

# **Rejecting African Solutions to African Problems: The African Union and the Islamic Courts Union**

## **Abstract**

The subservience of the AU to its influential partners compels it to protect their interests, even when these interests are detrimental to the objectives of the AU. This has been the case in Somalia where Ethiopia and the United States have waged a proxy war through the AU. Considering the current peace operations stalemate, this paper asks if the AU ignored viable indigenous options for peace in Somalia? Using process tracing as the method of analysis, this paper argues that ignored local administrative processes that have stabilised the north, are the best bet for stability in south-central Somalia.

**Key Words:** African Union, Somalia, Islamic Courts Union, al-Shabaab, Conflict, Stability, Local Administration, International Donors, Peace Operation.

## **Introduction**

The major objective of the African Union (AU) is the protection and provision of the good life for people on the continent. This objective has been tested since the start of the 21<sup>st</sup> century through catastrophic human and natural disasters. While it is arguable that the AU has done too little in the areas of disaster management, contribution of relief materials, economic integration and welfare of the average African, the organisation has been lauded as a reliable partner to external and internal actors in conflict management. However, when the interests of these partners collide with the objectives of the AU, top of which is securing the good life for people on the continent, the AU has been accused of towing the line of its partners. Whose interest does the organisation really protect, its influential members and benefactors or its values of the good life for all?

In view of the inconsistent performance of the AU, authors differ on its relevance to the average African. Paul Williams, Lisk Franklyn, Malte Brosig and Jude Cocodia argue for the effectiveness of the AU amid the huge challenges it has to face.<sup>1</sup> Contrarily, authors such as Abdi Ismail Samatar and John Mbaku hold moderate sceptic views that advocate a change in reorientation and strategy, while others such as George Ayittey are extreme sceptics who argue for the disbandment of the organisation all together.<sup>2</sup> Much of the positive arguments for the AU are hinged on its strides in security issues. Those who argue against the AU ignore

this area and look to its failings in other spheres such as economics, integration and welfare. Using the AU intervention in Somalia, this paper avers that even in matters of security, the organisation has sometimes made matters worse.

Considering the stalemate of the AU's peace operation in Somalia, and the history of its involvement in the conflict, this paper contends that the AU should have avoided being brought into the conflict the way it was. A more apt approach should have been to observe the more stable northern regions of Somaliland and Puntland occasioned by indigenous modes of governance, and use this as a basis to encourage the indigenous processes of the Islamic Courts Union (ICU) that had begun stabilising the south-central regions. This approach would have helped the AU build on the gains of the ICU without the conflict and bloodshed that still runs fifteen years later. The argument here that what works in the north will work in the south-central areas is premised on the knowledge that certain identity builders generally run through Somalis. Some scholars contend that Islam (Suffism) and traditional beliefs were once strong adhesives in Somali societies.<sup>3</sup> While these norms were employed in governance in the north, they could have also been utilised by the AU through support for the ICU under whose brief six month reign south-central Somalia was reputed to have experienced stability.<sup>4</sup> Consequently, this research examines how these belief systems were manipulated in the north to achieve stability, what ought to have been done by the AU as intervener, and steps that can be employed to bring stability to south-central Somalia.

Process tracing is adopted as the appropriate tool of analysis as this paper examines the role of Ethiopia and the AU in the series of events that gave rise to al-Shabaab. Process tracing as a method of inquiry describes political and social phenomena and is a fundamental tool of qualitative analysis which analyses patterns of change and causation.<sup>5</sup> It is employed to draw causal inferences from historical cases.<sup>6</sup> Process tracing is apt for this study as it links the protracted conflict in Somalia to the inability of the AU to act independently and utilise local initiatives. The subservience of the AU to its influential partners compels it to act in accordance with their interests, even when these interests are detrimental to the AU's overall objective. While al-Shabaab has been blamed for the violence in south-central Somalia, the actors responsible for the exacerbation and prolongation of the crisis have gone concealed and are instead scripted as heroes in the global media.<sup>7</sup> This paper addresses this misrepresentation and brings to the fore the discourse that has been largely ignored.

