenue for international stakeholder interaction and commitment to the Somali crisis, the two meetings overwhelmingly brought attention to the Somali issue and created the momentum required for meeting the outstanding milestones.

However, the most important progress made before the end of the transition was in the successful nomination of 135 traditional leaders. These leaders in turn nominated 825 members of the National Constituent Assembly who were responsible for the nominations of the 275 members of parliament and the provisional adoption of the constitution. The nominated members of parliament then elected a speaker of parliament with two deputies as well as a president to mark the end of the transition. The president later appointed a prime minister, who formed a cabinet to make up the new government. The final processes and milestones achieved are summarised in Figure 1.

## CHALLENGES THAT THREATENED THE TRANSITION

Like every political process, the Somali transition was not without challenges. During the process, a number of crucial issues threatened the smooth realisation of the objective of ending the transition on 20 August 2012. The first of these was the politics and intrigues surrounding the work of the Technical Selection Committee (TSC). According to Article II of the presidential decree that provided for the end of the transition and the protocol establishing the TSC, the selection committee was primarily mandated to document and publicise the list of 135 recognised traditional leaders

(or Duubab) and to evaluate nominees to the National Constituent Assembly (NSA) and the federal parliament.[9]

Those who nominated the members of the TSC did not know how bold and effective the TSC members were going to be in carrying out their functions. A challenge, therefore, emerged when the TSC collided with the interests of the leadership of the TFG. For instance, names put forward by President Sheikh Ahmed for consideration into parliament were rejected by the TSC. Given the fact that members of parliament were to vote on the presidency, a great deal was at stake. The president insisted members of the TSC had neither the mandate nor authority to reject names submitted to it. Notwithstanding, the committee stood its grounds with the rejection of the names, despite threats from some of the clan leaders not to replace those names and threats to the lives of members of the committee. At some point, the president attempted to dissolve the group but did not succeed. These intrigues nearly derailed any progress made.

Related to the above was the existence of vested interests at the level of the TSC. Despite the important role it played in the successes of the transition, it was not a cohesive group. Nominees submitted for vetting from the Daarood clan in Puntland were passed without much debate but those from the Hawiye and other clans were subjected to thorough scrutiny and arguments. It is not clear whether this was purely coincidental or was evidence of inherent competing interests at the level of the TSC. Other challenges related to the lack of the requisite representation of women. The Marehan submitted an all-males list without meeting the requirement of at least one woman for every three names. The female co-chair of the committee advocated for the refusal of the names. Such instances placed a great deal of pressure on the members of the committee, with huge risk to their lives.

