

# **BITING THE SOMALI BULLET**

4 May 2004



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## BITING THE SOMALI BULLET

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Over thirteen years after the collapse of the Siad Barre regime, Somalia remains the only country in the world without a government, a classic example of the humanitarian, economic and political repercussions of state collapse, including a governance vacuum that terrorist groups can take advantage of for safe haven and logistical purposes. If peace is to be attainable, the regional Inter-Governmental Authority on Development (IGAD) must end its own internal divisions. The U.S. and EU need to provide more active support to heal the regional rivalries or they will continue to fuel a low-intensity conflict and ensure that no functioning government comes to power.

The international response to date has been tepid and insufficient. The principal focus has been upon the peace process sponsored by IGAD, led in this instance by Kenya, but talks have reached a critical stage, stalemated since January 2004, with foreign ministers to meet soon to decide next steps. Unless they and their passive Western partners act collectively the process will die, causing tensions in Somalia to intensify and any semblance of functioning governance to be deferred indefinitely.

A successful strategy will have to allow time for harmonising divergent approaches of neighbouring states, addressing structural issues, bringing international leverage to bear on the relevant actors, dealing with the debt incurred by the peace process, and creating a realistic budget and timeline for the remainder of the conference.

IGAD is eager to move ahead to the third and final phase of the talks, but unless these fundamental flaws are addressed first, failure is certain. After nearly a year and a half of Byzantine negotiations, it is far from clear what has been agreed and by whom. The transitional charter -- signed on 29 January 2004 and which ostensibly provides the legal framework

for forming a transitional federal parliament and government -- was signed by only eight of the 39 leaders invited to Nairobi, and half the signatories have since disowned the agreement. Several faction leaders have returned to Somalia and threatened to launch a parallel conference while hundreds of Somali delegates languish in Kenyan hotels at public expense, running up large bills.

Deep and persistent rivalries among regional states have undone the peacemaking and done much to sustain and aggravate the Somali crisis. Djibouti briefly suspended its participation in the talks in September 2003. Ethiopia, noticeably cool and accused of acting as a spoiler since November 2003, has only recently indicated to Kenya (and ICG) that it will reengage fully in support of the process. Kenya lacks leverage to bridge the regional differences, and the U.S. and others have barely lifted a finger in support.

Violations of the UN Security Council's 1992 arms embargo and the October 2002 Eldoret cessation of hostilities agreement continue to go unpunished. Italy, a former colonial power with an uneven record of engagement, is the sole Western donor with an envoy at the talks. Washington's inaction increases the risk its interests and allies in the region will be victimised by terrorism. In the absence of member state engagement, the EU (Commission) is shouldering the greatest financial burden for humanitarian and rehabilitation needs.

By pushing the process forward without correcting its flaws, IGAD and its partners are setting the stage for yet another stillborn Somali peace accord. To save the talks IGAD must first overcome its own internal divisions and ensure wider participation and Somali ownership of the process. Its member states must show genuine leadership in enforcing the arms embargo and take the initiative in establishing a

targeted sanctions regime aimed at spoilers of the process. The U.S. and EU must reengage at a higher level both in helping to resolve regional differences and in supporting the process more directly. And Somali leaders must return to reinvigorated talks with more commitment. Only when these strands come together will it be possible to restore a functioning government.

## **RECOMMENDATIONS**

### **To the IGAD Foreign Ministers:**

1. At the upcoming ministerial, resolve to:
  - (a) harmonise the approaches to the peace process of neighbouring states and address their security concerns on Somalia;
  - (b) restructure the talks to allow different leaders, including traditional elders, representatives of civil society and religious organisations, and private sector figures to take leadership roles, and to encourage Somali ownership of the talks;
  - (c) work with international partners to build leverage for the process, for example through targeted sanctions and arms embargo enforcement;
  - (d) deal with the debt overhang for the conference and the prior legacy of corruption that sank earlier phases of the process, and create a realistic budget and timeline.
2. Convene a summit, once ministers have developed a road map, to ratify decisions.
3. Invite Egypt's summit participation to ensure coordination of its support for peace with the IGAD process.
4. Create a mechanism within IGAD to enforce, and petition the Security Council to enforce, the UN arms embargo.
5. Urge the African Union (AU) to complete arrangements to deploy a small, mobile and efficient ceasefire observer mission for Somalia as soon as possible.
6. Request the UN Security Council to establish a targeted sanctions regime for those who violate the arms embargo or otherwise obstruct the peace process.

### **To the U.S. and EU:**

7. Dispatch envoys immediately and urgently to shuttle jointly throughout the region with the aims of resolving regional differences, accommodating legitimate interests and concerns of regional powers, and demonstrating enhanced interest in the quest to establish a functional, broad-based government in Somalia.

### **To the IGAD Facilitation Committee, the AU, the UN, the EU and the U.S.:**

8. Begin preparing for implementation of an agreement so that a credible verification and monitoring mission can be put in place quickly to underpin a serious ceasefire.
9. Harmonise other broad policy objectives, including counter-terrorism, with the peace process.
10. Take the issue of Somaliland under formal consideration prior to the formation of a new transitional Somali government in order to open a diplomatic channel for ultimate resolution of the issue and to pre-empt an unnecessary and dangerous dispute.

### **To the AU:**

11. Complete plans for deploying a small military verification and observer mission to investigate ceasefire violations, and create mechanisms for reporting violations to the AU and the UN Security Council, and approach the Security Council about a resolution authorising the mission.
12. Create a mechanism to investigate violations of the UN arms embargo by AU member states.
13. Press the UN Security Council to impose a targeted sanctions regime against Somali faction leaders and politicians who undermine the process.

### **To the UN Secretariat:**

14. Review the terms of reference and structure of the UN Political Office for Somalia with a view to its taking a more proactive role in a reinvigorated peace effort.

**To the UN Security Council:**

15. Establish procedures for imposing targeted sanctions against violators of the arms embargo as named by the Monitoring Group established by the Secretary General in February 2004, violators of the ceasefire agreement as identified by the AU monitoring force, and those whom it finds obstruct the peace process in other ways.

- (a) face-to-face negotiations;
- (b) inclusion of non-factional Somali leaders; and
- (c) establishment of mechanisms to ensure Somali ownership of the process, such as a steering committee or presidium (*shir guddoon*) of eminent figures.

**Nairobi/Brussels, 4 May 2004**

**To Somali Leaders:**

16. Re-engage in the IGAD talks with greater and more genuine political commitment to achieve a lasting settlement, including through:

## BITING THE SOMALI BULLET

### I. INTRODUCTION

For nearly a decade and a half, the Somali crisis has caused untold suffering for the Somali people, scattered over 1 million refugees worldwide, threatened the stability of neighbouring states and provided a platform for international terrorist groups.<sup>1</sup> During eighteen months of arduous negotiations in Kenya a cessation of hostilities agreement has been signed and a national charter drafted; formation of a new federal parliament is now under discussion. Uganda's president has accused the Somali faction leaders of "slow genocide"<sup>2</sup> and warned them that international patience is wearing thin. The UN Security Council has threatened that warlords who obstruct the peace process "will be held accountable".<sup>3</sup> The African Union (AU) is developing plans for deploying ceasefire monitors. Kenyan Foreign Minister Kalonzo Musyoka, who will lead the next round of talks, has predicted that a new Somali government will be in place by July 2004.<sup>4</sup> Is Somalia's long torment of civil war and state collapse finally coming to an end?

The omens are not propitious. The October 2002 cessation of hostilities has been violated so often that it has lost all meaning. The latest round of "consultations" in Nairobi involved no formal face-to-face negotiations between Somalis; only eight of the 38 leaders invited for the talks signed the "breakthrough" agreement known as the Safari Park Declaration, and five have since disowned the agreement or expressed strong reservations. A number of leaders have already returned to Somalia where

they have threatened to hold a rival peace conference, and on 19 March 2004 nearly half the leaders at the talks announced their intention to withdraw. Forming a government on such a flimsy foundation would be a reckless gamble.

The regional tensions over Somalia are perhaps even more ominous. The three-country committee<sup>5</sup> initially responsible for managing the talks on behalf of the regional Inter-Governmental Authority for Development (IGAD)<sup>6</sup> was practically paralysed by chronic disagreements between Ethiopia and Djibouti. In September 2003, following the "landmark" signing of a transitional national charter, Djibouti suspended its participation, accusing Kenya of mismanagement. Since the establishment of a broader steering committee of all six neighbouring IGAD countries, Djibouti has returned but Ethiopia has been conspicuous mainly by its absence. Ethiopian assent is a sine qua non for a lasting solution. Recently, however, Ethiopian officials have confirmed to Kenya (and ICG) that they will reengage seriously in the process.<sup>7</sup> Moderating these tensions has so far proven beyond the means of Kenya, whose own diplomatic compass has swung from one position to the other.

IGAD's erratic management of the Somali process (in contrast with its more successful stewardship of the Sudanese peace talks) has been symptomatic of broader international neglect. Financial support

<sup>1</sup> Patterns of terrorism, counter-terrorism efforts and their relationship to conflict in the Horn, East Africa, and the Indian Ocean region will be the subject of a future ICG report.

<sup>2</sup> "Somali talks begin despite row", BBC News, 9 January 2004.

<sup>3</sup> "Those blocking Somalia peace 'will be held accountable' - UN Security Council", UN News Centre, 1 March 2004.

<sup>4</sup> ICG interview, Nairobi, 18 April 2004.

<sup>5</sup> The Technical Committee was made up of the "Frontline States" of Kenya, Djibouti and Ethiopia, with Kenya acting as Chair. Although officially a facilitating body, the Technical Committee emerged as the de facto supreme decision making organ of the conference for agenda, timetable and procedure.

<sup>6</sup> Formed in the mid-1980's, IGAD is made up of the governments of Kenya, Sudan, Uganda, Ethiopia, Eritrea, Djibouti and Somalia. For more on its efforts in the peace process, see ICG Africa Briefing, *Salvaging Somalia's Chance for Peace*, 9 December 2002; and ICG Africa Report N°59, *Negotiating a Blueprint for Peace in Somalia*, 6 March 2003.

<sup>7</sup> ICG interviews in Addis Ababa and Nairobi, April 2004.

notwithstanding, donors have failed to supply the level of political commitment and technical assistance required for success. Beyond the AU and the Arab League, only Italy has assigned a full-time, ambassadorial-rank envoy to support the process. Occasional, high level declarations of support from the UN, U.S. and European Union (EU) have lacked credibility because they were not followed-up. Diplomats in Nairobi express frustration at the difficulty of engaging their capitals.