The provision of security is the major objective of the AU and no peace operation exemplifies this as much as the mission in Somalia where the AU has been involved the longest. The operation in Somalia is also the largest peace operation run by the AU and is the most notable given its complexity and the resources ploughed into it. Noting that the gains made by AU can be ascribed to the support of its donors, the conflict in Somalia presents the ideal case study for assessing where the allegiance of the AU lies and how this affects the lives of Africans. Considering too that approximately 1800 peacekeepers attached to African Union Mission in Somalia (AMISOM) have died,<sup>8</sup> it becomes pertinent to wonder if there was a more viable alternative.

### **The Somalia discourse**

Much of the literature on the peace operation in Somalia convey the dominant narrative that the AU and its partners are making huge sacrifices to rescue Somalia.<sup>9</sup> A thorough interrogation of the AU's involvement in Somalia reveals that the organisation has been compelled by major players in its affairs to act to their advantage. This led to the prominence of al-Shabaab, and the culmination of a war of attrition that has no end in sight. A more pragmatic and result oriented approach to the Somalia issue would have been to dialogue with the ICU that controlled much of central and southern Somalia, and provide a road map for international assistance and legitimisation. This approach would have prevented the formation of al-Shabaab and the war of attrition with AMISOM. A brief history of events surrounding the conflict explains this.

*A Brief History:* Somalia inherited an irredentist legacy from colonial times with its peoples split into Ethiopia, Kenya and Djibouti. Compounding matters too was its multiple colonial experience since its Northwest region was colonised by France, the north-central by Britain, the south by Italy, and Ethiopia on the inland region.<sup>10</sup> With colonialism's imposed partition, the Somali state was born to be irredentist - the ambition of unifying all the Somali nation into one nation state.<sup>11</sup> This has been a key factor in the conflicts between Somalia and its neighbours having fought three wars with Ethiopia and two with Kenya.<sup>12</sup> These states perceived Somalia as a security threat and signed a defence pact in 1964, 1980 and 1987 that would see the coordination of their armed forces in the event of an attack by Somalia.<sup>13</sup> However, Somalia's last war with Ethiopia was quite devastating as it led to the end of Siad Barre's 21 year regime and created a huge gulf in governance. By the time Barre was removed from power on January 26, 1991, most of the country's institutions, law and order

were destroyed and Somalia became a deeply fragmented society.<sup>14</sup> Anarchy spread in the country with many clan factions still armed from Barre's legacy, which resulted in wider inter-clan fighting and provided the catalyst for Somalia's descent towards state failure.<sup>15</sup>

After Barre's fall in 1991, there were at least 15 attempts to form a government, most of which were contrived by foreign powers and functioned from outside Somalia. Of note is the the Transitional National Government (TNG) whose formation in 2000 was spearheaded by Djibouti and the Inter-governmental Authority for Development (IGAD), but which was opposed by Ethiopia. In 2004, IGAD negotiations led to the establishment of the Transitional Federal Government (TFG) led by Abdullahi Yusuf. The TFG had Ethiopia's approval on the basis that under Yusuf, Somalia will rest its claim to the Ogaden region.<sup>16</sup> While Ethiopia's actions were in defence of its national interest, it should be understood that based on the tumultuous history between both states, Ethiopia considered a weak Somali state dependent on Ethiopian support as a lesser threat than a strong one.<sup>17</sup> This propelled Ethiopia to undertake the forceful instalment of the TFG. However, due to the caustic relationship between Ethiopia and Somalia, the TFG was deeply unpopular and increasingly isolated nationally, notwithstanding its support from the west, especially the United States (US).<sup>18</sup>

While the TFG was being formed, the ICU was growing in legitimacy and popularity. As Robrecht Deforche, attests, 'considering the failure of secular nationalism, the ICU umbrella successfully united the Somali people under the values of their shared religion.'<sup>19</sup> The ICU had its roots in the Sharia courts which were communal centres of reconciliation and conflict resolution and whose establishment was in 1994. As noted by Ahmed Ibrahim, 'the Sharia courts succeeded where others failed because they simultaneously built on known cultural and religious norms, authorities and practices while at the same time pragmatically responding to the demands of the moment.'<sup>20</sup> Ibrahim argues:

The reconciliation efforts of the Sharia courts worked because their reconciliation processes and mechanisms emerged from and built on known local cultural and religious norms, authorities and practices. The Sharia institutions, authorities and discourses that led to the formation of the Sharia courts were indistinguishable from local cultural norms and practices.<sup>21</sup>

In 2000, the various independent Islamic Courts of South Mogadishu formed a joint Islamic Courts Council. The joined up courts also combined their respective court militias to create the first significant non-warlord controlled military force.<sup>22</sup> These court militias (youth wing) were the enforcement arm of the ICU.