Figure 1: Diagram of key milestones and achievements of the transition
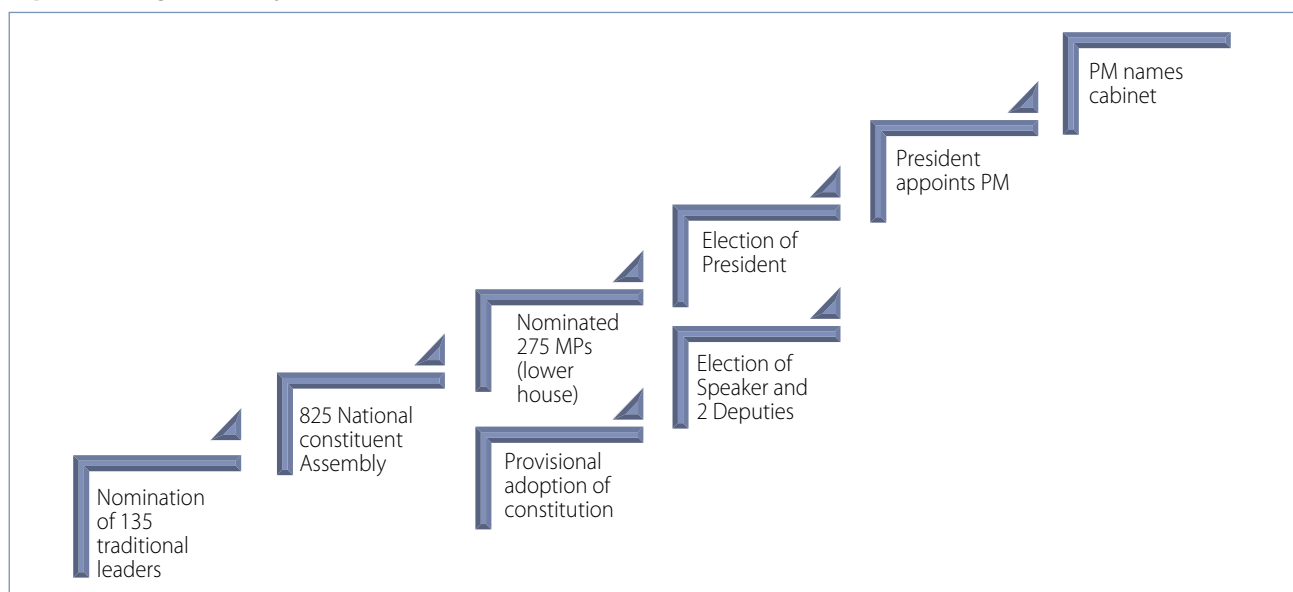
There was also the abuse of incumbency. Given the fact that the political process was redefining the future and reconstructing the leadership of the country, even members of the signatories for the end of the transition had their interests at stake. While presiding over the processes to end the transition and signing key documents, President Sheikh Ahmed, for instance, was still a contender for the office of president. This created a 'referee-cum-player' scenario, which led to perceptions of an uneven terrain for those presidential candidates without incumbency.

Another challenge was the lack of direct communication between members of the TSC and the Duubab. This led to a situation where the lists of nominees from the Duubab were submitted to members of the TSC through messengers. In some cases, traditional leaders complained that names submitted were not what they had given to their messengers. Such traditional leaders came back to the TSC insisting those names be withdrawn. However, the TSC had no mandate to preside over the changing of names.

Furthermore, many traditional leaders became subjects of bribery, position buying and intimidation, given their role of nomination. The level of intimidation and bribery was such that during the interviews for this study a source within the UN family indicated having been approached by certain individuals desperate for their names to be considered for nomination into parliament. While the UN staff had no means to help and may not have helped, the experience suggests the extent of desperation of some actors to have themselves nominated to parliament. The fact that actors were bold enough to approach UN officials indicates how far they may have gone to influence the traditional leaders to have their names nominated.

Another challenge related to perceptions of international interference and the hijacking of the sovereignty of Somalis. The issue of constitution making and the fact that the SRSG of the UN was considered a key signatory in the process was one issue that some Somalis did not particularly appreciate. Others did not appreciate the politics that surrounded the drafting and adoption of the new constitution. Many Somali intellectuals argued that several chapters of the new constitution were confusing and did not make for easy reading.

The nature of the transition process itself raised a number of concerns among a section of Somalis. They argued that rather than proceeding as a process, it was implemented at various stages like a project and therefore aimed primarily at meeting different crucial deadlines without building the requisite consensus among Somali actors. Related to this were questions about whether the entire process that led to the election of the president constituted a 'selection' process or was an 'election' process. Perceptions of the process as a 'selection' held the risk of undermining the legitimacy of the new leadership.

These challenges threatened to undermine the success of the process in the sense that either the overall outcome could have been rejected by Somalis or the high stakes and competing interests could have led to the emergence of some disgruntled groups and individuals opposed to the outcome.

