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HORN OF AFRICA BULLETIN

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News and Resources

Somali refugees in state of limbo

– looking for durable solutions

Regional peace and security continues to be a challenge in the Horn of Africa as a result of conflicts in Somalia, Sudan and parts of Northern Uganda. The current and past civil wars in the region have had an adverse impact on human security in the region creating massive human displacement. The Somali displacement axis¹ is one of the most complex in the world has emerged as a result of the conflict in Somalia. This article seeks to explore the different dimensions of this displacement: the history, underlying causes of protracted displacement, the practicality of existing approaches, the Kenyan response and makes suggestions on the forward.

The Somali civil war and protracted displacement

Civil conflict broke out in Somalia 1990 with the fall of Siad Barre's regime and the disbandment of the Somali National Army. The power vacuum created led to factional conflicts between opposition groups that competed for power and influence. In the South, competition was especially fierce as militia groups² responsible for ousting Barre sought to exert power and influence in these strategic areas. These groups were led by Mohamed Farah Aidid and Ali Mahdi Mohammed who later became warring factions and belligerents to this conflict. With the exception of Somaliland and some sections of Puntland, the South Central region of Somalia has since been engulfed by brutal conflict and subsequent humanitarian emergencies with Somalia's power vacuum dominated by different players³ in the political and security space of the country.

Protracted displacement in Somalia

The Somali conflict has created the biggest displacement crisis in Africa and created a protracted refugee situation in the Horn of Africa. UNHCR defines protracted displacement as one in which refugees have sought asylum in another country and have since been displaced for five years or longer 'without immediate prospects

for implementation of durable solutions.⁴ It is in simple terms, refugees in a state of limbo. The displacement from Somalia has occurred in sequential waves.⁵ Massive external and internal displacement resulted from the collapse of the Somali state in 1991; a decade of relative stability from approximately 1996 to 2005 was then followed from 2006 by new waves of political violence and accompanying displacement.

More recently, in 2011, a major famine coupled with intense military activity/ fighting gave rise to a refugee crisis with approximately 10,000 Somali asylum seekers and refugees crossing the border into Kenya. In 2013, the displacement context is characterized by significant levels of return.

Causes and duty bearers of protracted displacement

Displaced populations from protracted situations originate from the very states whose instability lies at the heart of chronic regional insecurity. In the Horn of Africa for instance, Somali and Sudanese refugees have come from countries where conflict and persecution have persisted for years. Resolving refugee situations must be a central part of any solution to long standing regional conflicts. International law on displaced persons stipulates that refugees should not be forced to return to their original home and countries of asylum are partly responsible for the protection of concerned populations. It must nonetheless be noted that although these legal frameworks imply an obligation or duty on the part of host countries, they also recognize the sovereignty of receiving countries. Consequently, successful political cooperation is determined by carrying capacity determined by domestic legislation.

Failed political interventions in the 1990s and inability of the peace and security actors to secure the failed state has been a major underlying factor of the displacement as tens of thousands of Somalis remain in exile decades after the war. Subsequently, the humanitarian agenda had for a long time, come to dominate the policy space in Somalia and a strong instrument of foreign policy between Somalia and other countries.

Inadequate commitment and support from the international community and countries of asylum towards finding practical approaches is a systemic cause of the displacement limbo. Kenya's encampment policy has drawn significant criticism from refugee advocates who have dismissed it as harsh, and in general contravention to human rights.⁶ Such perceptions are somewhat justified through Kate Long's assertion that the vast majority of protracted displacements happen in poor developing regions where host states and communities are often under political, economic and social stress.⁷ This is the predicament of Kenya as Kenya is left to singlehandedly deal with a crushing refugee burden limited by economic and diplomatic muscle to deal with a crushing refugee burden.

Possible solutions: A review of existing approaches

According to UNHCR, more than 60% of today's refugees are trapped in long periods of exile with situations of encampment, urban and rural settlements.⁸ Most of these are indeed found in world's poorest and most unstable regions such as the Horn of Africa- at the neglect of international actors. In Kenya for instance, the biggest refugee camp is in an arid and semi-arid region that is underdeveloped which even for the local population social and public services and infrastructure are inadequate. With an addition of refugees, there is definitely pressure on the meagre resources which causes tension between the host and the refugee population.

A significant number of Somali refugees have been living in Kenya and Ethiopia for up to two decades.⁹ Encampment policies limiting refugees' freedom of movement and access to labour markets have undermined the quality of asylum offered in both countries and camps have now turned into long term solutions and that is why Dadaab stands today as the oldest refugee camp in the world.

In reality though, while refugee advocates continue to criticize Kenya's choices as restrictive, considerable commitment towards finding alternative solutions is yet to be realized. Notably, regional actors such as Kenya and Ethiopia as well as institutions such as IGAD have seemingly taking an active lead in the policy and security engagement with Somalia.

Repatriation

According to UNHCR, of all durable solutions, voluntary repatriation is the choice for the largest number of refugees.¹⁰ A recent study that was conducted to understand how displaced Somalis in Kenyan and Ethiopian camps viewed their situation revealed that refugees preferred to return to Somalia if conditions were conducive.¹¹ Voluntary repatriation in safety and dignity requires the full commitment of the country of origin to help reintegrate its own people. It also needs the continuing support of the international community through the crucial post-conflict phase to ensure that those who make the brave decision to go back home can rebuild their lives in a stable environment.¹²

Previous episodes of repatriation to Somalia and Somaliland from eastern Ethiopia and northern Kenya have shown that lasting security, basic services and humanitarian access are prerequisites for successful and durable repatriation and integration. This was underscored by respondents in the refugee camps who expressed that when there is significant progress in peace, justice, security and stability, humanitarian organizations [and other external actors] should be ready to support repatriation and reintegration.¹³

Significant political changes have been witnessed in South Central Somalia, particularly in 2012. Some argue that the presidential elections in August 2012 and Kenya's military offensive on *al-Shabaab* strongholds in Somalia has had a positive effect on the political and security situation. Kenya's position is to undertake speedy repatriation of Somali refugees to Somalia.¹⁴ This has been supported by the IGAD Summit position that called on the international community to set definite timelines for the return of refugees to Somalia.¹⁵ The endorsement by IGAD demonstrates a coordinated regional position on return as well as cooperation among recipient countries within the displacement axis.