Ethiopia's 2006 campaign was the last in a long series of military incursions aimed at degrading Islamist structures in Somalia. These incursions attempted to neutralise among other groups, the coalition of local sharia courts - the ICU. Uncomfortable with the ascendancy of the ICU which was at the expense of the TFG, the TFG president Yusuf made the claim that the ICU had links to international terrorists and was receiving support from foreign forces.<sup>23</sup> This last ditch attempt was to give the crisis a radically religious connotation that paid off as it drew the attention of the US. So, backed by the US as part of its war on terror, Ethiopia and the TFG pushed the ICU, that by now had been labelled a radical Islamic sect, out of Mogadishu.

It was convenient to tag the ICU a radical Islamic group to justify the intervention, for as noted by Dillon Smith, when local groups are on a collision course with the interest of external actors and national governments, a simplistic religiously-charged terrorist or jihadist narrative is constructed to delegitimise the ethno-nationalist/nationalist agenda of these groups in order to justify the self-serving intervention of these external actors.<sup>24</sup> Cedric Barnes and Harun Hassan observe that, 'in an uncomfortably familiar pattern, genuine multilateral concern to support the reconstruction and rehabilitation of Somalia has been hijacked by unilateral actions of other international actors especially Ethiopia and the US following their own foreign policy agendas.'<sup>25</sup> Considering the gains made by the ICU in achieving stability in much of south-central Somalia, it is apparent that US and Ethiopian interests mattered more over the life of Somalis.

With the ICU removed from power, the court militia (youth wing) broke away to form al-Shabaab.<sup>26</sup> This was when the group radicalised into al-Shabaab and has been battling the TFG ever since 'claiming it is illegitimate and a puppet of Ethiopia.'<sup>27</sup> Even authors that are sceptical of al-Shabaab acknowledge their contribution to justice and stability. Jutta Bakonyi (2018) who argues that al-Shabaab eventually lost legitimacy due to its arbitrary rule acknowledges that al-Shabaab won wide acceptance among Somalis for their administration of justice across the spectrum. Justice was served to Somalis irrespective of clan affiliations, minority status or vulnerability in society. Bakonyi (2018: 56) notes that:

In contrast to the clan militias, al-Shabaab was initially perceived as orderly. They behaved like normal forces, patrolled the town, were disciplined and neither did they bother the locals nor interact with them. In short, the initial popularity of al-Shabaab was closely related to the ability of the Islamist organisation to end violence, to provide clear rules and to establish order. They also implemented

their rules in a manner that was perceived as reasonably fair and that followed the maxims of the Sharia.<sup>28</sup>

*The AU involvement:* Not originally considered a major force, but with its growing acceptance and influence among the people, the ICU started making military advancements in the spring of 2006. By June 2006, they had gained control of Mogadishu and its environs, and by autumn of the same year, they had gained control of most of south-central Somalia territory. At the request of the TFG, Ethiopia intervened in December 2006 backed by the US who saw ousting the ICU as part of its war on terror.<sup>29</sup> Having ousted the ICU, Ethiopia was well aware that its presence had incited renewed insurgency, and so was eager to withdraw before the situation got out of control, but stayed due to the request of the TFG that dreaded the resurgence of the ICU. Ethiopia however planned to withdraw as soon as a multinational peace support operation (PSO) could be established to relieve it. In January 2007, the AU deployed AMISOM with the intent that the peace operation would be taken over by the UN within six months.<sup>30</sup> Due to the instability perpetuated by this action, 14 years into AMISOM and the UN is still unwilling to deploy a UN peace operation.