Because a peace deal is not perfect does not mean that it will not work. After such long disorder, most Somalis are prepared to forgo an ideal solution (*xul*) in favour of a pragmatic settlement (*xal*). But the process so far lacks the basic ingredients of success: it is unclear what has actually been agreed to and by whom; the rules of procedure are so fluid and obscure that they have become a bone of contention in themselves; the regional powers are at odds over the process; and there is little sign of a broader international commitment to the kind of political, financial and military support required to make even a sound agreement stick. In short, there is a real danger the process will deliver yet another stillborn Somali peace accord.

There is still time to get the talks back on track, but only if the IGAD member states set aside their differences in favour of genuine peacemaking. They should harmonise their approaches and objectives, ensure that Egypt is with them, make appropriate structural adjustments to the process, work with donors to deal with the debts incurred by the process and create realistic budgets and timelines; undertake to respect the UN arms embargo on Somalia, and call for international sanctions against those who continue to obstruct the peace process. The broader international community has its responsibilities as well. The U.S. and EU should immediately dispatch envoys to assist IGAD states in resolving their differences in Somalia. The Security Council must create leverage for the process by enforcing its own toothless arms embargo and sanctioning faction leaders who undermine the building of a representative government.

Only then might Somalia's warlords have no option but to accept the establishment of responsible government and the rule of law. In the absence of regional unity, Somali peace is a pipe dream.

## II. ROAD TO NOWHERE

Somalia's tortuous political and military dynamics have long stymied international mediation efforts. Since 1991, thirteen major international peace initiatives have failed. The current attempt in Kenya, which began in October 2002, is the fourteenth and longest running -- and by far the most costly. Despite the diplomatic hype, it has little to distinguish it from previous efforts, the most significant of which are described below.

In mid-1991, before the UN intervention, the Djibouti government hosted two conferences aimed at establishing a government of national unity for Somalia and forestalling a slide into civil war. The talks, which concluded with the declaration of a new national government, aggravated a political split within the United Somali Congress (USC)<sup>8</sup> and triggered a brutal battle for control of the capital, Mogadishu. Two years later, the UN gathered Somalia's major faction leaders in Addis Ababa with the aim of establishing transitional institutions. Instead, it antagonised the leader of one wing of the USC, General Mohamed Farah Aidid, leading to armed clashes between his fighters and international forces. As a result, U.S. forces were withdrawn from Somalia in 1994, followed by the UN blue helmets in 1995. Subsequent conferences in Sodere, Ethiopia (1996) and Cairo (1997) generated transitional national charters but failed to produce institutions capable of implementing them.

In August 2000, a conference convened by Djibouti at the resort village of Arta gave rise to a Transitional National Government (TNG) headed by Abdiqasim Salad Hassan, a former minister. The TNG failed to establish its authority beyond parts of the capital, and in 2001 a coalition of leaders backed by Ethiopia -- the Somali Restoration and Reconciliation Council (SRRC) -- was established in opposition to it. For some observers, the emergence of two rival "blocs" in Somalia was seen as a positive step that could

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<sup>8</sup> A faction based on the Hawiye clan, which had seized control of much of south central Somalia, including the capital. The two wings of the USC provided the anchors for loose alliances of factional interests: the Somali National Alliance (SNA) led by General Aidid, and the Somali Salvation Alliance (SSA) headed by the businessman Ali Mahdi Mohamed.

simplify the dynamics of the peace process, bringing a political solution within reach.

Unfortunately, the challenge of peacemaking only became more difficult. Although there are many different versions of clan genealogy, in political terms Somalia has five major clan groupings: Darod, Digil-Mirifle, Dir, Hawiye, and Isaaq. Each comprises numerous sub-clans and lineages, whose loyalties and political affiliations are in constant evolution, depending on such variables as leadership, competition for resources, and opportunities.

When the Somali government collapsed, four significant rebel factions -- two from the Darod, and one each from the Hawiye and the Isaaq -- emerged to fill the vacuum. Within months this figure had more than doubled, and by the time the UN intervened in late 1992 more than a dozen such groups competed for attention. Since then, Somalia's factions have splintered into even smaller groups, most of scarcely more political or military significance than inner-city street gangs, their diminishing relevance denoted by composite names in which each backslash represents another schism.<sup>9</sup> Individual and commercial interests define contemporary militia groups, rendering their clan affiliations largely superfluous or incidental. Alliances tend to be highly unstable and short lived, rendering coalitions like the TNG and SRRC unreliable foundations on which to base a peace agreement or a transitional authority.

After the 1991 collapse of the last internationally recognised government, that of Siad Barre, and throughout the UN intervention, militia leaders rose to prominence. Just as the factions have lost their relevance, so too have most of these, despite the insistence of the international media and putative peacemakers on keeping their names in play. The exceptions are those who have come to lead civil administrations, such as Somaliland (northwestern Somalia), Puntland (northeastern Somalia), Hiraan, Jowhar, and the Juba Valley Alliance in Kismayu. The most significant of these are Somaliland and Puntland. The Republic of Somaliland claims the territory of the former British Somaliland Protectorate, which merged with Italian Somalia in 1960 to form the Somali

Republic, and declared independence in May 1991.<sup>10</sup> The Puntland State of Somalia is an autonomous administration that sees itself as a building block of a future federal Somali republic. Somaliland in particular has achieved some measure of stability, and its claim for formal recognition has received some sympathy internationally.

When mediators convened the latest round of peace talks at Eldoret, Kenya, in October 2002, they attracted 22 leaders of varying importance.<sup>11</sup> On 27 October 2002, these signed a cessation of hostilities agreement; on 15 September 2003 they approved a draft transitional charter; and on 29 January 2004 some endorsed a revised transitional charter, the Safari Park Declaration (named after the Nairobi hotel at which it was agreed). In sum, the process has ostensibly obtained agreement of key faction leaders to a cessation of hostilities, a transitional charter, and formation of transitional national institutions for five years. On this basis, Kenya's foreign minister, Kalonzo Musyoka, announced on 5 March 2004 that the peace process would soon enter its third and final phase: formation of the transitional parliament and government.<sup>12</sup> One week later, foreign ministers of the IGAD Facilitation Committee managing the talks endorsed the achievements and affirmed their intention to move the talks into "the preliminary stage of Phase Three".<sup>13</sup>

The ministers' joint communiqué, however, offered clues that all was not well: first, unlike the other participants, Ethiopia was represented by its special envoy to the talks rather than a minister, signalling a lack of enthusiasm that has characterised Ethiopian engagement since the formation of the Facilitation Committee in October 2003.

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<sup>10</sup> See ICG Africa Report N°66, *Somaliland: Democratisation and its Discontents*, 28 July 2003.

<sup>11</sup> The invitees included the prime minister of the transitional government and the speaker of the transitional assembly formed in Djibouti in 2000. The unrecognised Somaliland government did not attend.

<sup>12</sup> The first phase of the process concluded with the declaration of a ceasefire; the second phase included draft proposals for an interim national charter, disarmament, economic reconstruction strategy, resolution of land and property disputes and other issues.

<sup>13</sup> Joint Communiqué of the 4<sup>th</sup> IGAD Ministerial Facilitation Committee Meeting on the Somali National Reconciliation Conference, Nairobi, Kenya, 12 March 2004.

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<sup>9</sup> Examples include such names as USC/SSA and USC/SNA/SRRC/Nakuru.



Secondly, the ministers appealed to leaders in Somalia to return to Nairobi "immediately"<sup>14</sup> for the concluding phase. It was an understated acknowledgement that nearly half the participants -- including three of the eight signatories to the Safari Park Declaration -- had withdrawn their approval of the accords, and several had returned to Somalia. In the same paragraph, the communiqué also directed the Facilitation Committee (in somewhat imperious language) to "bring all the remaining authentic traditional leaders from Somalia to Nairobi within the next one week"<sup>15</sup> -- an instruction intended to bolster the flagging legitimacy of the process. More than a month later, the remaining traditional leaders had yet to arrive, and although the Swedish government had offered to underwrite the costs of airlifting them, no funds were yet available to lodge them when -- and if -- they arrived.

Thirdly, the ministers agreed to pass a preliminary draft of the Rules of Procedure for Phase Three to Somali political groups for consideration. An apparently routine gesture, circulation of the draft was primarily intended to break the deadlock over participation and selection of the proposed transitional parliament that has paralysed the talks since September 2003. While implicitly recognising these problems, the ministers' statement was carefully crafted to give the impression of forward momentum.

#### **A. THE ELDORET AND MBAGATHI TALKS: CONSENSUS BY ELIMINATION**

The current round of peace talks has been deeply troubled since it opened in Eldoret. Egregious mismanagement and corruption threatened to derail it until January 2003, when a newly elected Kenyan government replaced the conference chairman and relocated the talks to Mbagathi, a suburb of Nairobi.<sup>16</sup>

The change of leadership and venue cut the costs, which had exceeded U.S.\$80,000 per day, by roughly half, but failed to eliminate two more subtle, persistent and potentially fatal inheritances: a political bias in the three-country IGAD Technical Committee (whose role was to "guide and mediate" the talks while ensuring respect for rules of procedure), and

disputed arrangements for representation from Somalia's diverse clans and factions. Even in the early months, these problems made it questionable whether a legitimate, functional government could emerge.<sup>17</sup>

Ethiopia's dominance of the Technical Committee and close involvement in conference mechanics such as organisation of the daily agenda and screening of delegates produced an increasingly noticeable bias in favour of the SRRC. Some individuals perceived to harbour an anti-Ethiopian or pro-TNG bias were denied the opportunity to participate. Delegates who objected were either co-opted or, on occasion, coerced.<sup>18</sup> "You have to be brave to speak in the plenary session if you aren't an SRRC supporter", an observer said. "You are just heckled and shouted down".<sup>19</sup>

The TNG was represented by Prime Minister Hassan Abshir and the speaker of the Transitional National Assembly (TNA), Abdalla Deerow Isaaq. Although its president, Abdiqasim Salad Hassan, opted not to attend, this was initially of little relevance. With nothing to show for his three years in office and his mandate set to expire in August 2003, he was unpopular. Diplomats from Djibouti, the TNG's principal patron, nevertheless struggled to defend their client's interests in the Technical Committee, triggering heated disputes with the Ethiopians. Kenya's tendency to align with the Ethiopian position encouraged perceptions of Ethiopian dominance of the process and attracted increasingly vocal criticism from Somalis and international observers alike.

In March 2003, Abdiqasim ordered the recall of his representatives. Their refusal to return to Mogadishu effectively split the TNG, leaving Abdiqasim virtually isolated except for his allies in the Juba Valley Alliance -- a mixed militia force from Galgaduud, Gedo, and Lower Juba regions that had taken Kismayo by force in 1999. Apparently aware of his weakness, he finally accepted an invitation to attend the conference in September 2003, but when the Technical Committee rejected his demand to

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> The progress of the talks during this period is covered in ICG Briefing, *Salvaging Somalia's Chance for Peace*, op. cit.; and ICG Report, *Negotiating a Blueprint for Peace in Somalia*, op. cit.