Local integration

Local integration is one of the durable solutions for refugees that cannot return home for fear of persecution or because their countries are still at war, civil distress and when repatriation is simply not viable. For Somali refugees and asylum seekers, integration into Kenya could offer a durable solution to their plight and the opportunity of starting a new life. However, UNHCR has noted that local integration is a complex and gradual process which comprises distinct but related legal, economic, social and cultural dimensions and imposes considerable demands on both the individual and the receiving society.

Kenya's foreign policy to Somalia has been characterized by periods of antagonism and cooperation. Border disputes began from 1960's when as a result of imperial boundaries sections of the Somali-occupied Northern Frontier District (NFD) were incorporated into to Kenya.¹⁶ Somali irredentism would follow in subsequent decades when during a meeting between Kenyan and Somali leadership in 1962, officials from the Somali Republic were categorical on the self-determination of the Somali people.¹⁷ Eventually, the NFD remained part of Kenya's territory and this would mark the beginning of prickly relations between the two countries, and a physical, cultural and historical separation between ethnic Somalis in the North Eastern region of Kenya and Somalia.¹⁸

Therefore, local integration as an option for Somali refugees remains sensible only within urban areas such as Nairobi where amenities and infrastructure are cen-

tred. Over the years, the Somali population in Nairobi has burgeoned with the rise of urban settlements such as the famous *Eastleigh* area with an estimated economic contribution of \$1.5bn.¹⁹ Large numbers are now re-settled in Kenya and heavily invested in commercial interests in the country.

Some of the socio-political and economic dynamics at play within the local context include rising xenophobia amongst Kenyans who feel that Somalis have taken over the economy²⁰ and blame them for rising insecurity being experienced in urban enclaves and at national level too. Waves of grenade attacks in *Eastleigh* and other parts of the country have raised civil alarm and backlash leading to an official Government directive to repatriate all urban refugees back to refugee camps (this is now being challenged in courts). In pursuit of this directive, there have been frequent police raids in these settlements to round up illegal refugees and return them to the camps. Residents have also complained of police harassment and extortion by the local authorities threatening to charge them with being members of *al-Shabaab* terrorist elements.

Towards more integrative solutions

The protracted displacement of Somali refugees in Kenya demands a commitment that goes beyond tough government directives or emergency encampment policies typically meant to alleviate temporary displacement. Long asserts that within a framework of a serious peace-building and state-building discourse that seeks to re-install functioning governance structures, protracted displacement can be resolved.²¹ In line with this assertion, this article submits that Kenya has and should continue to influence positive ‘macro’ level changes-specifically in mediation support- to the political economy of Somalia in order to make return a real possibility.

Healthy diplomatic relations between the two countries (Kenya and Somalia) should be enhanced as has been recently exemplified Heads of the respective countries who met twice in 2013 “to agree on a number of important steps that will safeguard mutual interests during the post-conflict, peace-building and stabilization process.”²² The commitment to stabilization will hopefully provide the foundation for the protection of collective political interests needed prior to physical voluntary return of Somali refugees and asylum seekers from the region and other parts of the world.

In addition, key informants interviewed during the study in the Kenyan and Ethiopian camps stressed that humanitarian organizations could support repatriation by supporting livelihoods, as well as activities aimed at restoring peace and security.²³ While these are merely transitional steps, they will enhance the resilience of concerned populations moving from acute crisis to durable solutions.

Conclusion

The protracted displacement solution calls for a multi-stakeholder engagement towards a comprehensive solution to the complex displacement equation. All actors must come to the table beginning with a committed Somalia’s leadership, Kenya-as host to the largest number of Somali refugees and regional actors that constitute countries within the displacement axis as well as the international community.

Experience suggests that smaller and incremental population movements, coupled with assistance and monitoring of refugees can help make return and reintegration sustainable. It also highlights the importance of viewing repatriation and return as more than simply a logistical movement of people but rather an integrated part of wider development and peace building projects.

That said, new approaches must focus on the changing political context of Somalia and recognition of host country government policy and response towards refugees in the region. The priority must continue to be containing terrorist elements, securing peace and State reconstruction. Humanitarian responses should

continue but must be viewed within the wider frame of improving conditions of return of displaced Somali populations. The focus will need to shift emergency to building social, political and economic resilience in Somalia for potential returnees transitioning from conflict to sustainable peace.

Nyambura Kimani is a researcher on a broad range of human security issues including peace and security, governance, environment, refugee protection and migration. She holds a MA in International Relations. Her email is kimani.nyambura@gmail.com