FACTORS THAT CONTRIBUTED TO SUCCESS

Notwithstanding the challenges, the success of the process can be attributed to five main factors. First was fatigue and weariness among stakeholders of the process. As a result there was a collective willingness driving the quest for a durable solution in terms of not just what was at stake for the many stakeholders but especially on how to attain stability for the benefit of all. The international community, in particular, had clearly defined their resolve to address the crisis through the series of international conferences on Somalia, especially the Istanbul and London conferences. Apart from the fact that the resolve emerging from fatigue was necessary for the people of Somalia, there was an increasing realisation that the territories of Somalia held the potential to harbour elements that would ultimately threaten the security interests of the West.

Additionally, a report by the UN Somalia monitoring team had drawn attention to the existence of high levels of corruption and shielding of criminals in the transitional government. These informed the resolve and readiness of the international community to bring to bear the requisite pressure to see the transitional government to its logical conclusion. For once, there was also the requisite unity of purpose within the international community on Somalia. This was reflected in a more coordinated and determined international community, focussed on ending the transition.

The second driving factor of success was the clear identification of tasks, actors and timelines for the implementation of the 55 tasks of the roadmap to the end of the transition. Despite the importance of the many tasks, the understanding existed at the level of the political leadership within the UN that not all of these shared equal importance and that prioritisation and sequencing were important. Consequently, the major stakeholder meetings that followed the Kampala agreement in Mogadishu, Garowe I and II, Galkayo and Addis Ababa prioritised the drafting and adoption of the new constitution, establishment of the new parliament, and election of the president as the three fundamental and most crucial tasks. The clarity of the tasks and timelines made it easy for the monitoring of progress and the evaluation of outstanding tasks in the run-up to the deadline.

Apart from providing the framework for inclusion and participation, the Arta process brought the element of inclusivity to the Somali civic society, which partly formed

the basis for ownership and participation by the Somali people. It provided the context for anchoring progress to the Somali civic movement made up of the diaspora, traditional leaders, women groups and civil society organisations as the local driving force. According to Mohamed Farah, a Somali academic based in Nairobi, the success of the transitional process had to do with the maturity of the Somali civic movement in moving the process forward.[10]

The fourth factor, which made the most difference, was the resolve and commitment of members of the TSC to delivering the goals of the committee, despite intimidation, threats to their lives and attempts to influence them financially.

From the perspective of the new leadership, the political maturity of the outgoing president and the 'innocence' of the incoming president made a great difference. While many stakeholders were eager for a new crop of leaders for the country, not many were sure about the emergence of an entirely new leader on the political stage. Concurrently, perceptions of manipulation by the outgoing political leadership were rife. Had the old leadership remained at the helm, the legitimacy of the process would have been greatly doubted by sections of Somalis and members of the international community who believed the perception of voter intimidation, vote buying and bribery that were attributed to President Sheikh Ahmed.

Speaking on the factors that maximised the success of the process, the SRSG categorised the above factors as legitimacy, inclusivity, momentum, prioritisation and sequencing, community involvement synergy, scale, coordination and ownership as the top ten critical factors that contributed to the successful implementation of the programme to end the transition in Somalia.[11]

KEY LESSONS FROM THE PROCESS

The end of the transition in Somalia does not imply the return of peace. However, it represents an important step in the quest for political stabilisation and peace for the country. Following the failure of previous attempts, the success of the just-ended process provides lessons for peace initiatives in the country and Africa at large.

Facilitation of the process

The first lesson from the Somali process stems from the facilitation of the process. For a long time after 1993, Somalia hardly featured on the agenda of the international community. In part, the lack of interest was blameable on the 'Black Hawk Down' incident in which the United States deployment to Somalia failed to achieve its intended goal. This resulted in the lack of serious engagement in finding a solution to the Somali crisis and persisted until

three important dynamics changed regarding the UN's engagement in Somalia.