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<sup>17</sup> These issues were identified in ICG Briefing, *Salvaging Somalia's Chance for Peace*, op. cit.

<sup>18</sup> Several faction leaders received warnings from Kenyan security officers when they threatened to walk out of the conference. "Faction leaders 'threatened with arrest'", IRIN, 11 November 2002.

<sup>19</sup> ICG interview, international observer, Mbagathi, November 2003.

reopen debate on a transitional charter, he returned to Somalia.

On the same day, 15 September 2003, the delegates at Mbagathi approved by acclamation a draft transitional charter that would transform Somalia into a federal state. The path seemed clear to replace the TNG with an interim federal government that most observers assumed would be dominated by the SRRC and led by Puntland president Abdillahi Yusuf -- an unambiguously pro-Ethiopian combination. In other words, the charter was less a platform for national reconciliation than the victory of one interest group (SRRC and its allies) over another (TNG and its allies). Instead of restoring peace and effective government, a one-sided outcome threatened more tension and instability.

## **B. THE NAIROBI CONSULTATIONS: THE GROUND SHIFTS**

The looming danger of a divisive outcome to the Mbagathi conference triggered concern from a number of quarters. International observers, including the EU (Commission) and the U.S., lobbied the Kenyan government to restore the "inclusivity" of the process. Djibouti suspended its participation in the Technical Committee, accusing Kenya of lining up with Ethiopia and blaming the conference chairman personally for mismanaging the talks.<sup>20</sup> With the peace process deadlocked, an IGAD summit in Kampala in October 2003 effectively suspended the talks and convened a Leaders Retreat in early December to break the impasse and set the stage for the final phase.

In the meantime, a number of developments shifted the political initiative away from the SRRC and towards the severely depleted remainder of the TNG. A growing number of disaffected leaders joined Abdiqasim in his undeclared boycott of the process and returned to Somalia. In October 2003, at Bal'ad, just north of Mogadishu, they established the National Salvation Council (NSC). The new alliance, which chose Musa Sudi Yalahow, a Mogadishu militia leader, as its chairman, was closely aligned with Abdiqasim and included Barre Hiiraale of the Juba Valley Alliance (JVA), Osman Hassan Ali 'Aato, Mohamed Ibrahim Habsade of the Rahanweyne Resistance Army (RRA), and other less influential leaders.

In December 2003, Abdiqasim stacked the Transitional National Assembly with his supporters, who voted the prime minister and speaker of the Assembly out of office. Despite the expiry of the TNG's mandate two months earlier and the dubious credentials of the remaining members of the Assembly, this undermined the relevance of the TNG delegates who remained at Mbagathi and contributed to fears that the peace process was on the verge of collapse.

The sense of crisis was heightened by the failure of the new IGAD Facilitation Committee to convene the Retreat in December 2003. Two deadlines passed as various Somali leaders took issue with the list of participants, and the Kenyan and Ugandan governments engaged in a fairly public tussle over its leadership and venue.

On 9 January 2004, the combined efforts of Ugandan and Kenyan mediators and international observers brought 38 Somali leaders under one roof at the Safari Park Hotel in Nairobi. The term "Retreat" had been dropped -- at the request of some Somalis -- in favour of "Consultations". The faction leaders nevertheless initially boycotted proceedings, delaying the opening ceremony for five hours while President Museveni alternately chastised and cajoled them. Subsequent negotiations were conducted through diplomats, who shuttled between hotel rooms, not face-to-face.

After nearly three weeks of arduous bargaining, the Safari Park Declaration was signed on 29 January 2004 at State House, the Kenyan presidential residence. International observers were blindsided: at a meeting the previous day, they had agreed with the Facilitation Committee that all leaders present in Nairobi should sign. Instead, only eight were called forward:<sup>21</sup> five faction leaders plus an Abdiqasim representative and two civil society figures. The TNG leader witnessed the signing as "President of the Somali Republic", just above the signature of President Kibaki.

## **C. THE SAFARI PARK DECLARATION**

Confusion over the 29 January accord emerged virtually before the ink could dry. The UN Secretary General, EU Presidency and U.S. government all expressed cautious optimism and urged the leaders to sustain the momentum. Meanwhile, at least eleven leaders in Nairobi issued a press statement disowning

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<sup>20</sup> "Djibouti: Interview with President Ismail Omar Guelleh", IRIN, 29 October 2003.

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<sup>21</sup> ICG interview, Nairobi, March 2004.

the deal, arguing that it "totally failed to achieve its desired objectives to promote peace in Somalia".<sup>22</sup> "We were tricked before the signing ceremony", complained Hassan Abshir Farah, former TNG prime minister, "because there were many versions of the accord circulating".<sup>23</sup> An editorial on a website whose views tend to mirror those of the Puntland administration charged that the documents agreed to had been "fraudulently altered" and published examples of the alleged discrepancies.<sup>24</sup> International observers in Nairobi echoed the allegations.<sup>25</sup>

On 19 February 2004, disaffected leaders left Kenya for Jowhar, where they announced their intent to form a new alliance.<sup>26</sup> Sheikh Aden Madoobe of the RRA, the group's spokesman, described its aim as "salvaging" the Nairobi talks, but, if not possible, it planned to organise a peace conference inside Somalia.<sup>27</sup> The defection of two signatories to the 29 January accord (Madoobe and Mohamed Omar Habeeb, also known as Mohamed "Dheere") was a clear setback. "This is another disaster for the process", a Somali regional analyst said. "This will leave the situation even more polarised".<sup>28</sup>

Unfazed by the defections, the IGAD Facilitation Committee insisted that the peace process was on track and pushed ahead with endorsement of the agreement by the Mbagathi plenary and the Transitional National Assembly. Although the text of the accord stipulated that Mbagathi's approval should come first, the Facilitation Committee initially hesitated to present it to the plenary for fear of rejection. The Transitional National Assembly, however, rushed through its approval without waiting for a decision from Mbagathi, confirming the impression that Abdiqasim and his supporters were

happier with the Safari Park agreement than their SRRC rivals. On 17 February 2004, Musyoka issued a "clarification" of the 29 January agreement intended to address the SRRC reservations and ensure support of the Mbagathi plenary. But when the plenary was finally convened on 23 February, the Kenyan government took no chances: Assistant Minister for Foreign Affairs Moses Wetang'ula tightly managed the session to minimise dissent and obtained approval by acclamation.

The following day seventeen leaders -- including four of eight signatories of the 29 January agreement -- issued a statement rejecting the plenary's decision. They described the meeting as a "carnival" entirely lacking in rules of procedure, whose outcome created "an aura of suspicion and mistrust".<sup>29</sup> In a more measured critique, a fifth signatory to the 29 January agreement concurred that the plenary had been "hijacked": "The delegates were not given the platform, and the plenary was overpowered in that regard", wrote civil society figure Asha Haji Elmi in an open letter to the UN Secretary General.<sup>30</sup>

On 5 March 2004, Musyoka announced IGAD'S intentions to proceed to the final phase of the National Reconciliation Conference, in which a new Transitional Federal Parliament would be formed. His appeal to absent Somali leaders to return contained the implicit threat of targeted sanctions. The UN Security Council had warned the previous week that "those who obstruct the peace process [and] persist on the path of confrontation and conflict will be held accountable".<sup>31</sup> Undeterred, more than a dozen participating faction leaders called for the talks to be suspended "to avert yet another ghastly failure".<sup>32</sup>

On 17 March 2004, six SRRC leaders declared the formation of the National Organising Council for Somalia (NOCS) in Jowhar, whose stated aims included relocation of the peace conference to Somalia.<sup>33</sup> Two days later, at least fifteen SRRC

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<sup>22</sup> Somali National Reconciliation Conference, Press Statement, Nairobi, 4 February 2004. The names of eighteen leaders appear on the press statement, but only eleven signatures appear beside the names.

<sup>23</sup> William Maclean, "Somalia's Peace Talks Run into Fresh Trouble", Reuters, 5 February 2004.

<sup>24</sup> Alessandro Natta, "Fraud and Irregularities in the Somali National Reconciliation Conference at Mbagathi, Nairobi", Allpuntland.com, 11 February 2004.

<sup>25</sup> ICG interview, 18 March 2004.

<sup>26</sup> The leaders included General Mohamed Sa'id Hersi "Morgan", Abdillahi Sheikh Ismail, Sheikh Aden Madoobe, and Mohamud Sayid. Mohamed Dheere, another SRRC leader, was already in Jowhar.

<sup>27</sup> "Somalia: Faction leaders meet in Jowhar", IRIN, 4 March 2004.

<sup>28</sup> ICG interview, February 2004.

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<sup>29</sup> Somali Reconciliation Conference, "Statement by the Somali Leaders", 25 February 2004.

<sup>30</sup> Asha Haji Elmi, "Status of Somali Peace Process and Way Forward", open letter, 1 March 2004.

<sup>31</sup> "Those blocking Somalia peace", op. cit.

<sup>32</sup> "Faction leaders warn of possible peace talks collapse", IRIN, 10 March 2004.

<sup>33</sup> NOCS, "Resolution of the First Consultative Meeting of NOCS", 14 March 2004. The six founding members of the NOCS are: Mohamed Dheere, Chairman (Chairman of Jowhar Administration, SRRC), Abdillahi Sheikh Ismail

leaders at the talks, together with the former TNG prime minister and Assembly speaker, announced their intention to withdraw, alleging that the Nairobi consultations were guided by "hidden aims...meant to avoid the emergence of a broad-based government of national unity for Somalia".<sup>34</sup> A joint mission to Jowhar on 18 March from the Facilitation Committee, IGAD secretariat and international observers failed to persuade NOCS leaders to return to the talks, which as the month drew to a close seemed dangerously close to collapse.

In a late April gamble to salvage the talks, the IGAD Facilitation Committee circulated a draft "road map" to delegates and international observers, proposing that the third phase be launched in early May, a transitional parliament come into being that month, and a transitional federal government be sworn in on 1 July, the 34th anniversary of Somalia's independence. According to Kenya's special envoy, Bethuel Kiplagat, this would provide "a framework to enable us to...build the nation from a political point of view" -- a framework that would include preparations for national elections, revival of the justice system, and completion of basic laws relating to democratisation and civic education.<sup>35</sup> But even such pragmatic objectives may yet be out of reach.

#### **D. THE FINAL ROUND: A GAME WITHOUT RULES**

While waiting for the curtain to be raised on the third and, supposedly final, phase of the talks, Somalis and regional powers alike were making hasty calculations of the possible outcomes. Unfortunately, the process has so far been perceived as a forum for political struggle rather than reconciliation and compromise. If the talks are to realise their promise of peace, they must achieve a negotiated settlement and avoid at all costs the surrender of one group or another.