- 1 The term ‘displacement axis’ describes the pattern of population movements triggered by conflict. It refers to the geographic spread of refugees and IDPs from a given area resulting from a particular conflict(s). For example, the displacement axis for the Somali conflict encompasses Somalia itself, neighboring countries Kenya, Yemen, Ethiopia), as well as certain European countries. <drawn from the Danish Refugee Council Program Handbook, p.7>
- 2 The rebellion consisted of militia groups such as Somali Salvation Democratic Front (SSDF), United Somali Congress (USC), Somali National Movement (SNM) and the Somali Patriotic Movement (SPM), together with non-violent political oppositions of the Somali Democratic Movement (SDM), the Somali Democratic Alliance (SDA) and the Somali Manifesto Group (SMG). http://en.wikipedia.org/wiki/Somali_Civil_War
- 3 These players include the UN Intervention (1992-1995), the African Union, the Ethiopian intervention, local administrations-such as the Transitional Federal Government and Islamic Courts Union, and collaborative efforts between the Kenyan and Somali military.
- 4 UNHCR preamble, 2009:a
- 5 Lindley, A. and Haslie, A, “Unlocking protracted displacement: Somali case study. RSC, Working Paper No. 79, Oxford University: 2011) (2011)
- 6 UNHCR points out that “reluctance to aid the host country [by donor governments] reinforces the perception of refugees as a burden and a security concern leading to encampment and lack of local solutions.” (For more on this see “Protracted Refugee Situations: The Search for Practical Solutions,” in *The State of the World’s Refugees-2005: Human Displacement in the New Millennium*, p.109-110)
- 7 Dr. Katy Long, “Permanent Crises-Unlocking the protracted displacement of Refugees and Internally Displaced Persons,” October 2011, Refugee Studies Center, Oxford University p.4
- 8 Ibid, p. 1
- 9 It is estimated that in Kenya, nearly half a million refugees live in Dadaab and Kakuma Camps. In Ethiopia, camps in the Somali region, near Jijiga and Dolo Ado host some two hundred thousand refugees. (UNCHR Information Portal, 13 Sept, 2012)
- 10 <http://www.unhcr.org>
- 11 Catherine-Lune Grayson, “Durable Solutions: Perspectives of Somali Refugees Living in Kenyan and Ethiopian Camps and Selected Communities of Return,” p.7 published for the Danish Refugee Council
- 12 <http://www.unhcr.org>
- 13 Grayson, Op Cit.
- 14 This was recently stated by Kenya’s President at the Lancaster House Conference on Somalia in May 2013. During the same conference, the President of Kenya acknowledged that securing peace in Somalia was vital to their return and emphasized the need for increased international support for AMISOM.
- 15 Oliver Mathenge, “Kenya backs return of Somali Refugees,” *The Nairobi Star*, May 8, 2013
- 16 At the time, Kenya was under the British Protectorate while the Somali nation was divided into France (1885), British (1887) and Italian (1889) protectorates. See David E. Kromm, “Irredentism in Africa: The Somalia-Kenya Border Dispute,” *Transactions of the Kansas Academy of Science*, Vol. 70, No.3, Autumn 1967, pp.359-365
- 17 This was the position held by officials from the Somali Republic upon Kenya’s suggestion of creating an East African Federation to forge Somali unity. This essentially meant incorporation
- 18 The vast arid and semi-arid region of North Eastern region of Kenya is home to Cushitic nomadic communities. Quite underdeveloped, the region has been ranked as one of the poorest regions with twice the relative poverty headcount of Kenya’s poorest regions < http://www.unicef.org/kenya/overview_4616.html >
- 19 http://en.wikipedia.org/wiki/Eastleigh,_Nairobi
- 20 Rasnah Warah, “Mass Exodus from Eastleigh Could Adversely Impact Kenya’s Economy <http://sahanjournal.com/somalis-eastleigh-kenya/#.Ubm7EMqigVc>
- 21 Long, “Permanent Crises-Unlocking the protracted displacement of Refugees and Internally Displaced Persons, Op. cit.p.37
- 22 Speech by President Uhuru Kenyatta at the Lancaster Conference on Somalia, May 7, 2013
- 23 Grayson, “Durable Solutions,” Op. Cit. p.10

Post-conflict reconstruction policy framework for Somalia

It has been one year since the current ‘federal’ government of the Somali republic was inaugurated in Mogadishu. And while there were major gains made on different fronts, there are also challenges facing the new Somali institutions both within and from outside Somalia. Other than areas controlled by the central government, the rest of the country is still divided into regional entities and other forms of clan fiefdoms; unfortunately the same applies to the current Somali mentality.

In the absence of a cohesive Somali political society, the term post-conflict reconstruction, in terms of the process in Somalia and Africa at large as well as the lack of contextualisation, perhaps, or the level of influence by external interests, is partly to blame. It is itself complex, there is civil war *fatigue* throughout the country and the politics of post-conflict reconstruction is biting hard. It is also partly due to the fact that “despite some 20 peacebuilding operations in Africa in the last 25 years there is still a significant lack of [a] cohesive strategy to target the key areas in the regeneration of a conflict-ridden country.”¹ And although Somalia is no exception, scholars like Neethling and Hudson call for “An Afrocentric perspective”² as “a suitable starting point for research into the possible strategies for post-conflict peacebuilding.”³ The politics of post-conflict reconstruction and the civil war *fatigue* aside, it is the ripe moment to engage post-conflict reconstruction in Somalia; a moment that calls for a paradigm shift so that the Somali government can put together a ‘post-conflict reconstruction policy framework.’

This article aims to conceptualise post-conflict reconstruction. It will discuss the necessary preconditions, the notion of post-conflict reconstruction system as well as the various phases and dimensions by providing a mixed menu of options. Finally, the article will look at the practicality of post-conflict reconstruction in today’s Somalia, the issue of funding and some of the challenges and propose a few policy recommendations. The key objective of the article, however, is to provoke the thinking of Somali policymakers on the importance of a post-conflict reconstruction policy framework.

Post-conflict reconstruction: A conceptualisation

Explaining the term ‘post-conflict reconstruction’ is itself difficult especially within the current Somalia context where there is complex emergency: from humanitarian, to socio-economic to political emergencies.