The first was the establishment of the UN Political Office for Somalia in 1995 as a Security Council-mandated field office. Second was the creation of the good offices of the SRSG to Somalia. Apart from signifying the concern of the international community about the deteriorating security situation in Somalia, these two initiatives were

> The political maturity of the outgoing president and the 'innocence' of the incoming president made a great difference in saving the process

also symbolic of the UN's readiness to engage in finding a solution to the Somalia problem. The personification of the role of engaging on Somalia through the office of the SRSG, in particular, provided both a facilitator and driver for the process. The office of the SRSG, on the one hand, became a facilitator of the process by bringing together various stakeholders to engage on the Somali agenda. On another hand, the SRSG's office drove the process through various initiatives organised by his office in attempts to advance the aims of the political process. The two functions of the SRSG ultimately became evident through the Djibouti process, which was organised under the facilitation of the SRSG Ahmedou Ould-Abdallah.

Through the use of his good offices, Ould-Abdallah, for instance, became an asset to the search for peace. He is believed to have understood the inherent sensitivities of the Somali situation and what needed to be done to make progress.[12] He succeeded in creating awareness within the international community that the engagement with Somalia needed to be based on the premise of a fragile state rather than a failed state.[13]

The shift was important because engaging with Somalia as a fragile state meant the basis was created for engaging with existing actors and processes working towards peace, rather than superimposing external ideas and processes as would be the case in a failed political entity. He also pushed for the inclusion of groups that were hitherto outside the political process, including opposition elements then based in Asmara, and succeeded in creating awareness about the role of the regional and continental players and the diaspora in the resolution of the conflict. However, he did not involve many players and was fairly secretive about his strategy. He also did not engage much with the region, primarily because of his choice of approach but also because of the lack of cohesion among the regional actors at the time.

Despite the importance of the role of facilitator in keeping the international community engaged in situations such as Somalia's, any change of facilitator usually implies a change of approach. This was the case in Somalia with the replacement of Ould-Abdallah with Ambassador Augustine Mahiga. Under the auspices of the latter, the role of regional actors has increased. This is reflected in his engagement with countries and RECs in the region and the subsequent

The international community was alerted to the fact that the worsening security situation was a threat to the West as well

role they have played in the situation. He has also been keen on sustaining the involvement of core Somali stakeholders as a prerequisite for preventing retrogression of the process.

In the run-up to the presidential elections in Somalia, he succeeded in getting the buy-in and commitment of six key stakeholders in Somalia. They became the six signatories for ending the transition. The six were Sheikh Sharif Sheikh Ahmed, President of the TFG; Sharif Hassan Sheikh Aden, Speaker of the TFP; Dr Abdiweli Mohamed Ali, Prime Minister of the TFG; Abdirahman Mohamed Mohamud (Farole), President of Puntland State; Mohamed Ahmed Aalim, President of Galmudug State; and Khaliif Abdulkadir Moallim Noor, Representative of Ahlu Sunnah Wal-Jama'a (ASWJ).

The third and most crucial dynamic that brought international attention to Somalia was the internationalisation of the crisis through the diasporan reach of Al-Shabaab and the rise of piracy in the Gulf of Aden. These two dimensions of the Somali crisis alerted the members of the international community to the fact that the worsening security situation in Somalia was a threat to the West, as well. This was the point where what mattered to Somalia began to matter to those members of the international community directly affected by terrorism and piracy. A detailed discussion of this is, however, outside the scope of this situation report.

Collaboration among actors

The second lesson can be deduced from the collaboration between the AU and UN in the deployment of AMISOM. As a purely African-led and composed mission, the arrangement whereby the AU provided the human capacity and the UN provided the finance and logistical support

for the operations of the mission is laudable. Entrenching such a partnership within the context of the subsidiarity of the relationship between the AU and UN will go a long way towards making it easier for African troops to respond swiftly to emerging complex security challenges on the continent.

Political leadership of the military operation is another important factor. While the AU provided the military component and intervention through the deployment of AMISOM, it has not provided sufficient political guidance for the operation or to allow it to synchronise their operations with those of other organisations such as the UN. As such, AMISOM does not appear to be the military component only, but also the political component of the AU's engagement.