The crux of the matter is how the 275-member Transitional Parliament is to be selected. All leaders appear to agree that it should be based on the "4.5 formula", in which each of four major clan families --

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(SSNM/BIREM/ SRRC), Sheikh Aden Mohamed Nur Madoobe (RRA/SRRC), Mohamed Sayid Aden (SNF/SRRC), General Mohamed Sa'id Hersi "Morgan" (SPM/SRRC), and Abdulqadir Abdi Hassan "Bebe" (USC/SSA/SRRC).

<sup>34</sup> Statement, "Withdrawal of Leaders Committee from the SNRC", Nairobi, 19 March 2004.

<sup>35</sup> ICG interview, Nairobi, April 2004.

Darod, Digil-Mirifle, Dir and Hawiye -- would have 61 delegates, and minority groups collectively 31. That is where the consensus ends.

The origin of the controversy lies in article 30(1) of the transitional charter agreed in the Safari Park Declaration, which states:

The parliament envisaged under article 28 above [of the transitional charter] shall be selected by the sub sub sub-clan [sic] Somali political leaders invited to the consultation meetings in Nairobi as from 9<sup>th</sup> January 2004, comprising: Transitional National Government (TNG), National Salvation Council (NSC); Regional Administrations; Somalia Restoration and Reconciliation Council (SRRC); Group-8 (G-8) Political Alliance and Civil Society and must be endorsed by genuine traditional leaders.<sup>36</sup>

Divergent interpretations are responsible for the bitter divisions and help to explain the rejection of the agreement by several signatories and their supporters. The "leaders invited to the consultation meetings in Nairobi" would be the ones to nominate the MPs, but the leaders parted company over what that actually meant. The SRRC insisted that only the 24 signatories to the October 2002 cessation of hostilities, plus Abdiqasim himself, be empowered to nominate -- a formula known as 24+1. This would guarantee significant SRRC control over the new parliament. The TNG and NSC argued that all 38 leaders invited to Nairobi be included -- a demand calculated to eliminate the SRRC edge.

On paper, at least, the Safari Park Declaration offered more to Abdiqasim's camp than the SRRC. The inclusion of the NSC undermined the SRRC's insistence on the 24+1 formula, since its leaders included several who had not signed the October 2002 cessation of hostilities. At the same time, it accorded extraordinary concessions to Abdiqasim, whose unconvincing claim to be the head of state had lapsed with the TNG's mandate in August 2003. By permitting him to witness the Safari Park Declaration as president, the Kenyan government added its own imprimatur -- with the apparent acquiescence of other Somali leaders -- to that claim. As leaders rejecting the deal charged, "the Consultative Meeting has apparently been used for the political boosting

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<sup>36</sup> "Declaration on the Harmonisation of Various Issues by The Somali Delegates at the Somali Consultative Meetings from 9th – 29th January 2004".

and legitimization of Mr Abdiqassim Salad Hassan".<sup>37</sup> Within weeks, he was again touring friendly capitals like Sana'a and Tripoli, drumming up support for his beleaguered faction.

Why the SRRC leadership and their allies bargained away their diplomatic advantage by altering the existing 24-person Leaders Committee is unclear. Despite their subsequent accusations -- corroborated by an international observer<sup>38</sup> -- that the Kenyan government tricked them into signing a document that differed significantly from what they had agreed to, there may be more mundane explanations. As a regional official later told ICG:

[The faction leaders] only signed because each of them received the recognition he wanted: Abdillahi Yusuf was recognised as president of Puntland; Mohamed Abdi Yusuf was recognised as prime minister of the newly-revived TNG; the G8 was formally recognised as a political grouping for the first time with Mohamed Qanyare as its head; Aden Madoobe got what he wanted as the only signatory from the RRA; and Abdiqasim got to sign the agreement as Head of State. Apart from this they agreed on virtually nothing.<sup>39</sup>

The Safari Park declaration was also flawed by the notion that a small sample of leaders could represent the others. SRRC, G8, NSC and even TNG are inherently unstable coalitions of personal and clan interests bound together by patronage and political opportunism. None possesses a functional hierarchy,

represents a coherent ideological position or political platform, or can claim exclusive representation of a clan or geographical area. In short, there was little or no chance the signatures of eight leaders would be considered binding by the 30 others.

The accord's most serious -- and possibly fatal -- flaws pertain to clan representation. A number of major clan groups are absent from the deal: no political leader from the Dir, Habar Gidir, Marehan or Ogaden clans, to name just a few, signed the Safari Park Declaration -- a major oversight in an accord ostensibly concerned with "sub sub sub-clan" reconciliation.<sup>40</sup> The militia of all of these have played central roles in the conflict in southern Somalia. Their presumed acceptance of the accords is apparently based on the presence of faction leaders in Nairobi. But the very idea that faction leaders represent or can speak for clan constituencies is hotly disputed. An appeal signed by dozens of respected academics, professionals and traditional leaders headed by former Prime Minister Abdirisak Haji Hussein (1964-1967) for example, urged the international community to cease the "legitimation of illegitimate entities" (faction leaders) and to support a new kind of initiative based on more credible and representative leadership.<sup>41</sup>

IGAD's attempts to address these problems have been awkward at best. The power of the faction leaders to select parliamentarians is subject to the endorsement of "genuine traditional leaders" -- a condition likely to prove as complex and controversial as the actual nomination. Musyoka's attempt, on 17 February 2004, to "clarify" the Safari Park Declaration muddied the waters even further: his statement rendered the invitation list to the talks "superfluous" and placed responsibility for selection of parliamentarians on the "recognised political leaders" of the factions mentioned in the Declaration.<sup>42</sup> To some, this Delphic

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<sup>37</sup> Somali National Reconciliation Conference, Press Statement, Nairobi, 4 February 2004. The list of signatories included Hassan Abshir Farah (former TNG Prime Minister); Abdallah Derow (former Speaker of the TNA); Abdullahi Yusuf Ahmed (President of Puntland State of Somalia); Hussein Farah Aideed (Co-Chairman of SRRC); Col. Hassan Mohamed Nur "Shati-Gudud" (RRA); Col. Hassan Abdulle Qalad (Chairman of HPA/SRRC); Mohamud Sayid Adan (Chairman of SNF/SRRC); Gen. Mohamed Said Hersi "Morgan" (Deputy of SPM/SRRC); Mohamed Omar Habeb "Dhere" (Chairman of Jowhar Administration); Abdullahi Sheik Ismail (Chairman SSNM/BIREM/SRRC); Hilowle Iman Omar (Co-Chairman of SRRC); Abdulaziz Sheik Yusuf (Chairman SSNM/SNA/SRRC); Ahmed Sheikh Mohamed "Lohos" (Chairman of SPM/SRRC); Mohamed Osman Maye (Chairman of SNU/SRRC); Sheikh Adan Madoobe (Chairman SRRC/RRA); Mohamed Adan Wayel (SPM/SRRC/Nakuru); and Sharif Salah (Chairman of Civil Society Groups).

<sup>38</sup> ICG interview, Nairobi, 18 March 2004.

<sup>39</sup> ICG interview, 17 February 2004.

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<sup>40</sup> Abdiqasim Salad Hassan, whose name appears on the document as a witness only, is a member of the Habar Gidir. Osman 'Ato and Hussein Aidid are also faction leaders from the Habar Gidir. The one member of the Habar Gidir clan whose signature appears on the document, Asha Haji Elmi, did so in her capacity as a representative of civil society, not as a political figure.

<sup>41</sup> "Appeal to Salvage the Somali Peace Process in Kenya and Next Steps", January 2004. The appeal took the form of a petition circulated for signature.

<sup>42</sup> Statement Issued by Hon. Stephen Kalonzo Musyoka, Minister for Foreign Affairs of the Republic of Kenya and Chairman of the IGAD Ministerial Facilitation Committee on the Somali Peace Process, 17 February 2004.

pronouncement implied that only signatories to the Safari Park Declaration would henceforth be recognised as political leaders with a mandate to nominate members of parliament; to others, it meant that each political group was free to nominate any leader -- or leaders -- it chose for the purpose of selecting parliamentarians.

On the eve of the anticipated final phase of the talks, the process for the composition of the transitional parliament remained obscure. "The IGAD Facilitation Committee has stated only that the leaders will select the members of parliament", a regional analyst told ICG, "but they refuse to identify who those leaders are".<sup>43</sup> Instead, the Committee tried to circumvent the problem by circulating draft rules of procedure to the Somali political groups for comments and suggestions, and then producing a "road map" with a wildly optimistic time frame. A group of seventeen leaders, mainly affiliated with the SRRC, immediately denounced the "roadmap" as an attempt to undermine the role of the "official delegates" and as evidence that ownership of the process is out of Somali hands.<sup>44</sup> Senior diplomats from other IGAD states appeared unaware -- and unhappy -- that the details of the "roadmap" had been made public ahead of the IGAD ministerial meeting planned for 5 May 2004.<sup>45</sup> The process had mutated into an absurd game where the goals -- peace and government -- remained fixed, but the players, the playing field and even the rules were in constant flux.

### E. THE DISPUTED REGIONS: SIDE SHOW OR SHOWSTOPPER?

On 27 December 2003, while the IGAD talks in Kenya remained deadlocked, forces loyal to the Puntland administration of northeast Somalia took control of Las Anod, capital of Sool Region, triggering a crisis with neighbouring Somaliland, which also lays claim to the area.<sup>46</sup> Somaliland's claim is based on respect for colonial borders at the moment of independence in 1960; Puntland's claim rests on the common ancestry of the Harti Darod

clans and the promotion of a variation of ethnic federalism, based on clan, for Somalia.<sup>47</sup>

Somaliland threatened an armed response to secure its eastern borders, and both sides embarked upon a military build up, briefly threatening to plunge the region into violence. On 19 January 2004, the Kenyan Foreign Minister called on both sides to exercise maximum restraint and warned that the dispute risked derailing the peace process.<sup>48</sup> The UN Secretary General echoed his concerns.<sup>49</sup>

The "disputed regions" of Sool and eastern Sanaag have been a running sore between the two administrations since Puntland's formation in July 1998, but both sides have largely avoided confrontation by pursuing their mutually exclusive claims in a "live and let live" spirit. Somaliland forces had largely withdrawn from the region following an abortive trip to Las Anod by Somaliland's interim president, Dahir Rayale Kahin, in December 2002.<sup>50</sup> But a year later, in an apparent bid to extend its control, Puntland declared formation of two new administrative regions in the disputed area and deployed forces to parts of Sool region, claiming self-defence in the face of aggression from Somaliland.