The African Union (AU) defines post-conflict reconstruction as the long term process of rebuilding the security, socio-economic and political dimensions of a society emerging from conflict by addressing the root causes of conflict.⁴ The best definition is, probably, that of the World Bank which defines post-conflict reconstruction as involving the repair and reconstruction of physical infrastructure; entailing a number of interventions aimed at rebuilding institutions which in turn help to jump-start the economy, reconstructing the framework for governance, rebuilding and maintaining key social infrastructure, and planning for financial normalization.⁵ In contrast to post-disaster reconstruction, however, post-conflict reconstruction assistance often operates amid tension between key actors within the country, which influences relations among involved international parties as well.⁶

The Bank identifies five categories of socio-political emergencies and argues that the requirements for effective post-conflict reconstruction may vary between these categories:⁷

- i) Stable states with disorderly transfers of power but with bureaucratic/governance continuity (for example Thailand between 1932 and 1992);
- ii) Peaceful dissolution into successor states (for example Malaysia and Singapore in 1964);

- iii) State failure due to predatory or ineffectual governance (for example Haiti, Liberia, Sierra Leone, Somalia, Uganda, and Zaire);
- iv) State erosion or failure due to ethnic/regional conflict (for example Afghanistan, Azerbaijan, Burma, Congo, Eritrea, Ethiopia, Georgia, Lebanon, Rwanda, Sri Lanka, the Sudan, Tajikistan, and former Yugoslavia, including Bosnia and Herzegovina); and
- v) State failure due to ideological conflict (for example Angola, Cambodia, El Salvador, and Mozambique).

Although Somalia falls under category three, due to its ineffectual governance for the past two decades or so, any post-conflict engagement, whether reconstruction or otherwise, is still going to be much more difficult. The country is grappling with a very complex post-conflict reconstruction engagement which brings, among other issues, peacebuilding and state-building processes into the same box. The two terms are inter-related. While peacebuilding requires reconciliation, mending of relations and the restoration of trust among Somalia's political actors, state-building, on the other hand, is characterised by competition, anxiety and tension between and among the same groups. It is within this context that post-conflict reconstruction in Somalia will have to be analysed.

Preconditions and the notion of post-conflict reconstruction system

There are three important preconditions for any meaningful post-conflict reconstruction to take place. Firstly, there must be an end to hostilities and, in this case, such a process must yield in the form of a ceasefire and/or a peace agreement. Secondly, there should be a negotiated government policy framework; and finally, and equally importantly, there should be a coherent and coordinated multidimensional response by all stakeholders: government, civil society, the private sector, and the wider international community; both members of the aid and diplomatic community.

Equally important is the need to understand and appreciate the notion of post-conflict reconstruction system. This is also dictated by the uniqueness as well as the universality of the challenges each and every post-conflict situation poses. And because of the complex nature of the required programming, strategic coherence as well as the careful balancing of the roles played out by different actors; especially the relationship between the internal and the external actors is of paramount importance.⁸ This is based on the fact that each and every conflict is part and parcel of a conflict system; hence the need for an integrated approach to respond to issues arising from post-conflict reconstruction. This is also why all stakeholders are important since they all play closely inter-related programmes that span the different phases and dimensions of post-conflict reconstruction.

Phases and dimensions: A mixed menu of options

Although the focus of post-conflict reconstruction is more on the stabilisation of peace processes and the prevention of a relapse into conflict in the short run, the ultimate goal is that the root causes of the conflict are attended to while at the same time laying the foundation for social justice and sustainable peace. As a result, post-conflict reconstruction has three important phases: emergency, transition, and development phase.⁹ In each of the three phases, five key dimensions must be tackled: i) security, ii) socio-economic development, iii) transitional justice and reconciliation, iv) political transition, governance and participation, and v) coordination and management.

- i) *Security*: Under this dimension, post-conflict societies aim for a number of goals: the establishment of a safe and secure environment in the emergency phase followed by the development of legitimate and stable security institutions in the transition phase and the consolidation of local capacity in the development phase.

- ii) *Socio-economic development*: This is the second most important dimension in which post-conflict societies aim at the provision of emergency humanitarian needs in the emergency phase followed by the establishment of foundations, structures and processes for development in the transition phase and the institutionalisation of long-term developmental programme at the development phase.
- iii) *Transitional justice and reconciliation*: This is the third dimension in which post-conflict societies aim at the development of mechanisms for addressing both past and ongoing grievances in the emergency phase followed by the building of the legal system and processes for social justice and sustainable peace in the transition phase and the establishment of a functional legal system at the development phase.
- iv) *Political transition, governance and participation*: In the fourth dimension, post-conflict reconstruction societies aim to determine the kind of governance structures, foundations for participation and processes for political transition. This is followed by the promotion of legitimate political institutions and participatory processes at the transition phase and the consolidation of political institutions and participatory processes at the developments phase.
- v) *Coordination and management*: Finally, and equally important, this dimension focuses on the development of a consultative and coordination mechanism in the emergency phase followed by the development of technical bodies and the facilitation of programme development at the transition phase and the development of internal sustainable processes and capacity for coordination at the development phase.

Post-conflict reconstruction: theory vs. practice

In today's Somalia, however, it is more of a mixed menu of options. Developments on the ground can be linked to all three phases since there are elements that are applicable to different parts of the country. Theoretically speaking, today's Somalia, and within the context of ongoing post-conflict reconstruction debates, would align any governmental policy framework with the development phase. With what many deem to be the first legitimate Somali government for more than two decades in office, and the huge tasks ahead of it, however, there is no one single phase it may not experience for now nor a dimension the new Somalia does not need to engage in its development of a post-conflict reconstruction policy framework.

In practical terms, however, the kind of an emergency phase the country experiences is one characterised by a large influx of external actors providing both security and humanitarian assistance: from the African Union Mission for Somalia (AMI-SOM) to aid agencies, mainly UN and NGOs, to various unilateral, bilateral, and multilateral engagements and activities – some of which may not be as positive and constructive – including the work of private military/security companies. The same applies to the transition phase which can only be practically ended with an election, run according to the provisional constitution, after which a legitimately-elected government can be in power.