The challenge then is that the command and control structures of AMISOM have sometimes had to exert political pressures precisely because they have the troops. The various military components have sometimes had to take political directives from their respective capitals. What then happens on the ground sometimes has very little to do with the AU's vision and guidance but is rather about the interests of the respective troop-contributing countries. The political dynamics surrounding the sectors controlled by Kenyan troops and their handling of the Kismayo leadership case exemplify this.

Rather than complementing the political processes of their offices, the AU and UN have shown little direct synchronisation of goals and operations. As a result of this lack of synchronisation, AMISOM requested the approval of the UN for a civilian component to implement certain political dimensions of the mission on the basis that the UN was not represented on the ground. Rather than deploy a civilian component, the UN office could have been mandated and expanded to play a political role and provide a civilian component to the AMISOM process.

Apart from the fact that such an arrangement was not made, the irony was that the smooth functioning of the UN is dependent on the provision of security by AMISOM troops, who allegedly selectively determine when there is enough security. Even though the military apparatus sometimes claims that the UN is not physically represented on the ground, it appears that the ability of the UN to maintain a presence in Somalia depends on improved security or the assurance of the provision of security by AMISOM forces.

International impartiality and neutrality

The end of the transition also reflected the ability of the international community to demonstrate its impartiality and neutrality. Often the UN engages with stakeholders in conflict situations with prepared templates or pre-crafted lenses. The challenge then is that, given the peculiarities of

different cases, UN processes meet peculiar challenges. The UN encounters these challenges because its approach does not usually adequately reflect the realities on the ground in the framing of the whole process of transition and recovery, particularly in post-conflict contexts. In the case of Somalia, however, this pattern of UN practice was not followed. Instead, the UN process made use of Somali stakeholders including civil society members, women groups and traditional leaders at various stages, as illustrated in Figure 1.

Women representation and inclusivity

The roadmap also raised issues of inclusivity. This is where women as a critical component of civil society were incorporated. There was a realisation that despite the important role of women in the country, their involvement in leadership was minimal. This led to both pressure and support from the international community to have women involved in the process. There was an increased political awareness and buy-in from all actors, which facilitated the inclusion of women in the process. From this, the need to include all other actors was highlighted. This led to the making of commitments as recorded in the key documents that followed the Garowe I and II meetings.

In Garowe I & II, provisions were made for women to have 30 per cent representation in the National Constituent Assembly and parliament.[14] However, implementing the results of the existing provisions proved difficult. Political tensions that followed Garowe and contributed to the Galkayo meeting made the realisation of the 30 per cent representation difficult, with dire implications for the overall successes that had been won towards the inclusion of women in the process.

The primary substantial change in Galkayo was a shift from an *election process*, which would have involved the use of a 15-member independent Interim Electoral Commission, to a *selection process*, which required the involvement and integration of 135 traditional clan elders into the process.

While the involvement of the traditional leaders was a positive step, it reflected a significant adjustment of the process and had a number of implications for the gender agenda. The change gave the elders the task of achieving certain key milestones by the end of the transition. Owing to the fact that the traditional leaders were also the principal custodians of the traditions and customs of the people, the marginalisation of women in the Somali culture was brought to the fore. It was particularly difficult to get the buy-in of the elders in achieving representation of women in political leadership positions. Somali society is patrilineal and male dominated and that was an influencing factor.

A particular case is telling in terms of the enormity of the marginalisation of women in the average traditional Somali family. The head of UN Women and the head of the World Food Programme (WFP) visited Kakuma to meet Somali refugees. On meeting the people, the head of the WFP chose to listen to the women among them and asked a particular woman a question. Before the woman could speak, her husband had shouted from the back of the crowd, saying that the woman was his wife and that he knew exactly what her problems were and could therefore represent her.[15]

> Women representation is a matter of social transformation, which is a factor of time and education

The key lesson regarding the representation of women is that in moving away from a known arrangement a need existed to create awareness and educate people so as not to leave out some crucial dimensions of the process. At the point of switching to a selection process involving the traditional leaders, a wide campaign should have been run to make sure certain important dimensions were not neglected. This would have increased the space and the role of women.