Puntland's motives in triggering the crisis are unclear. President Abdillahi Yusuf's credentials as a guardian of Somali unity and defender of Darod clan interests received a transient boost, as did Vice President Mohamed Abdi Hashi's aspirations to position himself as Dhulbahante leader. But on the ground, many ordinary Dhulbahante, eager to avert conflict, resented Puntland's military presence, and a number of respected traditional leaders called for their withdrawal. Sandwiched between two hostile forces, a growing number of Dhulbahante pinned their hopes on a new Somali government from the Nairobi talks.

By March 2004, tensions had largely subsided, aided by warnings to both sides that relations with Ethiopia would suffer if the dispute escalated.<sup>51</sup> As drought

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<sup>43</sup> ICG interview, Nairobi, March 2004.

<sup>44</sup> Statement by Somali Leaders Committee, Mbagathi, April 27, 2004.

<sup>45</sup> ICG interview, May 2004.

<sup>46</sup> United Nations Security Council, "Report of the Secretary General on the Situation in Somalia" (S/2004/115), New York, 12 February 2004.

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<sup>47</sup> The inhabitants of Sool region are predominantly members of the Dhulbahante clan which, together with the Majerteen and Warsengeli clan, make up the Harti family of the Darod. For more on the Somaliland issue, see ICG Report, *Somaliland*, op. cit., p. 29.

<sup>48</sup> Reuters, "Kenya urges end to Somaliland, Puntland tension", CNN.com, 19 January 2004.

<sup>49</sup> Report of the Secretary-General, op. cit., p. 4.

<sup>50</sup> See ICG Report, *Somaliland*, op. cit.

<sup>51</sup> ICG interview, Addis Ababa, April 2004.

superseded conflict as the most pressing concern, the rivalry reverted to long-standing patterns of competition for the control of aid resources and inflammatory rhetoric.

As the Nairobi peace talks entered their final phase, the crisis in Sool region had become a sideshow, not a showstopper. Puntland's political energies were increasingly absorbed by an internal row over plans to extend the mandate of the incumbent administration. Somaliland's stock seemed to be rising when, in March 2004, President Rayale and a large delegation, paid first quasi-official visits to the UK and Belgium.<sup>52</sup> Nevertheless, the situation in the disputed regions remained volatile and unpredictable. Local elections in Puntland, expected later this year, and Somaliland's parliamentary elections in 2005 will both bring the question of Sool and eastern Sanaag back to centre stage.

If a viable government does emerge from the Nairobi talks, not only will the problem of the "disputed regions" return with a vengeance, but so will the problem of Somaliland's claims to independent statehood. A transitional authority in Somalia would undoubtedly claim jurisdiction over Somaliland, thus escalating tensions and opening a new chapter in the Somali crisis. By considering the Somaliland issue before a Somali transitional government is formed, either the AU or the UN could pre-empt an unnecessary and dangerous dispute, while opening a diplomatic channel for ultimate resolution of the issue.<sup>53</sup>

### III. A REGION DIVIDED

Peacemaking in Somalia has long been hostage not only to irascible warlords, but also to the interests of regional powers. IGAD's member states have found it impossible to forge a common approach, sometimes for reasons that have nothing to do with Somalia, as Djibouti's president, Ismail Omar Guelleh, told ICG: "The region is deeply divided. With the kind of conflict we are experiencing in the region, how can we create a consensus on our own"?<sup>54</sup>

All of Somalia's immediate neighbours -- Kenya, Ethiopia and Djibouti -- have provided military assistance to various factions at one time or another since the advent of the civil war. Other regional actors, including Egypt, Sudan, Libya, Yemen, Saudi Arabia and the United Arab Emirates, have intervened at various times in support of factional clients. Somalia's Islamist militants have also benefited considerably from the military and financial support of foreign governments and private sponsors. Some episodes, like Sudanese support for Somali Islamist militants during the early 1990s, the Ethiopian-Eritrean war, and the post-Arta period, have fuelled violence inside Somalia. More often, geopolitical rivalry has been pursued through political, diplomatic and financial means.

The UN paved the way for manipulation of successive peace processes by faction leaders with peace initiatives between 1992 and 1995 that were often directed against one faction leader or another. Subsequently, Ethiopia's 1996 Sodere conference evolved into an attempt to forge a ruling coalition in opposition to the self-proclaimed government of Hussein Aidid.<sup>55</sup> The Egyptian government successfully derailed that initiative by convening a rival peace conference, but its plans for a Somali national government were wrecked when several factions aligned with Ethiopia withdrew.

The war between Ethiopia and Eritrea in 1998-1999 briefly transformed Somalia into a theatre of proxy conflict. Nevertheless, Ethiopia managed to persuade IGAD and its international partners to endorse -- over Egyptian objections -- a new approach to political reconstruction. This "peace-dividend, bottom-up" strategy, the "building blocks approach", advocated

<sup>52</sup> The trip went forward despite the murder of a Kenyan woman employed by the German aid organisation GTZ in an ambush outside Hargeysa.

<sup>53</sup> For further discussion, see ICG Report, *Somaliland*, op. cit.

<sup>54</sup> ICG interview in Djibouti, April 2004.

<sup>55</sup> Ethiopia initially invited Aidid to attend the conference, but his demurral left the forum dominated by rival groups.

support for de facto authorities, thus favouring Ethiopia's allies in Somaliland, Puntland, the Hiiraan region and the Bay region, who had demonstrated capacity to control and administer territory. Despite its inherent pragmatism, many Somalis distrusted this approach for its Ethiopian origins and federalist implications, fearing that any resulting central government would be impotent.

Djiboutian President Ismail Omar Guelleh's announcement in late 1999 that he intended to launch a new Somali peace initiative brought the "building blocks approach" to a premature end. The initiative, which became known as the Arta conference, emulated the broad participation and lengthy time-frames of successful Somali peace conferences like Borama (1993), which consolidated Somaliland's achievements, and Garowe (1998), which established the Puntland administration. However -- in contradiction to the "building blocks approach" -- it also restored a centralist, top-down focus to reconciliation. Arta thus antagonised the leaders of Somaliland, Puntland and the RRA, who collectively controlled close to two thirds of Somali territory, and snubbed Ethiopia, whose entreaties to ensure participation of its Somali allies were apparently disregarded.

Ethiopia's coolness towards the TNG was matched by Egypt's enthusiasm. While the Arab League welcomed the new administration, extended diplomatic recognition and offered financial support, Ethiopia accused its leadership of links to Somali Islamist groups, including the extremists of *al-Itihaad al-Islami* (AIAI).<sup>56</sup> In March 2001, Addis Ababa backed formation of the rival SRRC alliance.

The TNG was hobbled from the outset by divisions and defections and unable to exert authority beyond a few limited sections of the capital. Its attempts to extend its influence throughout Somalia, resisted by the SRRC and other groups, produced only tension and violence. By the time its mandate expired in August 2003, it had effectively become just another Mogadishu faction.

In the months prior to the Eldoret conference, the regional battle lines were clearly drawn. Djibouti, Eritrea and Egypt were staunch TNG supporters. Ethiopia, which had long regarded the TNG as a

Trojan Horse for Arab and Islamist influence, expected Eldoret to deliver a political *coup de grace*, formally establishing a new more friendly transitional authority. But aggressive Ethiopian tactics at Eldoret and Mbagathi proved counterproductive. The widely shared perception among delegates and observers at Eldoret was that the process had come to be dominated by Ethiopia<sup>57</sup> -- a perception that remained when ICG revisited the process at Mbagathi in March 2003.<sup>58</sup> The credibility of the process was further eroded by a statement by former Kenyan President Moi -- who once oversaw IGAD peace efforts -- during a September 2003 speech in which he implied that Ethiopia and Kenya could not be entrusted with the Somali peace process since they "fear that a reunited and prosperous nation might resurrect Somalia's territorial claims".<sup>59</sup> International observers to the IGAD talks were equally sceptical: "Entrusting the Somali peace process to Djibouti, Ethiopia and Kenya would be roughly equivalent to leaving Pakistan, Iran and India alone to solve the problems of Afghanistan".<sup>60</sup>

When Djibouti suspended its participation in the process, bringing deliberations to a halt, IGAD's attempts to break the deadlock added a new layer of tension. The IGAD summit of 25 October 2003 in Kampala invested responsibility in a newly formed ministerial Facilitation Committee, involving all six IGAD member states (excluding Somalia). Apparently displeased, the Ethiopian Ministry of Foreign Affairs told Western diplomats that "the peace process is not going anywhere",<sup>61</sup> and it would tone down its engagement. According to an American diplomat, "[The Ethiopians] were offended by the suggestion of the Kenyans that they had played an unconstructive role".<sup>62</sup> Some members of the Ethiopian diplomatic team returned to Addis, while others put in only infrequent and discreet appearances. SRRC leaders began to cite Ethiopia's absence as a reason to suspend the talks and relocate

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<sup>56</sup> An overview of Somali religious movements and charities is included in ICG Africa Report N°45, *Somalia: Countering Terrorism in a Failed State*, 23 May 2002.

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<sup>57</sup> See ICG Briefing, *Salvaging Somalia's Chance for Peace*, op cit., and ICG Report, *Negotiating a Blueprint for Peace in Somalia*, op cit.

<sup>58</sup> ICG interviews in Mbagathi, March 2003.

<sup>59</sup> Salad F. Duhul, "Washington Urges Somalis to Advance Peace Process", [www.aljazeeraah.info](http://www.aljazeeraah.info), 26 September 2003. President Moi spoke at the National Defence University in Washington.

<sup>60</sup> ICG interview, Nairobi, 25 March 2004.

<sup>61</sup> ICG correspondence, November 2003.

<sup>62</sup> ICG interview, April 2004.



them to a more neutral country.<sup>63</sup> In mid-February 2004 the Kenyan Foreign Minister appealed to Ethiopia to return to the negotiations<sup>64</sup> eliciting assurances of reengagement from the government.<sup>65</sup> "The Ethiopian position is that they're damned if they do and damned if they don't", an American diplomat told ICG. "[But] you don't get a workable agreement in Somalia without the Ethiopians".<sup>66</sup>

Meanwhile, the Kenyan attitude appeared to swing between extremes. Following the election of a new government in December 2002, a diplomatic team with little recent Somali experience took control of the process. Having hewed to the Ethiopian line throughout the Eldoret and Mbagathi talks, Kenya's sympathies appeared to shift noticeably towards the TNG and NSC from the outset of the Nairobi consultations. While this in part manifested Musyoka's desire to restore an aura of neutrality to the process, it also reflected bitter feuding within the government, as his supporters declared him to be a potential successor to President Kibaki. "The Kenyan team is deeply divided", a senior official close to the process told ICG. "It is not just about the peace process. It's right across the political spectrum".<sup>67</sup> Although other senior Kenyan officials have denied the divisions,<sup>68</sup> they have apparently cost at least one advisor to the talks his job.<sup>69</sup> Unless the government can close ranks behind the talks, and the larger regional divisions that fuel rivalries inside Somalia can be addressed, this latest chance for peace may degrade from honourable foreign policy initiative to domestic and regional political football.