Although the current government is not transitional anymore, these and many other similar challenges force the new government to go through the different phases and work on the various dimensions of post-conflict reconstruction and/or borrow relevant elements for a comprehensive post-conflict reconstruction engagement in Somalia. It is usually at the development phase that, together with civil society, post-conflict entities like the Somali government should be concerned about programmes that foster social justice and sustainable peace, boost socio-economic reconstruction, and at the same time support ongoing development programmes in the country.

The issue of funding

In terms of funding, the Somali government will first and foremost need a *Marshall Plan* like that of post-war Europe in the 1940s. The *Marshall Plan*, later on code-

named as the European Recovery Programme (ERP), was a major US-funded post-conflict reconstruction aid programme for Europe which transferred US\$12.5 billion – an average of about 1.1% of American GDP – from the United States to Western Europe between 1948 and 1951.¹⁰ Such a *Marshall Plan*, coupled with a comprehensive post-conflict reconstruction policy framework, can help with the rebuilding of the new Somalia.

A number of actors can play an important role in this: for example the Somali diaspora,¹¹ the private sector, the United Nations, as well as various bilateral actors and other friends of Somalia. With a government-led coherence and coordination, crafting the post-conflict reconstruction policy framework as well as its implementation should have no problem. And at no point should aid agencies be allowed to turn the new Somalia into an aid enclave.¹² The new government will also need to come up with a sound public financial management system which prevents the misuse of office and funds, allows a good degree of transparency and accountability and which makes relevant governmental entities fully function.

Challenges

No meaningful post-conflict reconstruction is without challenges and Somalia's attempts should be no different. Applying the concept of 'post-conflict reconstruction' is itself difficult. There is an absence of a cohesive Somali political society; leading to too much *politicking* about post-conflict reconstruction in the new Somalia. Also, there is no one single unified humanitarian code of conduct bound by all actors, Somali as well as non-Somali.

The absence of a national level policy and coordination unit and the roles played by members of the international community, both aid and diplomatic, on the other hand, led to complex programming, hampered policy framework development, and denied the new government the opportunity to set the rules of the game; putting almost everything into the hands of 'external service providers' whose agenda and policies are not as clear nor are they genuinely in line with Somali interests, priorities and aspirations.

External actors have strong interest in helping the new government craft a comprehensive post-conflict reconstruction and therefore reintegrate the new Somalia back into the international system. Although this is positive, their interests are unfortunately defined within a security framework, rather than by the required socio-economic and political engagement; basing their arguments that they want to prevent Somalia from serving as a safe haven and recruitment base for terrorist activities.¹³

The same applies to the east and Horn of Africa sub-region's reengagement with the new Somalia. At the sub-regional level, complex conflicts have worked to build suspicions between Somalia and its neighbours with allegations of state-sponsored proxy warfare across the borders. However, the current external preoccupation with security may undermine efforts to view Somalia as a viable political and economic partner, risking the securitization of post-conflict reconstruction initiatives.

Conclusion

The article attempted to conceptualise post-conflict reconstruction within the context of a highly-debated 'post-conflict' Somalia. It discussed some of the main preconditions, the phases as well as the dimensions of post-conflict reconstruction and provided a mixed menu of options for the Somali government. It advocates for a 'Somalo-centric' perspective as the most suitable point of research and practice in the new Somalia's post-conflict reconstruction engagement.

With that in mind, a number of conclusions can also be drawn: Firstly, the three phases of post-conflict reconstruction are not only important for the new Somalia but also relevant given the different realities on the ground which all need to be merged and an integrated approach developed.

Secondly, the five dimensions are also not only timely but they should also top the government's list of priorities. In this list, security is the most important priority followed by the other four dimensions: socio-economic development, transitional justice and reconciliation, political transition, governance and participation and coordination and management.

Thirdly, there is a need for a nationally-negotiated, carefully-drawn *Marshall Plan* like that of post-war Europe in the 1940s; especially if any meaningful post-conflict reconstruction is to take place in the country. This means that the ongoing discussions over the EU-led *New Deal* can be broadened and later on turned into a Marshall Plan – or Somali Recovery Programme (SRP) – for the new Somalia.

Fourthly, the difficulties of post-conflict reconstruction in a country like Somalia aside, there is a need to recognize that it is the ripe moment, it is doable, and that there is a need for a major paradigm shift; hence the need for a 'post-conflict reconstruction policy framework for Somalia' as soon as possible.

Finally, and most importantly of all, Somalia's political actors and members of the international community, including the sub-region, must give social justice and sustainable peace in Somalia a chance by working with the new Somali government and play a more constructive role in helping with the emergence of a 'post-conflict' Somalia in the near future.

Dr. Ibrahim Farah is a lecturer at the University of Nairobi's Institute of Diplomacy and International Studies (IDIS). His areas of interest include foreign policy analysis and conflict studies in Africa and the Middle East; with emphasis on Somalia and the Horn of Africa sub-region. He can be reached at e-mail: farahiq2002@yahoo.com

