

The Kismaayo Crisis: Options for Compromise

The growing crisis in Kismaayo has the potential to undermine the Somali Federal Government (SFG). It also threatens to bring the fragile and recovering nation back to the brink of civil war. The crisis risks destabilizing the Horn of Africa region, balkanizing southern Somalia, and creating an opening for al-Shabaab to reassert control in recently recovered areas. It is therefore critical for major stakeholders—the SFG, the Kenyan Government, the Raas Kambooni group, and the international community—to resolve the crisis in Kismaayo immediately.

Contestation for control has been simmering since the city was recovered from al-Shabaab in October 2012. The SFG intends to apply its template for establishing local administrations as it has in Bay and Hiiraan regions. On 15 May 2013, the Kenyan-backed Raas Kambooni group declared the formation of “Jubbaland State” nominally incorporating Lower Jubba, Middle Jubba, and Gedo regions. Al-Shabaab still controls Middle Jubba, and the SFG recently established a local administration in Gedo. Currently the viability of a “Jubbaland” state is tenuous.

Both the SFG and Raas Kambooni are citing the Provisional Constitution to argue their cases. While constitutional ambiguity certainly adds to the complexity of the crisis, the problem ultimately stems from a struggle for authority and resources. The sooner both sides recognize the limits of their authority, the sooner a satisfactory solution to the crisis can be found. A compromise is possible only if both sides are willing to accommodate their differences within the framework of the Provisional Constitution on the sharing of power, resources, and national obligations.

The aspirations of the people of Lower Jubba, Middle Jubba, and Gedo regions must be recognized. The sacrifices made by Raas Kambooni in recovering Kismaayo from al-Shabaab must also be acknowledged. However, the SFG's concerns about the inclusivity and transparency of the process that gave birth to “Jubbaland State” also requires careful consideration.

Background

Control of Kismaayo has been contested since the downfall of the central government in 1991. Three factors contribute to the cycle of conflict in the city.

First, the city boasts one of the largest sea ports in the country. In Somalia, sea ports provide the most important source of revenue for authorities. Control of the port provides the resources to extend control in the region.

Second, Kismaayo is one of the most diverse cities in Somalia in terms of clan composition. With a population comprised of more than 30 sub-clans, the persistent struggle for control of resources along clan lines contributes to inter-communal tensions in the region.

Third, Kismaayo is the natural gateway to Somalia's most fertile territory. Lower Jubba region, of which Kismaayo is the capital, is arguably the richest of all 18 regions in the country. The combination of fertile soils, rich grazing grounds, and abundant marine resources cannot be found elsewhere in the country.

Between 2008 and 2012, Kismaayo was an al-Shabaab stronghold. The group is believed to have generated as much as 40 per cent of its total operating revenue from the city. Enforcing strict

and often brutal control the militants provided a modicum of stability for its inhabitants. Since the arrival of the Raas Kambooni group, assisted by a 4,000-strong contingent of Kenyan troops, disputes in the city have re-erupted.

The Politics

Central to the Kismaayo dispute is the enduring crisis of legitimacy in Somali politics. Mistrust remains deep among rival clans. Rhetoric over the Kismaayo dispute has been particularly toxic.

The political elite in Mogadishu have been accused of seeking to revive a centralized state in defiance of the Provisional Constitution which calls for the formation of member states under a federal structure. The mistrust of central government, rooted in fear of domination and manipulation, can be traced to the civil war. Many communities in the region wish to limit the role of the SFG in the formation of “Jubbaland”.

Comparisons are drawn with the semi-autonomous region of Puntland which continues to run its affairs with almost no interference from the SFG. Stakeholders in Kismaayo are claiming rights under the Provisional Constitution to declare another semi-autonomous region in

southern Somalia. They argue that the process to achieve that goal need not involve the federal government

Meanwhile, the SFG contends that “Jubbaland” lacks both the legal basis and the contiguous territory to legitimately establish a federal member state. It cites a clause in the Provisional Constitution that stipulates the federal government should “lead” the process to form member states. The SFG claims that it has been denied any involvement in the establishment of “Jubbaland”.

The SFG has taken steps to undermine the formation of “Jubbaland”. In March, Prime Minister Abdi Farah Shirdon visited Gedo region to establish a local administration. With Middle Jubba still under al-Shabaab control this deprived politicians in Kismaayo of a second administrative region constitutionally required to establish a federal member state.

Both the SFG and the Intergovernmental Authority on Development (IGAD) have expressed concerns regarding the lack of inclusivity and transparency in the process that led to the formation of “Jubbaland”. Minority clans in the region, they argue, were insufficiently consulted, and subsequently underrepresented, in the process.

If it succeeds as envisaged by stakeholders in Kismaayo on 15 May the “Jubbaland” initiative, the SFG fears, may set a precedent for the unregulated and disorderly emergence of more federal member states. If the SFG succeeds in leading the process, other regions will also be required to seek approval and guidance from Mogadishu before they embark on the process of federal state formation.

The Players

There are three key players in the Kismaayo crisis: The SFG, the Kenyan Defence Forces (KDF) serving under an African Union Mission in Somalia (AMISOM) mandate, and the Raas Kambooni group. All share the short-term goal of defeating al-Shabaab and recovering the remaining cities and towns in the region. Their strategic objectives, however, are demonstrably different.