#### IV. INTERNATIONAL INDIFFERENCE

Whereas IGAD's member states have fuelled the Somali crisis through interference, the wider international community is guilty of studied indifference. Elsewhere in Africa, regional differences have been overcome largely through patient negotiation and diplomatic arm-twisting by outside powers. Pressure from the U.S. and European governments has been central to progress in the Sudanese peace process, also conducted under IGAD auspices and equally riddled with historical differences and conflicting policies between participating IGAD countries. Similarly, the December 2000 peace agreement between Ethiopia and Eritrea also benefited from proactive outside diplomacy. Unfortunately for Somalia, international interest has dwindled to the point that competing regional influences in the peace process have gone unchecked -- a sign that some regional powers may interpret as support for their behaviour rather than indifference to it.

The EU has fronted most of the funding for the talks until April 2004, but its diplomatic engagement has remained low-key.<sup>70</sup> No EU official has been assigned full-time responsibility for the process, and political support to the conference has been largely delegated to a European Commission regional advisor with competing responsibilities elsewhere. Of EU member states, Italy and the UK have been the most active.

Rome, alone among Western donors, has appointed an envoy of ambassador rank, but its track record of engagement since 1991 has been ambiguous. Many Somalis suspect the former colonial power of having a hidden agenda. Somalia's other former colonial power, Britain, has contributed funding for the conference, but its diplomacy has been confined to the efforts of an energetic representative from the High Commission in Nairobi. Despite British government support for the peace process, a parliamentary debate in early February 2004 revealed a surprising level of bipartisan interest in support and recognition of the self-proclaimed Republic of Somaliland.

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<sup>63</sup> See: "Statement by the Somali Leaders", 25 February 2004 and "Six faction leaders demand postponement of peace talks", IRIN, 23 February 2004

<sup>64</sup> "Kenya asks Ethiopia to support Somali peace talks", Reuters, 13 February 2004.

<sup>65</sup> ICG interviews, Addis Ababa and Nairobi, April 2004.

<sup>66</sup> ICG interview, April 2004.

<sup>67</sup> ICG interview, Nairobi, February 2004.

<sup>68</sup> ICG correspondence, Nairobi, March 2004.

<sup>69</sup> ICG interview, Nairobi, March 2004.

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<sup>70</sup> In April 2004 EU (European Commission) financial assistance for the talks -- including the accommodation expenses for some 366 delegates -- dried up, with no certainty it would resume.

The U.S., having contributed only \$350,000 to the talks, has been even less visible. Occasional, vaguely supportive statements from the State Department have done little to conceal a reluctance to re-engage in Somalia since the 1993 military debacle in Mogadishu. In contrast with the Sudanese process, American representation at the Somali talks has been the task of a "Somali Watcher" rather than a full-fledged envoy, and there seems little prospect of enhanced engagement in the near future: "Don't expect a higher American profile -- this is an election year", a U.S. official told ICG.<sup>71</sup>

Diplomatic disengagement undercuts the major U.S. investment in military and intelligence assets that have been deployed in the Horn of Africa as part of counter-terrorism efforts. According to some observers, Somalia might receive closer attention once a Sudanese peace accord is signed and being implemented. "There's a feeling in Washington that we should tackle one thing at a time", a U.S. official said. "Once Sudan is moving in the right direction, we might be able to pay more attention to Somalia".<sup>72</sup>

The responsibility for senior diplomatic leadership from outside IGAD has fallen to the AU and the Arab League, both of which have appointed ambassador-rank envoys to the process. The latter envoy, in addition to maintaining a common front with UN and AU colleagues, seems to have been instrumental in curbing a parallel Libyan initiative that could have derailed the Nairobi talks, as well as in persuading the Arab League that continued funding of the TNG would not be constructive.

The UN is represented by a Special Representative of the Secretary General (SRSG), Ambassador Winston Tubman. However, its fingers were burned by his predecessor's proactive support for the Arta conference and the TNG, and it has opted for a deliberately low-key presence. Such institutional reticence, combined with lack of Security Council interest, has rendered the UN Political Office to Somalia's role largely symbolic.

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<sup>71</sup> ICG interview, Nairobi, March 2004. A senior diplomat from an African country described how when he recently discussed Sudan in the State Department, the principal's office was full of assistants and others working that issue; when the topic switched to Somalia, the room virtually emptied. ICG interview, Brussels, April 2004.

<sup>72</sup> ICG interview in Khartoum, September 2003.

## **A. VIOLATIONS OF THE ARMS EMBARGO**

International indifference has practical and diplomatic consequences. The steady flow of arms and ammunition that fuels the conflict and spills over into neighbouring states is part of the cost.

The Security Council imposed an arms embargo on Somalia in 1992. Since then, the "continuous and flagrant"<sup>73</sup> violations described in two reports by independent experts have typically involved either the failure of governments to honour their obligation under Chapter Seven of the UN Charter to enforce the embargo, or provision of arms and ammunition by governments themselves.

Ethiopia has consistently been the largest state provider of arms to Somali factions, most recently to its SRRC allies. After a lull for most of 2003, there have been reports that such arms shipments resumed towards the end of the year and have continued into 2004 as a sign of growing disillusionment with the peace process.<sup>74</sup> The Ethiopian government strenuously denies the allegations.<sup>75</sup> In previous years, Eritrea, Djibouti, Egypt and Yemen have provided military material to the TNG and its allies.<sup>76</sup> Despite the TNG's admission to the UN, Arab League and AU, it remains subject to the arms embargo. Donations of arms, ammunition and even non-lethal equipment such as uniforms, vehicles and radios require an exemption the Security Council has never given. No supplying country has ever been sanctioned or reprimanded.

Yemen has been called "Somalia's Arms Supermarket." as the primary source of commercial arms sales.<sup>77</sup> Hundreds of tons of arms and ammunitions cross the Gulf of Aden each year on dhows and other small boats, often under the noses of Yemeni police and customs officials. The involvement of Yemeni government officials and

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<sup>73</sup> "Report of the Panel of Experts on Somalia pursuant to Security Council Resolution 1425 (2002)", United Nations Security Council (S/2003/223), 24 February 2003, p. 6. The arms embargo was originally established by UN Security Council Resolution 751 (1992).

<sup>74</sup> ICG correspondence, November 2003.

<sup>75</sup> ICG interview, Addis Ababa, April 2004.

<sup>76</sup> "Report of the Panel of Experts on Somalia", 24 February 2003, op. cit.

<sup>77</sup> "Report of the Panel of Experts in Somalia pursuant to Security Council resolution 1474 (2003)", United Nations Security Council (S/2003/1035), 27 October 2003, p. 19, as well as ICG interviews, Nairobi, October 2003.

their families is alleged to perpetuate the trade.<sup>78</sup> But Yemeni arms dealers are not alone in their disregard for international law. Over the past three years alone, businessmen from a number of countries, including Britain, Australia, South Africa, Thailand, the United Arab Emirates, Djibouti and Pakistan have either provided military supplies to Somalia or taken part in negotiations with a clear intent to do so.<sup>79</sup>

In some cases, governments have attempted to circumvent the embargo by giving cash to their factional clients to procure arms on domestic and international markets. Since the embargo extends not only to those who violate it but also to their backers, this is also a violation. Arab states top the list of financial violators: Saudi Arabia, Libya, and Qatar have each reportedly made significant contributions to the TNG for its security forces and those of its militia allies, permitting them to sustain the military occupation of parts of the southern Somali coast between Marka and Kismayo.<sup>80</sup>

After years of inaction, there are signs that the Security Council might be taking its own resolutions more seriously. In December 2003, a mission from the Sanctions Committee made an unprecedented visit to the Horn of Africa (as well as Rome and Cairo) to seek support for the embargo. Its findings provided the basis for Security Council Resolution 1519 (2003), which requested the Secretary General to establish a "Monitoring Group" charged with compiling a blacklist of "those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council".<sup>81</sup>

Secretary General Kofi Annan announced this Monitoring Group at the beginning of February 2004. The four-member team took up its duties in Nairobi in early March. In the meantime, arms shipments to Somalia appear to have resumed in earnest, suggesting that faction leaders and their foreign backers are hedging their bets on the peace process. In March 2004, indications of renewed arms flows to southern Somalia, reportedly from

Ethiopia, prompted the IGAD Facilitation Committee to call for an investigation by the Monitoring Group.<sup>82</sup>

The threat of sanctions targeted against violators of the arms embargo may help to dissuade Somali faction leaders. But if the proposed blacklist proves another empty threat, it will reinforce the culture of impunity that prevails among Somalia's iniquitous leaders and place a durable peace even further out of reach. Even a blacklist will have little impact if IGAD member states continue to treat the arms embargo as an inconvenience rather than as a necessary element in the search for peace in Somalia.

## **B. THE CULTURE OF IMPUNITY**

The breakdown of the arms embargo is only one contribution to Somalia's culture of impunity. Failure to penalise violations of peace accords and the disinclination to bring Somali war criminals to justice are also responsible for legitimising the warlords and their "dismissive attitude"<sup>83</sup> towards the international community.

Somali faction leaders have violated countless ceasefires and peace agreements. The recent talks are no exception: the October 2002 Eldoret cessation of hostilities has been violated so often it is virtually meaningless. In February 2003, at a special AU summit in Addis Ababa, foreign ministers of the three "Front Line States" threatened sanctions against ceasefire violators and called for help in taking "appropriate action".<sup>84</sup> In July 2003, the EU, echoing comments from international observers at the IGAD talks, threatened "a willingness to consider appropriate measures, including smart sanctions, against individuals and groups undermining the peace process".<sup>85</sup> Subsequent obstruction and walkouts went unpunished, exposing lack of international interest or political will. Kenyan Foreign Minister Musyoka's threat of "punitive measures, including the application

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<sup>78</sup> *Ibid.*, p. 19.

<sup>79</sup> "Report of the Panel of Experts on Somalia", 24 February 2003, *op. cit.*, and "Report of the Panel of Experts in Somalia", 27 October 2003, *op. cit.*, as well as ICG interviews, Nairobi, October 2003.

<sup>80</sup> "Report of the Panel of Experts on Somalia", 24 February 2003, *op. cit.*, p. 8.

<sup>81</sup> Security Council Resolution 1519 (2003), 16 December 2003.

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<sup>82</sup> "IGAD and observers dismayed by arms inflow", IRIN, 17 March 2004.

<sup>83</sup> "Report of the Panel of Experts on Somalia", 24 February 2003, *op. cit.*, p. 6.

<sup>84</sup> "IGAD threatens warlords with sanctions for violation of cessation of hostilities agreement in Somalia", Associated Press, 3 February 2003.