- 1 Theo Neethling and Heidi Hudson (Eds.), *Post-Conflict Reconstruction and Development in Africa: Concepts, Role-players, Policy and Practice*, (Tokyo: United Nations University Press, 2013).
- 2 Ibid.
- 3 Ibid.
- 4 See more in the AU's Policy on Post-Conflict reconstruction and Development (PCRD), July 2006.
- 5 See Alcira Kraemer et al, *The World Bank's Experience with Post-conflict Reconstruction*, (Washington, DC.: The World Bank, 1998).
- 6 Ibid.
- 7 See Robert Muscat, "The World Bank's Role in Conflict Prevention and Post-conflict Reconstruction," internal World Bank paper, prepared for the Task Force on Failed States, November 27, 1995.
- 8 Lessons can be drawn from other post-conflict situations like Afghanistan and Sierra Leone. See Barnett R. Rubin. 2002. *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, (New Haven: Yale University Press); See also Kieran Mitton, "Engaging Disengagement: The Political Integration of Sierra Leone's Revolutionary United Front," *Conflict, Security & Development* 8, no. 2 (2008).
- 9 See more in the Association of the U.S. Army and Center for Strategic and International Studies, *Post-conflict Reconstruction: Task Framework*, (Washington, DC. 2002).
- 10 The idea of the *Marshall Plan* was first put forward by US Secretary of State George C. Marshall in a commencement speech at Harvard University on 5 June 1947. Secretary Marshall was later on awarded the Nobel Peace Prize in 1953 for his role as the architect of – and advocate for – the Marshall Plan. See E. Sorel and P. C. Padoan (eds.), *The Marshall Plan: Lessons Learnt for the 21st Century* (Paris: OECD), pp.13-28.
- 11 The Somali Diaspora can positively and immensely contribute to the reconstruction and development of the new Somalia as it sends some USD1.3 billion back to Somalia as remittances. See Manuel Orozco and Julia Yansura, "Keeping the Lifeline Open," *Oxfam America*, 2013.
- 12 For a critique of aid coordination and management, see Strand, A., *Who's helping Who? NGO Coordination of Humanitarian Assistance*. Doctoral Dissertation, Department of Politics. University of York, New York, 2003.
- 13 See for example Laura Smith-Spark, "International talks eye peaceful future for Somalia," *CNN*, 2013.

Locating the space, role and relevance of District Peace Committees in the wake of the establishment of County Policing Authorities in Kenya

For a long time, Kenya has faced a myriad of conflicts ranging from livestock raiding in pastoralists and agro-pastoralists zones to land clashes in high potential agricultural areas not to forget various forms of crimes. A number of initiatives have been taken towards preventing, managing or transforming these conflicts with varying degrees of successes and failures. The evolution of the model District Peace Committee (DPC) in addressing conflicts is perhaps one of the main successes of the peace building processes in Kenya.

What initially started as an informal structure composed of elders (representation of traditional governance institutions), civil society, religious leaders and government officials in pastoralists Wajir County has since been replicated in the whole country. It is a local community owned peace building process that recognizes and appreciates the role of the community, indigenous knowledge and expertise in conflict management and peace building.

Noting the importance of such low cost and socially acceptable model of conflict resolution, peace stakeholders under the umbrella of National Steering Committee on Peace Building and Conflict Management (NSC) – a committee comprising representatives of state and non-state actors - started a campaign of institutionalizing the DPC model in as early as year 2000. This involved drafting and lobbying for the formulation and enactment of a National Policy on Peace Building and Conflict Management, which is currently being reviewed by the Office of the Attorney General after it was approved by a cabinet subcommittee on security in 2012. Some aspects of the draft policy have already been implemented by the government, among them the recognition and appreciation of DPCs as bona fide structures for resolving conflicts in the country.

However, as the NSC fraternity was pressing the gas pedal to fast track the formulation and enactment of the peace policy, the government, through the National Police Service Act of 2011 (Section 41), has directed the establishment of the County Policing Authority (CPA) in each of the 47 Counties in the country. Closer scrutiny of the functions of the CPA infers that it is very similar to these of the proposed County Peace Forum (CPF) within the draft National Peace Policy.

In addition, the proposed Community Policing Committees (CPCs) in the Police Act 2011 will perform more or less the same functions the DPCs. This necessitates a discussion on the future place, role and relevance of CPF and DPCs in Kenya.

Post mortem of post-election violence

Before we delve into the merits or demerits of the CPF and DPCs, it is important to briefly revisit the circumstances that may have emboldened the establishment of the CPAs.

The post mortem of the post-election violence of 2007/08 in Kenya came up with a number of observation and recommendations. The Commission of Investigation into Post Election Violence that was chaired by retired Judge Philip Waki found out that among other things; historical grievances particular around land ownership, unequal distribution of the national cake (resources and opportunities) and weak national institutions that were prone to manipulation including the Police were responsible for the mayhem. The Independent Review Commission on all aspects of the election, popularly known as Kriegler report, also found out that the Police were overwhelmed or ill prepared to deal with the electoral violence.

As a way forward, both the Waki and Kriegler reports made a number of recommendations to address some of the issues that precipitated the post-election violence. Some of these recommendations include establishing institutions to promote national cohesion, reform the criminal justice system and enactment of a new constitution.

In particular, the promulgation of a new constitution in 2010 led to enactment of

new legislations including the National Police Service Act of 2011. During the same period, the government, through Office of the President, spearheaded formation/strengthening of DPCs across the country.

Although these initiatives were geared towards making Kenya a peaceful and prosperous country, a closer scrutiny of some provisions of Police Act and the draft National Policy on Peace Building and Conflict Management reveals a possibility of clash or duplication of roles (real or perceived) especially at the County level of governance. The particular sections being referred to under the Police Act 2011 includes part VI – County Policing Authorities and part XI – Community Policing Forums and Committees.

County Policing Authorities

Section 41 of the National Police Service Act provides for the establishment of County Policing Authority in each County. This authority would comprise of among others the Governor or his/her representative from the County Executive Committee who shall be the chair, heads of National Police Service, National Intelligence Service and Criminal Investigation Department at the County, two elected members of the County Assembly, Chairperson of County Security Committee, at least six other people appointed by the Governor from among others business sector, civil society, peoples with special needs, religious leaders, women and youth.

The names of the members of the authority should be vetted by County Security Committee and forwarded to County Assembly for approval.