Certain controversies dogged the AU's intervention in Somalia from the start and these include: Its support for a government that lacked local support and legitimacy largely because it was propped up by external actors of which the AU was one; the contradiction of being partisan in a peace operation; Ethiopia and Kenya whose grand strategy has been for a weak Somalia were key actors in drafting the agreement with the AU to deploy AMISOM; Kofi Anan, the UN Secretary General at the time was against the deployment of AMISOM knowing that the TFG had been contrived by an Ethiopia that enjoys significant influence in AU affairs, and so the AU was drafted to protect Ethiopia's interest at the expense of a truly stable Somalia.<sup>31</sup>

Ethiopia's foreign policy has focused on countering direct external threats to it, and part of its strategy includes using its status as host state of the AU to influence the organisation's decisions. This mission is stated explicitly in its Foreign Affairs and National Security Policy and Strategy (FANSPS) which reads:

As a founding member of the OAU, Ethiopia has struggled faithfully and prominently struggled for the realization of the objectives of the OAU. ... In connection with this, Ethiopia has been receiving wide political and diplomatic support from the AU .... In short, it can be said that there is hardly any political and diplomatic support that our country asked for and did not get .... That

Ethiopia is the seat of the AU is a reflection of this fact .... In this regard, we can count on the support of the AU.... The AU can play an important role in supporting our efforts.<sup>32</sup>

In analysing Ethiopia's FANSPS, Mehari Maru and Abel Demissie note that 'Ethiopia's diplomatic endeavours in relation to the AU ... intends only to avert threats and opposition to its policies against sources of potential threats, such as Eritrea and Somalia.'<sup>33</sup> In explaining Ethiopia's influence on the AU, which in part is due to being the host state, they contend that, 'the United States is to the UN what Ethiopia is to the AU.'<sup>34</sup> Ethiopia has played a crucial role in security on the continent which is the AU's most prominent undertaking and where it has recorded some successes. Ethiopia has participated in peace operations in Rwanda, Burundi, Liberia, Darfur and South Sudan and has over 12 000 troops in various UN and AU missions. In addition to these, Ethiopia was a member of the AU Peace and Security Council (AUPSC) upon the formation of the AU in 2002.<sup>35</sup> In view of Ethiopia's influence and contributions, the AU taking up the responsibility of Somalia was like paying back a favour especially with Ethiopia's request having the backing of the US. The only other justification for this provocative intervention was to stem the growth of an Islamist regime that had taken root in Mogadishu.<sup>36</sup> These reasons fail to justify the complicity of the AU in usurping the will of a sovereign people.

*The problem of the AU's western oriented approach:* The deployment of AMISOM to Somalia came after Ethiopia, with apparent US backing, installed the TFG in Mogadishu in early 2007 with the intention of hoisting democracy irrespective of the gains of the ICU's Islamist regime. The dominant western narrative promotes democracy as a prerequisite for peace and so presents it as essential in post-conflict rebuilding. The Western approach to post conflict rebuilding emphasises the institutionalisation of democracy as a major factor for stability. Unfortunately, the outcome of this strategy in low income countries affirms the scepticism that has greeted it. Less than a decade after the AU's peace operation success in Burundi and the implementation of democracy, the country is on the brink of another civil war.

Beyond Africa, places such as Afghanistan, Bosnia, Cambodia, East Timor and Iraq are vivid reminders of the enormous problems in forcing democracy immediately after conflict. Drawing from such examples, scholars argue that poor countries emerging from conflict,

especially protracted ones are better served by strong dictators to see them through periods of fragility to periods of stability.<sup>37</sup> Jochen Hippler contends that ‘if a state’s structure has been hollowed out, weakened, fragmented ... it does not provide a promising starting point for democratisation.... Without the necessary preconditions for democratization in post-conflict societies, external attempts will be of little success.’<sup>38</sup> With the evidence of these events, the AU still accepts the democratic option at the end of its peace operations, because it is demanded by its benefactors.

Compared to the period of order and security under the ICU’s regime, from 2007 till date the TFG (now Somali Federal Government (SFG)) and the democratic process have failed to address the same issues that led to state failure in the 80’s. Writing in 2007, Ken Menkhaus referred to the process of democracy in Somalia as flawed.<sup>39</sup> Mohammed Gaas and Lars Sealand, noted in 2010 that the TFG had failed to bring about any significant change.<sup>40</sup> In 2011, an International Crisis Group (ICG) report noted that the TFG had squandered the international goodwill and support it received and achieved little of significance. It had shown gross ineptitude and a penchant for corruption. The report recommended that if this were to continue, the international community should concentrate its efforts on the more effective local entities until a national government can be negotiated.<sup>41</sup> Transparency International’s corruption index report has consistently ranked Somalia as the most corrupt country in the world since 2006. The organisation’s 2017 report states that ‘despite a comparatively peaceful transition of power to a newly elected president in early 2017, the country’s institutions continue to be extremely dysfunctional.... Informal practices and clan religious affiliations exercise enormous sway over the country’s political landscape.’<sup>42</sup> Apparently, propping up the TFG and democracy to stabilise Somalia was a flawed strategy.