<sup>85</sup> "Declaration by the EU Presidency on violations of the Somalia cease-fire agreement, subsequent to the 2447th EU Council of Ministers meeting", Brussels, 22 July 2003.

of a targeted sanctions regime<sup>86</sup> against those who fail to honour their 29 January commitment is unlikely to carry much weight. Likewise, the Arab League has called for sanctions against Somali leaders who "fail to adhere to their agreements and commitments".<sup>87</sup> Only a formal sanctions regime and perhaps its use against one or two offenders, will persuade warlords that the international community means what it says.

There has been no international interest in bringing Somali war criminals or other large-scale human rights violators to justice. Unlike other situations (Sierra Leone, Rwanda, Bosnia) where transitional justice has been considered central to reconciliation, diplomats argue that this could undermine the peace process. Notorious figures like General Morgan and the late General Gabiyo were dignified as "leaders" at IGAD talks. A British MP flagged the issue in a recent House of Commons debate: "Where is General Morgan, the person who is alleged to be responsible [for war crimes in northwest Somalia in the late 1980s]? We met him last Monday. He is the guest of the British taxpayer, which I, as a representative of taxpayers, resent. We are paying for him to stay in the Safari Park hotel outside Nairobi, as part of the conference on the future of Somalia..."<sup>88</sup> Amnesty International has argued it should be "unacceptable for those responsible for such crimes to be included in any new government",<sup>89</sup> a sentiment echoed by the MP: "A peace process for Somalia as a whole cannot be built with war criminals".<sup>90</sup>

Although no government seems eager to take up war crimes, calls for targeted sanctions against those who obstruct the peace process have come from the Arab League and the Security Council. The AU's plans for a ceasefire monitoring force would undoubtedly help to translate the threats into reality. The remaining hurdle to a sanctions regime is IGAD's reluctance to request it. "We are all just waiting for IGAD to trigger the process", an international observer told ICG.<sup>91</sup> But as long as IGAD drags its feet, hands are tied.

## V. TOWARDS PEACE, GOVERNMENT, OR BOTH?

The vocabulary of diplomacy is often deliberately misleading. Strictly speaking, the Somali peace process in Nairobi is neither fundamentally "Somali", nor essentially a "peace process". It is an international initiative ultimately intended to restore functional central government to Somalia. In the short term, neither Somali ownership of the process nor the consequences for peace and security appear to be primary considerations. These challenges have postponed for the fledgling transitional government to deal with.

State building, which often produces "winners" and "losers", bestows upon the "winners" a monopoly on the legitimate use of violence and often requires the military defeat of armed dissident groups, is a necessary but not always sufficient condition for post-conflict peace building. The numerous attempts to form Somali governments since 1991 have been periods of great tension, and it is no coincidence that they have often been preceded or followed by upsurges in violence.<sup>92</sup> Its stability and durability will in large part be determined by how a new transitional government is established but will also be a function of its capacity to engage opponents through compromise, cooptation, coercion or a combination of the three. The real test of a peace deal will come not before or during formation of an interim government, but afterwards.

It is probably safe to assume that a future government's capacity to cope with opposition will be limited. The scarce resources it receives from donors will be mainly earmarked for reconstruction, not a national army. Nor are donors likely to approve of an attempt to coopt rivals through wholesale creation of ministries and other government posts or contracts. With neither coercion nor cooptation realistic options, a transitional government will have to use compromise and consensus to fulfill its transitional mandate.

From this perspective, the Nairobi talks are already hard-wired for failure. They have been devoid of genuine Somali ownership, lacked substantive depth and failed to build either trust or a spirit of conciliation. Agreements have been achieved through

<sup>86</sup> Konchora Guracha, "Somali Warlords Warned of Sanctions", *East African Standard*, 5 February 2004.

<sup>87</sup> "Make national interest paramount, Arab League tells peace talks participants", IRIN, 16 March 2004.

<sup>88</sup> *Hansard*, 4 February 2004. The MP was Andrew Robathan.

<sup>89</sup> Amnesty International, "Somalia: No Lasting Peace without Human Rights", Eldoret, 7 November 2002.

<sup>90</sup> *Hansard*, 4 February 2004.

<sup>91</sup> ICG interview, Nairobi, 17 March 2004.

<sup>92</sup> See ICG Report, *Negotiating a Blueprint for Peace in Somalia*, op. cit., p. 17.

threats, inducements and patently stage-managed events. The concerns of neighbours (first Djibouti, then Ethiopia) have been neglected. The transitional authority born of such a process will have to struggle simply to ensure its survival, let alone to lay the foundations for a stable, permanent government and lasting peace. It may well be too late to remedy these defects, but if the talks are to have even the slightest chance to produce a transitional government worth the name, IGAD must take a number of measures.

#### **A. RESTORE SOMALI OWNERSHIP OF THE PROCESS**

The routine assertion that the IGAD talks are more inclusive than previous conferences is political spin with little basis in fact.<sup>93</sup> The process has utterly failed to engage the broader Somali public and has excluded constituencies with greater political influence, socio-economic relevance, and even military clout, than many of the leaders gathered in Kenya. Without them, any agreement will be largely hollow. "This is not yet a process," a seasoned Somali analyst said. "This is political theatre. The process will only begin when we get down to the people on the ground".<sup>94</sup>

The IGAD talks have again demonstrated the total inadequacy of Somalia's warlords for meeting the twin challenges of national reconciliation and state-building. President Museveni of Uganda was so disillusioned following an initial round of consultations with faction leaders in Nairobi, that he accused them of "slow genocide". At a subsequent briefing by the mediating team, foreign observers were told that the Somali leaders were "not serious" about achieving an agreement.<sup>95</sup> At the same time, the relevance of most faction leaders is declining thanks to chronic infighting, defections and shrinking financial resources. Cross-factional alliances, such as between the SRRC and the NSC, are one symptom. Although some observers are tempted to interpret such coalitions as political consolidation, they are inherently unstable and -- in the absence of external support -- can sustain neither military effort nor coherent political engagement. With a handful of exceptions -- the Puntland administration,

the Abdiqasim wing of the TNG, the Juba Valley Authority (JVA), and possibly the Mogadishu-based faction of Mohamed Qanyare Afrah -- most factions are losing ground to new, alternative forms of leadership.

#### **1. Elders**

Traditional elders are an important source of alternative leadership. Involving them in the selection of members of parliament, as stipulated in the 29 January 2004 agreement, is potentially one way of diluting the influence of faction leaders and investing the process with greater legitimacy in the eyes of the Somali public. But involvement of traditional leaders is not without complications.

In much of southern Somalia, the authority of elders is no longer an effective counterweight to the financial and military clout of faction leaders or their private sector backers. Many political leaders are often able to defy traditional leaders, or have simply become adept at manipulating the elders through political and financial influence.

Traditional titles proliferated both before and during the civil war. Hundreds of elders were created by the Siad Barre regime before 1991 and many more have since been anointed by their lineages, sometimes engendering succession disputes. In the process, many elders have been corrupted, co-opted for political purposes or have otherwise blighted the prestige of their office. In such cases, they may no longer represent credible alternatives to faction leaders and their partisans.

Such considerations complicate the proposition that "genuine traditional leaders" should approve the members of the transitional parliament. Although the authenticity of some elders is undisputed, each faction leader will inevitably lobby for sympathetic elders whose credentials are questionable. The list of traditional leaders invited to the talks may prove no less contentious than the nomination of delegates for the final phase or the list of leaders permitted to nominate members of parliament.

Finally, even if a broadly acceptable list of traditional leaders can be identified, it is far from certain they will all consent to take part. Many elders eschew politics in order to preserve their detachment and moral authority. Even those who routinely involve themselves in political affairs may be reluctant to take part in a process where their role would be confined

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<sup>93</sup> Peace conferences in Djibouti (1991), Addis Ababa (1993), and Cairo (1997) were equally inclusive. The organisers of the Sodere conference (1996) and the Arta conference (2000) also described them as inclusive despite the absence of important leaders.

<sup>94</sup> ICG interview, Nairobi, February 2004.

<sup>95</sup> ICG interviews, Nairobi and Addis Ababa, January 2004.

to rubber stamping the decisions of faction leaders and foreign governments. Genuine traditional leaders have far more to offer than just their blessings and signatures, and they should be given opportunity to play a far more substantive role in the peace process than is being offered. The Conference needs a sort of presidium, functioning like the *shir guddoon* that manages traditional Somali meetings, through which traditional leaders and other eminent persons could exercise their mediating and moderating talents.<sup>96</sup>

## 2. Civil society

The nebulous aggregation of NGOs, women's groups, professional associations, academics, unaffiliated "intellectuals" and former politicians often referred to as "civil society" is another source of leadership. Although by no means free of clan parochialism and factionalism, civic leadership has increasingly begun to supply the kind of social services that factions have utterly failed to provide. Professional teaching associations educate roughly 100,000 students in Mogadishu alone. Half a dozen embryonic private "universities" are catering to a growing demand. Private charities have established modern medical clinics. Businesses with large generators often provide electricity to their neighbourhoods, sometimes offering street lighting at no charge. And the former regime's propaganda apparatus has been supplanted by a vigorous, independent media, including newspapers, radio, television and internet broadcasters.

Although civil society "representatives" have been present at the talks, it is not always clear whose interest they represent except their own, nor what kind of mandate they possess to speak on behalf of others. If civil society is to be given a meaningful voice at the talks, the largest, most influential groups, such as professional associations, NGO umbrella organisations, and the media must be formally invited to name representatives. The opportune moment -- during the technical discussions of the second phase -- has long since passed, but it is not too late to involve civil society in the third, most critical phase.

## 3. The private sector

Somalia's lively "war economy" notwithstanding, the private sector is also emerging as an increasingly

influential constituency. In many areas, the business community disposes of greater military force than associated factions, and although these private militia and their gun-mounted "technical" vehicles may be theoretically available for factional use, the desire to protect expanding investments has made business leaders increasingly reluctant to finance adventurism. Many have instead begun to claim a growing civic role, contributing to civic action initiatives such as the Somali Leadership Foundation (FALSAN), which was launched in 2003 with private sector support to reward Somalis who have made important contributions to promoting "peace, dialogue and the principles of human rights".<sup>97</sup> Others have started to organise themselves to respond to international security concerns about the chaotic and unregulated financial services sector.

Many private sector leaders have an equal, or greater, say on war and peace than their factional counterparts. They are also the group most likely to be affected by the inevitable negotiations over "resource sharing" that will help to determine the viability of a new government. Although business leaders were invited for brief consultations during the second phase of the talks, this has lapsed. Chambers of commerce, business alliances (such as the Banadir Group in Mogadishu, which controls the busy port 'Eel Ma'an), and the Somali Business Council in Dubai should all be invited to the talks.