From the foregoing, it can be concluded that the composition, recruitment, vetting and formal approval of the members of the CPA gives the authority some sense of unrivalled legitimacy in comparison to members of CPFs that are yet to be established in most of the Counties in the country. The fact that these authorities are grounded in legislation is a further plus unlike the Peace Forums that are grounded on yet to be fully adopted National Peace Building and Conflict Management Policy.

From the face value of it, the CPA can be said to be a fair representation of all the peace and security stakeholders in a county. Its membership consist of those who have been given authority by the County residents, through election and appointment, to address challenges, including insecurity, that may prevent a county from realizing its full potential.

Currently, there is unfounded misunderstanding between the roles of the Governor and County Commissioner and it is feared that this may further erode the legitimacy of CPFs that are associated with County Commissioners (patrons). With the Policing Authority under the leadership of the Governor and the Peace Forum largely associated with County Commissioners, the Governor may ignore the role and relevance of the Peace Forums and concentrate on strengthening the CPA.

A further review of the objects and roles of CPAs may shed more light on the anticipated clash or replication of roles. Among other things, the Authority at the County level is mandated to monitor trends and patterns of crime in the county; promote community policing initiatives; provide a platform through which the public participates on security aspects and facilitate public participation on county policing policy amongst other functions.

Albeit these functions may be related to the work of the Police at the County level; most of these functions could be a replica of what peace committees and more specifically the CPF are currently undertaking.

One may argue that the CPA has a specific policing mandate compared to the Peace Committees but a look at part XI – Community Policing Forums and Committees – tend to suggest otherwise.

Community Policing Forums

Section 96 of the Police Act provides for the establishment and objects of the Community Policing Forums or Committees. Among other things the CPCs will establish and maintain partnership between the community and the Service (Police) and promote

problem identification and problem solving both by the Service and the community. Again, these are the very roles being played by peace committees in the country.

Section 98 talks about the establishment of community policing committees where it states that a Police Officer in charge of an area shall, in consultation with stakeholders, be responsible for and facilitate the establishment of area community policing committees and other administrative structures.

This means that Police Officers at the Sub-County, Ward and Location levels will have to establish their CPCs with membership drawn from key actors in his/her area of Police jurisdiction. They are not obligated to incorporate the already existing structures thus the existing peace committees may be left out in the new structure. However, such a structure, depending on the wisdom of the said Police Officer, could be very representative of the community thus being very legitimate, just as peace committees in some areas.

Possible clash/duplication of roles

Based on the foregoing, it is anticipated that there might be a clash or duplication of roles and functions by both the CPA (including Community Policing Forums) and CPFs (including County Peace Secretariat and Peace Committees at the Sub County, Ward and Location levels) in a number of ways:

- *Membership*: At all levels, membership may overlap. Being the same key peace actors in the various levels of governance in the county, members of peace committees may be the same members of community policing committees.
- *Roles and Functions*: By all accounts the roles assigned to CPA (including Community Policing Committees/Forums) and CPF (including Peace Committees at the various levels of administration) may be the same – improving security and peaceful coexistence. Such overlap of roles and membership may complicate peace building processes in the community.
- *Legitimacy/allegiance turfs*: Conflicts over which (structure) is legitimate/legal and or is powerful than the other may arise. This may be the case if the persistent unnecessary wrangles between Governors and County Commissioners persist.
- *Scarcity of resources*: Perhaps there will be insufficient resources to adequately support the two (parallel) structures and especially when roles and membership overlaps or duplicates.

Conclusion and recommendations

From the foregoing, it is obvious that the peace building architecture in the county is facing a confusing future with the imminent establishment of CPAs and CPFs. In addition, the establishment of CPCs in areas with Peace Committees as championed by NSC will add confusion to this unchartered peace building future.

Peace stakeholders should try as much as possible to analyze and address the situation for the sake of coordinated and harmonized peace architecture and processes in the Country.

Based on this likely scenario, this paper proposes that:

- There is a critical need to revisit the draft National Policy on Peace Building and Conflict Management with the intention of refining it further so as to make the structures proposed in the draft policy conform to the structures provided for in the National Police Service. The draft policy states that the various peace structures proposed will liaise and work closely with CPAs but there is a need to further clarify the same, either in the policy document or subsidiary implementation plan in order to cue the anticipated duplication of efforts.
- At minimum, the proposed structures under the draft peace policy particularly the CPF and or Secretariat should seek to strengthen the CPA.
- On the other hand and instead of re-inventing the wheel, the National Police Service should adopt the District, Divisional and Local Peace Committees as Community Policing Committees at the said administrative levels of governance.

Ruto Pkalya is the Project Manager for the Armed Violence and Small Arms Reduction Project, UNDP Kenya, and attached to National Drought Management Authority. He holds MA (Media Conflict and Peace Studies) from University for Peace, San Jose, Costa Rica and BA (Government and Public Administration) from Moi University, Kenya. He can be reached at dpkalya@gmail.com

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NEWS

Somalia: Relative calm in Kismayu

Normalcy is slowly visible in Kismayu characterised by social and economic activities. However, the security situation remains uncertain as armed groups have been involved in violent conflict over the control of the Somali Port and threaten to undermine sustainable peace. The creation of Jubaland which included Gedo, Lower and Middle Juba accommodating various clans remains a challenge in the Somalia confederation. The region also has implication for the regional security and its stability is crucial for relations between internal and external actors.

Source: The East African, August 24 – 30, 2013

Conflict Early Warning and Early Response Mechanism

South Sudan and Somalia are now among IGAD member states that are beneficiaries of the Rapid Response Fund (RRF), a regional basket fund operated under the auspices of IGAD's Conflict Early Warning and Response Mechanism (CEWARN) for early action against violent conflicts. The Rapid Response Fund (RRF) was set up in 2009 to support locally-driven and timely response projects to contain the spread and escalation of violent conflicts along IGAD Member states' borders. While the fund's initial focus since establishment has been on mitigation cross-border pastoral and related conflicts, its use is set to expand to averting multiple security challenges experienced by member states.