The number of representatives assigned to the various clans also affected the participation of women in the process. Each sub-clan was entitled to one representative and that made it difficult for women to become representatives since every sub-clan sought to be represented by a man, in this way locking out the participation of women. There was huge pressure to end the transition process and that was the primary objective. Issues of women representation at a point were not core to the real issues driving the transition process. Numerous challenges and the high risk of failure bedevilled the process, which meant that it became a purely political process without adequate focus on certain essential issues, such as gender.

Another hurdle to the participation of women was the lack of education and strong social sentiments against their involvement. This meant that female members of the TSC opposed the participation of women. There are indications that even the head of the TSC, despite his level of education and overall enlightenment, was somewhat opposed to the participation of women in the process. An educated society would have facilitated the women's push for space and participation. But women's representation is a matter of social transformation, which is a factor of time and education.

Clarity of provisions in agreements

Another lesson from the issue of women's representation is that in cases where legislative provisions are used as a means of securing representation, provisions should not be implied. They have to be explicitly written to the last detail so as to prevent any level of subjective interpretation by the dominant stakeholders.

CONSIDERATIONS FOR SUSTAINING PEACE AFTER THE TRANSITION

Despite the successful end to the transition, the following points should be taken seriously in sustaining the gains made so far.

After more than two decades of a lack of governance structures and leadership, there has been an exodus of human resources out of the country in search of greener pastures elsewhere. To sustain the successes of the transition, all actors should be capacitated. Investment must be made in building and restoring educational infrastructure to address the existing educational gap. Major plans must be drawn up to attract the human resources in the diaspora to return to meet the critical mass of people required for engagement and reconstruction efforts in the country.

Whilst the above plans are important, the ability of the Somali leadership to implement them on its own is challenged by the number of competing issues for it to address. This provides the context for the international community and development partners of Somalia to continue engaging with the country in identifying and implementing priority projects needed for sustainable peace in the country. Fortunately, the new leadership has identified six priority areas[16] that require international support to enable the leadership to deliver. It is, however, important that these efforts are based on Somali leadership and ownership. There is also a role for civil society organisations to play in building the capacity of the government to fulfil these requirements and priorities.

The new constitution was provisionally adopted on the basis that on achieving progress with security in the country, attempts would be made to subject the document to nation-wide review and a referendum. Certain areas in the constitution are also to be decided in the future by parliament. These include issues around the role of sharia, citizenship, and the demarcations of the borders of the country. Regarding sharia, clarification about whether 'Sharia is a source of law' or 'the source of law' is still outstanding. Also outstanding is the issue of the nature and form of federalism for the country. Towards sustaining peace, the question of the constitution ought to be revisited to deal with the outstanding issues and eliminate existing criticisms of the document.

The new government, with the support of the UN mission, needs to engage consistently with the diaspora and their representatives. This is because the diaspora have an important role to play in sustaining the gains made on the ground.

The lack of synchronisation of the AMISOM and UNPOS operation sometimes creates confusion in the delivery of certain tasks. There has to be a structure where the political and military wings meet regularly to discuss and coordinate their activities on the ground and to operate as processes complementing each other. With the transition of UNPOS into a new expanded Special Political Mission as directed by the UN Security Council Resolution 2093, this challenge will cease to exist. However, synchronising the activities of the new structure is crucial and important.

Traditional leaders are the custodians of Somali society. The Somali society is very conservative and that cannot be ignored when dealing with the country in the quest for peace. Where necessary, the traditional leaders should be involved in the running of the country, particularly in the post-conflict reconstruction stage. Their involvement should not be considered only when there is a crisis.

ABOUT THE AUTHOR

Andrews Atta-Asamoah is a Senior Researcher in the Conflict Prevention and Risk Analysis Division at the ISS in Pretoria. He is also a doctoral candidate at the Political Studies Department of the University of Cape Town, South Africa.