From the AU’s inception in 2002 to Ethiopia’s invasion of Somalia in 2006, the AU stayed quite inactive in Somalia’s affairs. Efforts at resolving the crisis diplomatically were championed by states or Regional Economic Communities (RECs). AU involvement came at the insistence of Ethiopia and the US in 2007 for the organisation to take over the role of ‘regime changer’ from Ethiopia. The AU’s involvement was an attempt to legitimise the Ethiopian invasion and the TFG. The dominant narrative of the AU’s peace operation has masked the intervention for what it truly was. AMISOM was more a tool for regime change than it was a peace operation.<sup>43</sup>



*The AU in Somalia: What is and what should have been:* Objectively, it is difficult to subscribe to the narrative that the action which the AU was compelled to take has made Somalia safer. There was insufficient justification for the change of regime considering the stability the ICU had brought to the region. By assisting in the removal of the ICU rather than support its stabilisation efforts, the AU showed its lack of faith in indigenous solutions to Africa's problems. In view of conflict literature findings that interventions focused on regime change often lead to protracted wars, it is not surprising that 14 years on and the conflict in Somalia is far from over. Human Rights Watch (HRW) states that in October 2017:

Hundreds of civilians were killed in indiscriminate attacks by al-Shabaab.... Military operations against al-Shabaab by AMISOM troops, and other foreign forces resulted in deaths, injuries and displacement of civilians-as did inter-clan violence across the country.... The United Nations Assistance Mission in Somalia (UNSOM) reported civilian casualties between January and September 2017, about half by al-Shabaab. The year saw little progress in holding security forces to account for attacks, arbitrary detentions or improving the protection of displaced populations. Security forces unlawfully killed and wounded civilians during infighting over land, control of roadblocks, disarmament operations, and aid distribution. On June 9, at least 13 civilians were killed and 20 injured when fighting broke out between government forces at an aid distribution site in Baidoa.<sup>44</sup>

Another report estimates that there has been between 24,655-65,643 battle deaths in Somalia between 1989 and 2015.<sup>45</sup> In addition, the report of the HRW portrays the actions of an occupier and not a conflict manager when it notes the complicity of the AU and its partners in perpetuating human rights violation:

Accountability for abuses by security forces was almost non-existent. Measures at the disposal of troop-contributing countries to improve accountability have not been sufficiently used. AMISOM investigated the unlawful killings of 14 civilians by Ethiopian forces in July 2016 in a village in the Bay region, but never released the findings nor offered compensation to the affected families.<sup>46</sup>

When external actors intervene in conflict to combat established authority, their interference often prolongs the instability and suffering. France and Israel's support for Biafra during Nigeria's civil war is a good example as the war lasted for 30 instead of a few months.<sup>47</sup> Had the AU acted independently and with faith in its dictum *African solutions for African problems*, a diplomatic end to the conflict in Somalia would have been reached much earlier. It would have been much easier to dialogue with the ICU at the time and help Somalia chart a peaceful path. To have ignored the realities on the ground and opting instead to usurp the

locally popular ICU set the stage for the protracted conflict witnessed today. The loss of life and financial burden would have been avoided or at least minimised if the AU had taken the approach of negotiating with the ICU. This would have provided the ICU with international legitimacy and compelled it to abide by certain norms for wider local and international acceptability.

*What should have been:* Had the AU thrown its weight behind the ICU and its expanding authority in the south, stability would likely have been achieved. Ignoring this approach and opting for the use of force has kept this region unstable. Surprisingly, the miscalculation of Ethiopia, the US and the AU in this affair has largely been muted in conflict literature. Instead the emphasis has been on how these actors saved a catastrophic situation. A Wikileaks report states that:

The ICU rapidly became ascendant, prosecuting an extraordinarily successful military, ideological, religious and social campaign. The ICU were in effective control of the entire country except for the town of Baidoa near the Ethiopian border.... It may be somewhat surprising to hear of courts - ostensibly judicial bodies - fighting in a civil war. But the ICU is precisely that: a loose affiliation of disparate judges and courts practicing Islamic or Sharia law. Their unusual quasi-federalist structure has united Somali clans and language groups. Originally dealing with local issues such as petty crime and business disputes, they expanded to fill a vacuum in education, health care and policing.<sup>48</sup>