Source: IGAD Conflict Early Warning and Early Response Mechanism

Conflict in North Eastern Kenya

Physical violence is on the increase in the North Eastern parts of Kenya which include Isiolo, Moyale, Wajir and Mandera. Over 100 people have been killed in sporadic violence since last year during violent conflict between different social groups in the region. The rising tension is linked to secessionist operating from outside the country and making use of information communication technology to advance their

agenda. The groups are similar to the Mombasa Republican Council with an organization and leadership structure that drives the agenda.

Source: Daily Nation, August 26, 2013

Efforts to end Kenya- Uganda conflict over Migigo

The Kenya and Uganda police are working together in efforts to end dispute over Migigo Island. The police from the two counties were engaged in a superiority contest that deprived housing privileges thus undermined the security operations aimed at preventing violence escalation. The authority dispute was resolved by the top leadership from Kenya and Uganda who visited the conflict area in a mission to restore relations between the security personnel manning the area.

Source: Daily Nation, August 26, 2013

RESOURCES

Conflict creating unprecedented threats to children's lives

This report of the Secretary General on Children and Armed Conflict issued by the Special Representative of the Secretary-General for Children and Armed Conflict highlights the impact of conflict on children. Specifically, the report highlights the plight of children living in armed conflict who face unprecedented threats such as recruitment as child soldiers, sexual violence, deaths and injury, attack on infrastructure to name a few.

The report highlights incidents in several countries in which schools and education personnel have been attacked or schools used as military barracks, weapons storage facilities, command centres, detention and interrogation sites, and firing and observation positions. These actions put children's lives at risk, hampers their right to an education and results in reduced enrolment and high drop-out rates, especially among girls.

UNICEF uses the opportunity of the publication of the Report to reiterate that all parties to armed conflict must do everything to ensure the safety of children and the protection of their rights.

The full report is available here: <http://childrenandarmedconflict.un.org/>

Ethiopia: Prospects for peace in Ogaden

The stalled talks between the Ethiopia Government and Ogaden National Liberation Front (ONLF) rebels may be restarted. The stalemate was because ONLF refused to recognize Ethiopia's constitution that abruptly ended the negotiations. However, report Ethiopia: Prospects for Peace in Ogaden indicates that the talks are likely to resume under the stewardship of neighbouring countries and other international actors. The timing seems right for both parties to continue with the dialogue as the stakes are high. For ONLF, the counter insurgency campaign has depleted its resource reserve and for the Ethiopian government, economic prosperity particularly a channel to exploit the resources requires stability in the region. A key player in the talks is Kenya that is concerned about security issues involving Ethiopia especially over Somalia as well as mutual economic interest.

The full report can be accessed from:

<http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/207-ethiopia-prospects-for-peace-in-ogaden.pdf>

Opportunities for gender justice and reconciliation in South Sudan

Africa's youngest nation has embarked on the journey of becoming a democratic state within the global political arena. One of the most pressing questions is what

South Sudan's government, as well as the international community, can and should do in order to promote gender justice and ensure that men and women enjoy the same quality of life and the same rights before the law and in their everyday existence. Constructively and proactively addressing these crucial issues within the early stages of the post-conflict reconciliation and social cohesion agenda could contribute to setting an important precedent through the building of a just socioeconomic and political foundation upon which South Sudan's democracy could flourish.

This Policy Brief explores the nexus of gender justice and reconciliation in South Sudan. It addresses women's historical engagement in reconciliation processes in South Sudan at the grassroots and national levels and highlights their achievements to date. It then discusses the challenges to inclusion South Sudanese women face, as well as current opportunities to achieve true reconciliation by actualising gender justice and equality – particularly through effective integration of women into the peace and reconciliation process. The Policy Brief concludes with a set of recommendations to civil society, community leaders, and the government.

To access the full report: <http://www.ijr.org.za/publications/pb12.php>

Ecumenical accompaniment of electoral processes

Fellowship of Christian Councils and Churches in the Great Lakes and Horn of Africa (FECCLAHA) facilitated a regional consultation to review the ecumenical accompaniment of electoral processes from 15th - 18th May, 2013 in Addis Ababa, Ethiopia. The regional consultation involved sharing of experiences, best practices, and lessons learnt in the accompaniment of electoral processes. In attendance were 16 participants who were drawn from eight FECCLAHA member national councils of churches and churches and the Democracy and Electoral Assistance Unit (DEAU) of Political Affairs Department of the African Union Commission.

Find the report at <http://www.fecclaha.org/>

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Editorial information

The media review Horn of Africa Bulletin (HAB) was published by the Life & Peace Institute between 1989 and 2006. The re-formatting of HAB as an e-bulletin 2007 was done in close collaboration with the Nairobi-based All Africa Conference of Churches (AACC) and the Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa (FECCLAHA).

The electronic base of HAB is LPI and the editor is Shamsia Ramadhan, shamsia.ramadhan@life-peace.org.

For subscription matters contact: Tore Samuelsson, tore.samuelsson@life-peace.org

For a link to HAB and more information see www.life-peace.org

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Editorial principles

The Horn of Africa Bulletin (HAB) is an international newsletter, compiling analyses, news and resources primarily in the Horn of Africa region. The material published in HAB represents a variety of sources and does not necessarily represent the views of the Life & Peace Institute (LPI) or the cooperating partners, the All Africa Conference of Churches (AACC) and the Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa (FECCLAHA). Writers and sources are normally referred to, although in exceptional cases, the editors of the HAB may choose not to reveal the real identity of a writer or publish the source.