NOTES

1   Transitional Federal Charter for the Somali Republic (Somalia), February 2004, http://www.refworld.org/docid/4795c2d22.html (accessed 7 May 2013).

2   United Nations, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 2002, New York, UN, 2011.

3   See BBC 2010, Somalia's prime minister resigns, 21 September 2010, http://www.bbc.co.uk/news/world-africa-11380701 (accessed 3 March 2012).

4   Interviews conducted with various UN staff familiar with Sheikh Ahmed's style of leadership.

5   It should be noted that because Abdullahi Yusuf Ahmed hails from the region and has played a key role in the construction and the political processes of the Puntland state, it was fairly easy for him to gain and utilise the support of Puntland.

6   These agreements were contained in the Kampala Accord. See Article 4 of the Agreement Between the President of the TFG of Somalia and the Speaker of the Transitional Federal Parliament of Somalia Made in Kampala on 9th June 2011, http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/110609%20-%20Kampala%20

Accord%20%28signed%29.pdf (accessed 28 November 2012).

7   See Statement on Adoption of the Roadmap, Consultative Meeting on Ending the Transition in Somalia, Mogadishu, 6 September 2011, http://amisom-au.org/?wpdmact=proce ss&did=Ni5ob3RsaW5r (accessed 30 November 2012).

8   *Villa Somalia* is the presidential palace of Somalia.

9   See Article 1.4 of the Protocol establishing the Somali New Federal Parliament, adopted on 22 June 2012, http://sabahionline.com/shared/static/information/120622_NFP_Protocol-ENG-en_GB.pdf (accessed 7 March 2013).

10 Interview with Mohamed Farah, Nairobi, Kenya, 30 November 2012.

11 Statement of the SRSG, HE Ambassador Augustine P Mahiga, 11th Horn of Africa Conference with Focus on Peace and Security – Key to Stability and Sustainable Development, 8–10 June 2012, Lund, Sweden.

12 Non-attributable interviews with various UN staff, UN Regional Office, Nairobi, Kenya, 28 November 2012.

13 The characterisation of Somalia remains a subject of intense debate. Some argue that Somalia cannot be properly characterised as a 'fragile state' as the Somali state was virtually non-existent and could therefore not be charaterised as such.

14 See Paragraph (1)d of the Communiqué of the Somali National Consultative Constitutional Conference, 21–23 December 2011, Garowe, Puntland, Somalia. Also see Paragraph (2)b and d of the Communiqué of the Second Somali National Consultative Constitutional Conference, 15–17 February 2012.

15 Interviews conducted with the gender section of the UNPOS, 28 November 2012, Nairobi, Kenya.

16 The six priority areas are (i) establishing functioning institutions; (ii) spearheading economic recovery; (iii) promoting sustainable peace; (iv) providing services to citizens; (v) undertaking robust international relations; and (vi) working towards reconciliation, political dialogue and national unity.

ISS Pretoria
Block C, Brooklyn Court, 361 Veale Street
New Muckleneuk, Pretoria
South Africa
Tel: +27 12 346 9500
Fax: +27 12 460 0998
Email: pretoria@issafrica.org

ISS Addis Ababa
5th Floor, Get House Building
Africa Avenue, Addis Ababa
Ethiopia
Tel: +251 11 515 6320
Fax: +251 11 515 6449
Email: addisababa@issafrica.org

ISS Dakar
4th Floor, Immeuble Atryum
Route de Ouakam, Dakar,
Senegal
Tel: +221 33 860 3304/42
Fax: +221 33 860 3343
Email: issdakar@issafrica.org

ISS Nairobi
Braeside Gardens,
off Muthangari Road
Lavington, Nairobi, Kenya
Tel: +254 20 266 7208
       +254 20 266 7198
Email: nairobi@issafrica.org