In other words, the ICU maintained stability and embarked on development through its implementation of 'Sharia'. Though high handed, these courts provided education and medical services and gained popularity among the people. In 2000 the ICU was established as eleven clans decided to consolidate power with the goal of creating a peaceful and stable Islamic State of Somalia.<sup>49</sup> After the ICU alliance coalesced, the ICU increasingly played the role of a police force as well as a set of courts. They adjudicated personal status and criminal matters according to Islamic law and were extremely effective in maintaining order.<sup>50</sup>

Mukoma WaNgugi writes:

The Islamic Court Union, a loose formation of Islamic judicial systems that managed to restore some sort of civil order after years of violent anarchy in Somalia, opening the Mogadishu airport and earning the support from a Somali majority. The Courts achieved the unthinkable, uniting Mogadishu for the first time in 16 years, and re-establishing peace and security .... In the long run, the ICU might have united Somalia into a country that had the interests of the majority at its heart.<sup>51</sup>

Unfortunately, the ICU was demonised because it was reputed to have links with al-Qaeda. The United States openly dismissed the achievements of the ICU and acted as if the courts were dominated by terrorists and this outraged many Somalis.<sup>52</sup> The ICU was funded by Eritrea which had long been an adversary of Ethiopia. This negative reputation of the ICU was meant to serve the interest of Ethiopia and the US and not the people of Somalia. The US Central Intelligence Agency (CIA) made attempts from 2003 to remove the ICU before getting Ethiopia and later the AU to do the job. In 2006, the US was reputed to have paid Somali warlords up to US\$150 000 for their support against the ICU, but as the ICU defeated these warlords its influence and hold on the region strengthened.<sup>53</sup>

Even within the AU there was considerable scepticism about the legitimacy and effectiveness of Ethiopia's actions.<sup>54</sup> Acting independently along this line, a proactive AU would have capitalised on the gains of the ICU and offered to legitimise their efforts and so boost the ICU's drive toward a stable Somalia. Considering that the ICU was popular and had the support of the majority of Somalis, this path would have been cost effective in lives and resources.

In removing the ICU to enforce democracy in a fragile post conflict state, the AU, Ethiopia and the US ignored the findings of conflict scholars that democracy is the system of government least able to steer fragile post conflict societies to periods of stability. Joakim Kreutz contends that 'civil conflicts are less likely to end in democracies than in other regimes during the first 40 years of fighting.'<sup>55</sup> Similarly, Hippler argues that elites of contending groups, either in an autocracy or dictatorship stand a better chance of creating stability than an elected democratic government.<sup>56</sup> Histories of post conflict societies in Africa validate this view. The post-conflict paths of Rwanda and Burundi present clear examples of this argument. While Rwanda was steered by Paul Kagame's autocratic rule for close to ten years before presidential elections in 2003,<sup>57</sup> Burundi was ushered into democratic rule straight out of conflict where peace was negotiated by the AU. Burundi's political terrain has been fragile ever since and the country is still unstable. Rwanda on the other hand has blossomed into one of Africa's most peaceful states.

The external partners of the AU have been privy to the removal of many autocratic regimes in Africa in pursuit of their interests. The outcomes of these (sometimes) ill-advised adventures demonstrate in horrific terms that the alternative to autocratic rule can be much worse.<sup>58</sup> This is exemplified in the rise of ISIS with the removal of Saddam Hussein in Iraq and Muammar

Gaddafi in Libya. In Somalia, the ousting of the ICU saw the rise of al-Shabaab. Elizabeth Schmidt notes that in 2006 the US Special Operations Forces participated in the Ethiopian invasion of Somalia that removed the popular ICU from power and sparked an anti-foreign insurgency. The insurgency provided an opportunity for international terrorist organisations like al-Qaeda to embrace local Islamist groups that previously had been independent.<sup>59</sup> WaNgugi captures this travesty when he notes that, ‘amid the outrage against al-Shabaab, it is important to recognise that terrorism does not happen outside of history. That is certainly true of al-Shabaab, which was born out of the Islamic Court Union.’<sup>60</sup>

Rather than the terrorist label given to it by the west, al-Shabaab from an objective standpoint is the response of an unlawfully deposed regime employing all means possible to reclaim the authority that was wrenched from it. Whatever yardstick was employed to deem the ICU unfit to govern and decide the style of government apt for Somalis was definitely not in the latter’s interest. The AU should have taken a different political path to the Somalia issue as the period of the ICU’s indigenous administration and the examples from the northern regions of Somalia show. These indigenous administrations and the successes they have recorded have all along provided a viable alternative path. Had the AU followed this path, it would have made a bold statement of African solutions to African problems and brought stability to Somalia with less bloodshed and spent resources.