## 4. Islamists

A growing Islamist movement is also emerging as a significant political presence in much of the country. With the exception of extremist groups like *al-Itihaad*, Somalia's Islamists have demonstrated a far greater sense of social responsibility and -- so far -- openness to democratic principles and practice than any faction leaders deliberating the formation of a future government. *Al-Islah*, the largest and most influential of the southern Islamist organisations, provides leadership and support for several prominent professional associations and educational institutions in Mogadishu. As faction leaders gathered in January 2004, Islamic court militia, together with neighbourhood watch committees, launched a campaign to clean petty criminals off the streets of the anarchic capital. "This is a political message", a Somali observer said, "to the conference, to the leaders and to the international community -- a

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<sup>96</sup> ICG Report, *Negotiating a Blueprint for Peace in Somalia*, op. cit., p. 16.

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<sup>97</sup> FALSAN, Press Release, 17 February 2004.

message that they are here".<sup>98</sup> So far, however, Islamists have been denied opportunity to play an overt role in the peace talks.

Many governments, including Ethiopia and Kenya, are deeply uncomfortable at the thought of a Somali government with Islamist ties but a democratic political process would inevitably reward their growing support base. Involving representatives of the mainstream Islamic groups, such as *Islah*, the missionary organisation *Tabliiq*, and the traditional Sufi orders such as the *Qaadiiriyya* and *Ahmediyya*, would give them a stake in the process and recognise their potential contribution to Somalia's reconstruction and development. Conversely, attempts to deny political participation to the mainstream Islamist movement -- or to impose a pro-Ethiopian government with anti-Islamist credentials -- are likely to radicalise some elements and foster solidarity with extremists.

## **B. INTERNATIONAL LEADERSHIP AND ENFORCEMENT**

IGAD's crippling internal divisions have rendered it an inadequate forum for tackling the challenges of conflict resolution in Somalia. The region has been unable to forge a unified position. IGAD member states have generally utilised the peace process as an instrument to pursue rival national interests. They have failed to enforce the UN arms embargo, and some have wilfully violated it. Patron-client relationships with various Somali factions have at times provided cover for those leaders who indulge in "forum shopping" or would scuttle the peace process altogether.

IGAD's irresolution is one of the chief obstacles to a more robust international engagement. As long as states of the region lack determination to narrow their differences, inhibit the flow of arms, and punish those responsible for ceasefire violations or other barriers to peace, there is little incentive for others to provide the political, military or financial resources required for a peace deal to succeed.

A lasting settlement will not be achieved by diplomacy alone. Any agreement must be backed up with monitoring and enforcement measures. A renewed commitment to a ceasefire should be underpinned by

a credible verification and monitoring force. The AU, together with the Kenyan government, has already made some headway in planning for such a force and should continue to lead the monitoring effort. If early deployment to Somalia is impracticable, monitors could initially operate from Nairobi, similar to the UN arms embargo Monitoring Group.

Verification and monitoring efforts will soon lose their deterrent effect unless backed by Security Council resolutions authorising smart sanctions against those who violate the ceasefire or the arms embargo, or otherwise obstruct the peace process. Nor will resolutions alone be sufficient: they must be enforced in order to create a demonstration effect and erode Somalia's culture of impunity. If consistent with the need to prioritise its initial activity sharply, the International Criminal Court (ICC) might be encouraged to begin collecting data and creating dossiers on warlords responsible for undermining the peace process through continued military action and the commission of war crimes. Otherwise, the U.S. and EU might begin building such dossiers for the possible establishment of an international tribunal.

Other policy objectives, including counter-terrorism, must be harmonised with peace building, not permitted to undermine it. Faction leaders who cooperate in intelligence gathering and counter-terrorism operations must not be permitted to exploit privileged relationships with the U.S. or other governments to obstruct the peace process. Continuation of a failed state in Somalia ensures that U.S. interests and allies in the region remain dangerously vulnerable to terrorist attacks. Radical Islamist agendas will only be fed by the continuing instability, impunity, and lack of government in Somalia.

Peace building inside Somalia must be matched by equally determined efforts to reconcile regional actors, address their concerns, and secure their support for longer-term reconstruction. This will require sustained shuttle diplomacy between regional capitals, and the kind of behind-the-scenes bartering that has underpinned the Sudanese peace process. Washington and Brussels are evidently reluctant to take on such a pro-active role, but its ratio of payoff to cost would be far more attractive than that for an interminable wait-and-see approach.

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<sup>98</sup> ICG interview, Nairobi, February 2004.

## **VI. CONCLUSION**

The IGAD-led talks are poised for failure. Their main achievements have been stage-managed rather than substantive. Several Somali leaders have walked out and most others seem to have disowned the agreements they signed. The situation inside the country is becoming more tense and polarised, threatening renewed conflict, and regional powers are divided over the process. The broader international community remains sceptical and diverted by other crises. For IGAD to press ahead and declare a transitional government under such circumstances would amount to the kind of disingenuous quick fix that has failed Somalia so often in the past. It could conceivably trigger a new round of violence, leaving Somalis worse off than if the talks had never happened.

A number of corrective measures are required urgently if the talks are to be salvaged. The road map that the IGAD ministers are to work on in May should address the regional organisation's own internal divisions; persuading Somali leaders -- including traditional elders, representatives of civil society,

Islamic organisations and (perhaps most importantly) private sector leaders -- to attend the talks; and putting in place mechanisms to ensure genuine Somali ownership of the process. IGAD also needs to show leadership on enforcing the UN arms embargo and establishing a targeted sanctions regime.

The international community has a responsibility as well. The U.S. and EU should urgently dispatch envoys to the region to assist rival governments in harmonising their objectives and tactics in Somalia. The Security Council must give the process some leverage by creating an enforcement mechanism for the arms embargo and imposing targeted sanctions against recalcitrant faction leaders.

In other words, it is time for IGAD's leaders and their international partners to bite the Somali bullet. They must summon the collective leadership and determination to reinvigorate the peace process and address damaging differences among the neighbouring states. Such commitments are long overdue.

**Nairobi/Brussels, 4 May 2004**



## APPENDIX A

### MAP OF SOMALIA



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a 12-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates seventeen field offices (in Amman, Belgrade, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Osh, Pretoria, Pristina, Quito, Sarajevo, Skopje and Tbilisi) with analysts working in over 40 crisis-affected countries and territories across four continents. In Africa, those countries include Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, Sierra

Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Kashmir, Kazakhstan, Kyrgyzstan, Indonesia, Myanmar/Burma, Nepal, Pakistan, Tajikistan, Turkmenistan, Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia and the Andean region.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: the Australian Agency for International Development, the Austrian Federal Ministry of Foreign Affairs, the Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Dutch Ministry of Foreign Affairs, the Finnish Ministry of Foreign Affairs, the French Ministry of Foreign Affairs, the German Foreign Office, the Irish Department of Foreign Affairs, the Japanese International Cooperation Agency, the Luxembourgian Ministry of Foreign Affairs, the New Zealand Agency for International Development, the Republic of China Ministry of Foreign Affairs (Taiwan), the Royal Danish Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Swedish Ministry for Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the Turkish Ministry of Foreign Affairs, the United Kingdom Foreign and Commonwealth Office, the United Kingdom Department for International Development, the U.S. Agency for International Development.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Sigrid Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, the United States Institute of Peace and the Fundação Oriente.

**May 2004**

## APPENDIX C

### ICG REPORTS AND BRIEFING PAPERS ON AFRICA SINCE 2001

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*The Civil Concord: A Peace Initiative Wasted*, Africa Report N°31, 9 July 2001 (also available in French)

*Algeria's Economy: A Vicious Circle of Oil and Violence*, Africa Report N°36, 26 October 2001 (also available in French)

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*From Kabila to Kabila: Prospects for Peace in the Congo*, Africa Report N°27, 16 March 2001

*Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework*, Africa Report N°29, 14 May 2001 (also available in French)

*International Criminal Tribunal for Rwanda: Justice Delayed*, Africa Report N°30, 7 June 2001 (also available in French)

*Disarmament in the Congo: Investing in Conflict Prevention*, Africa Briefing, 12 June 2001

*Burundi: 100 Days to Put the Peace Process Back on Track*, Africa Report N°33, 14 August 2001 (also available in French)

*"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections*, Africa Report N°34, 9 October 2001

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*Rwanda/Uganda: A Dangerous War of Nerves*, Africa Briefing, 21 December 2001

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*Burundi: After Six Months of Transition: Continuing the War or Winning the Peace*, Africa Report N°46, 24 May 2002 (also available in French)

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*The Burundi Rebellion and the Ceasefire Negotiations*, Africa Briefing, 6 August 2002

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*The Kivus: The Forgotten Crucible of the Congo Conflict*, Africa Report N°56, 24 January 2003

*A Framework for Responsible Aid to Burundi*, Africa Report N°57, 21 February 2003

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*Congo Crisis: Military Intervention in Ituri*, Africa Report N°64, 13 June 2003

*The International Criminal Tribunal for Rwanda: Time for Pragmatism*, Africa Report N°69, 26 September 2003

*Refugees and Displaced Persons in Burundi -- Defusing the Land Time-Bomb*, Africa Report N°70, 7 October 2003 (only available in French)

*Réfugiés et Déplacés Burundais: Construire d'urgence un Consensus sur le Rapatriement et la Réinstallation*, Africa Briefing, 2 December 2003

*Northern Uganda: Understanding and Solving the Conflict*, Africa Report N°77, 14 April 2004

*HIV/AIDS as a Security Issue in Africa: Lessons from Uganda*, Issues Report N°3, 16 April 2004

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*God, Oil & Country: Changing the Logic of War in Sudan*, Africa Report N°39, 28 January 2002

*Capturing the Moment: Sudan's Peace Process in the Balance*, Africa Report N°42, 3 April 2002

*Somalia: Countering Terrorism in a Failed State*, Africa Report N°45, 23 May 2002

*Dialogue or Destruction? Organising for Peace as the War in Sudan Escalates*, Africa Report N°48, 27 June 2002

*Sudan's Best Chance for Peace: How Not to Lose It*, Africa Report N°51, 17 September 2002

*Ending Starvation as a Weapon of War in Sudan*, Africa Report N°54, 14 November 2002

*Salvaging Somalia's Chance for Peace*, Africa Briefing, 9 December 2002

*Power and Wealth Sharing: Make or Break Time in Sudan's Peace Process*, Africa Report N°55, 18 December 2002

*Sudan's Oilfields Burn Again: Brinkmanship Endangers The Peace Process*, Africa Briefing, 10 February 2003

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\* The Algeria project was transferred to the Middle East & North Africa Program in January 2002.

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*Angola's Choice: Reform Or Regress*, Africa Report N°61, 7 April 2003

*Decision Time in Zimbabwe*, Africa Briefing, 8 July 2003

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*Sierra Leone: Managing Uncertainty*, Africa Report N°35, 24 October 2001

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