### **Learning from Neighbours and Reaching for Stability**

The AU has been drawing down its forces in Somalia, which indicates that they cannot be there forever. The increasing number of conservative right wing leaders in the west, schisms such as Brexit and the global economic stress brought on by the Corona Virus portend dwindling assistance to the AU. So the AU has not got all the time in the world to retrace its steps and so what has to be done for long term stability in Somalia should be done urgently. There is a lot to learn from the country’s autonomous northern regions considering that Somalis are one people, with one language, one dominant religion (Sunni Islam) and shared cultural experiences. It is logical therefore to argue that what works for the regions of the north will work for the regions in the south. The stability achieved during the short-lived ingenious administration of the ICU strongly supports this view as its administrative hierarchy was similar in many respects to the gerontocratic administrative system that brought stability to the north. All that was needed was to make this more enduring through international support. Systems of government are more effective when they evolve from the

experience of the people they are meant to serve as opposed to when these systems are hoisted on them.

*What Should Be:* While south-central Somalia still remains conflict ridden, the northern part of the country devoid of AU occupation has long since experienced some stability. The autonomous regions of the north evolved a system of governance unique to their experience, and being spared external interference, these regions have been fairly stable. This shows the workability of indigenous governance in Africa, and an independent AU should have invested its resources in encouraging such indigenous political models all around Somalia rather than disrupt them at the insistence of its partners.

In the northwest and northeast of Somalia, the collapse of the central government did not precipitate the kind of warfare and plunder that initially devastated the south. Michael Walls warns against romanticising the stability of these regions,<sup>61</sup> and true to this warning, Somaliland has experienced inter-clan clashes including two serious wars in 1994 and 1996. Another issue is that this region has been denied international recognition and so the international support they get is limited. It should be noted however that every system, even robust ones, have their problems.<sup>62</sup> Yet for a variety of reasons, such as greater political cohesion among clans, local ownership, more support from businessmen to support the peace, effective political leadership and innovation rooted in tradition, the differences that exist didn't degenerate into anarchy and generalised violence.<sup>63</sup> Instead, the self-declared state of Somaliland gradually built modes of capacity to govern, and a national assembly of traditional clan elders helped to manage the peace and keep young gunmen under control.<sup>64</sup> In Puntland in the northeast, chronic inter-clan tensions were contained by traditional elders as well.

In both regions, a modest economic recovery fuelled by import-export activities through their seaport helped to divert energies toward commerce and away from warfare.<sup>65</sup> These devolved mechanisms and institutions in the form of cross-clan collaborations, regional grouping and ideological federations helped to close the governance gap in these areas. Authors on the indigenous governance structures of northern Somali societies agree that clan elders were central in the search for stability, and reconciliation was the avenue through which state-building was achieved. To bring hostilities to an end, local clan elders whose responsibility it was to represent their clans, established a series of bottom-up initiatives with other key local

stakeholders that included traditional leaders, religious figures, poets, business people and the military.<sup>66</sup> These initiatives began with reconciliation first at the grassroots, then villages, towns, districts and finally at the regional level. Reconciliation was the enabler for state-building as it provided a secure foundation on which to establish a government.<sup>67</sup> These initiatives were allowed to evolve naturally without the imposition of fixed schedules or predetermined agendas as we often find with peace operations mandates.<sup>68</sup> The ICU which began as communal Sharia courts that were centres of reconciliation and conflict resolution adopted similar strategies and evolved in very much the same way. The reconciliation efforts of the courts worked because the reconciliation processes and mechanisms emerged from, and built on known local cultural and religious norms, authorities and practices.<sup>69</sup>

The ICU was to south-central Somalia what the clan elders had been to Somaliland and Puntland. Though disposed to sharia rule, the ICU was not the brutish establishment it was painted to be. In as much as they had the objective of a stable Somalia, there was nothing to indicate that they would have been opposed to negotiations on their style of administration. Considering the depth of authority that they had secured prior to being usurped, they were the party to be negotiated with. This approach, beyond allowing for greater stability would have shown the AU's support for indigenous modes of governance.

General Luther Agwai, Nigeria's Armed Forces Chief of Defence Staff in 2006 and Force Commander of AMIS/UNAMID from 2004-2009, notes that peace operations have a higher probability of success when all factions are brought to the negotiating table. The success of any peace operation depends on the agreement of all local factions to support the peace.<sup>70</sup> In the case of Somalia, this would have included the ICU with whom concrete negotiations aimed at stabilising Somalia with the structures they had established should have preceded any form of peace operations deployment. This approach was ignored and the conflict has lingered with the propensity for failure on the rise as financiers of AMISOM increasingly become wary of the cost of the operation and with al-Shabaab still controlling large territories beyond Somali's capital Mogadishu.<sup>71</sup>

The impact of the AU's military approach against al-Shabaab has been limited considering the group's political, cultural and psychological influence that is widespread in Somalia and neighbouring states.<sup>72</sup> al-Shabaab, the ICG argues, 'even as its territory is squeezed in the medium term, will continue to control both money and minds.'<sup>73</sup> It is almost impossible to root out this group when it is organisationally woven into the Somali clan system which is its

social base.<sup>74</sup> As the sustenance of AMISOM becomes more strenuous, dialogue with al-Shabaab becomes more pressing and the earlier this begins the better. While the 2013 report of the Humanitarian Policy Group (HPG) portrays al-Shabaab as tightly structured and highly suspicious of external interference, it agrees that they can be negotiated with.<sup>75</sup>

Negotiations with al-Shabaab over the years have failed. Though the group's grip on power has been trimmed from full territorial control to semi-territorial presence,<sup>76</sup> this still has not given the SFG and the AU the leverage in negotiations. Recognising that President Mohammed Farajo commands wide respect across Somalia as an uncompromising nationalist, and his Prime Minister Hassan Ali, both share kinship with majority of al-Shabaab's top hierarchy,<sup>77</sup> this may be the time for negotiations to succeed. Clan affinity can be used by the AU as a tool for effective diplomacy and long term stability in south-central Somalia. If these negotiations happen, it will be wise to remember that stability in south-central Somalia will only be achieved if it is enmeshed with the culture and religion of the people and if it starts off on a reconciliatory note. Religion, culture, reconciliation and politics in Somalia are deeply intertwined.

### **Conclusion:**

The dominant narrative on Somalia lauds the AU and its peace efforts in the country while castigating the remnants of the ICU – the al-Shabaab, as terrorists and the spoilers in the region. A true assessment of Somalia's history tells a different story, as the AU's role in the saga has seen it protecting the interest of its partners over the well-being of Somalis. Much as AU officials may want to disagree, the actions of the AU in Somalia show that it acts in the interest of its partners over and above the welfare of citizens on the continent.

This study argues for the need to remedy the impasse in south-central Somalia through the AU retracing its steps and finding ways of making local norms matter in governance. One of such steps would be to negotiate with al-Shabaab to enable the stability that prevailed during the reign of the ICU. This approach is advisable in view of al-Shabaab's large support base and influence in Somalia and the uncertainty of long term western support for AMISOM. This research concludes that while negotiations with al-Shabaab is a positive step toward stability, greater success lies in the ability of the AU to encourage the growth of the indigenous methods of governance that have brought stability to the north of the country.

Drawing on the failure of democratic governance in south-central Somalia as against the moderate success of the indigenous modes of governance in the north of the country, this article also makes a case for the AU to support African initiatives even when they run contrary to western prescriptions and the interest of its donors. This way, the AU shores up its integrity and legitimacy standing on the continent. Protecting life on the continent and improving the welfare of Africans, should take precedence over the interest of its partners. Until the AU learns to do this, its existence will not matter in the life of Africans.

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These texts and more leave out the period (2005-2006) that the ICU flourished and brought stability to south-central Somalia. These accounts often skip to 2007 after Ethiopia, with support from the US, midwived the formation of the TFG and ousted the ICU. The instability caused by these events gives the impression that the region had been in utter chaos all along hence the AU peace operation was needed.

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<sup>23</sup>Hull and Svensson, "African Union Mission," 18.

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