Kenya has long sought a “strategic space” to protect its national interests. To achieve this the KDF has been training approximately 4,000 Somali troops. Initially Kenya put its political and military weight behind the formation of “Azania” state, intended to act as a buffer zone between the Kenyan border and instability in south-central Somalia. This failed for various reasons. Kenya then changed tactics, backing the Raas Kambooni group with resources and logistics. Kenyan troops fought side by side with Raas Kambooni in the advance to Kismaayo.

Raas Kambooni’s objective is straightforward: rule Kismaayo and the three “Jubbaland” regions with the support of Kenya. As soon as Kismaayo was captured in October 2012, the group’s leader, Ahmed Mohamed Islam “Madobe”, positioned himself to lead a future federal member state. Kenya subsequently mobilized its resources in support of its newfound ally.

The SFG’s main objective is to consolidate power across the country by establishing local administrations. Buoyed by unprecedented international support, the SFG at times arrogantly dismissed legitimate fears by some communities in southern Somalia. It sought to apply a one-size-fits-all template to establish a local administration in Kismaayo without taking the city’s unique history and status into consideration. Thus far its tactics appear to have backfired though its position on federalism has recently won the support of IGAD.

Options for Compromise

A window of opportunity remains for an amicable settlement of the crisis. Compromise is the only way forward. All key players have legitimate concerns but their hardline positions are counterproductive. They must all realize the limits of their authority and the potential for a mutually destructive escalation of the crisis. A number of steps must be taken immediately.

First, the Kismaayo crisis should be recognized as a critical reconciliation issue that requires creative political solutions. While constitutional prescriptions are needed to clarify the legal ambiguity over federation, politicians must first come together and explore common ground. The call by IGAD for a Somali-led reconciliation conference is a sensible first step.

Second, the SFG must recognize the realities on the ground and articulate a pragmatic political dispensation. The aspirations of the people of Lower Jubba, Middle Jubba, and Gedo regions should be recognized. The sacrifices made by Raas Kambooni in recovering the city should be acknowledged and its leader, Ahmed “Madobe”, should be allowed to lead an interim administration in Lower Jubba with the intention of establishing a federal member state that includes Middle Jubba and Gedo.

Given a two-year mandate, the administration should closely collaborate with the SFG in four basic but important areas:

1. Extend the authority of the administration beyond the city limits of Kismaayo by recovering more cities in Lower Jubba and the entire region of Middle Jubba from al-Shabaab fighters.
2. Launch a robust reconciliation and confidence-building campaign among all clans in the “Jubbaland” area.
3. Rebuild government institutions across the three regions and integrate militias into the Somali National Army (SNA).
4. Lay the foundations for an inclusive and transparent selection process where local communities choose their district commissioners and representatives in a future congress that would ultimately decide on the fate of “Jubbaland” and its leadership.

Third, the Somali Federal Parliament (SFP) must

demonstrate leadership in the crisis. So far, its role has oscillated between absence and complicity. As the country's most broadly representative body, the SFP must intervene at this critical juncture to spare Somalia from slipping back into widespread conflict. The Reconciliation Committee of the SFP is the appropriate constitutional authority to support efforts to find a satisfactory resolution to the crisis. The SFP must approve the Boundaries and Federation Commission in order to move the federalism debate forward and develop policies for the establishment of federal states.

Fourth, the international community has a vital role in facilitating and supporting a Somali-led solution in the crisis. The new UN special envoy to Somalia, Ambassador Nicholas Kay, in close collaboration with his African Union and European Union counterparts, as well as other important external actors such as Turkey, must help the Somali people resolve this crisis and facilitate an intra-Somali dialogue to find common ground. The international community must remain steadfast in its support for Somalia as it continues on its path to building a viable, functioning, and democratic nation at peace with itself and with its neighbors.

Kenya must recognize that while it has legitimate security concerns, a buffer zone policy is shortsighted. Only a stable, strong, and democratic Somalia can ensure that Kenya's national interests are effectively protected. For more than 20 years Kenya has generously hosted hundreds of thousands of Somali refugees and several important reconciliation conferences. Until recently, Kenya has managed to stay above the fray of Somali politics. Its recent foray is misguided. The decision to restrict federal government ministers at the airport in Kismaayo is deeply insulting to the Somali people, irrespective of their political persuasion, and a flagrant violation of Somalia's sovereignty. President Uhuru Kenyatta's recent high profile meeting in Nairobi with Puntland president, Abdirahman Faroole, and other prominent advocates of "Jubbaland" will likely be interpreted by Mogadishu as a further sign of Kenya's support for "Jubbaland" in defiance of the recent IGAD communiqué urging SFG leadership. Kenya must open a new chapter between the two nations—a relationship that is anchored in a mutual respect, collaboration and coexistence.

Conclusion

The crisis in the southern Somali port city of Kismaayo threatens to destabilize the entire country if not properly dealt with. Positions are hardening on both sides of the dispute. The SFG is mortgaging its political capital to undermine the efforts to establish a "Jubbaland" state. The Kenyan-backed Raas Kambooni group is unilaterally forming a regional polity in defiance of the SFG. The KDF is fueling the flames of conflict by overtly backing the Raas Kambooni group in defiance of the legitimate government of the country, and in violation of its

mandate as part of a peacekeeping mission.

The situation needs to be de-escalated immediately. The IGAD call for a Somali-led reconciliation conference must be implemented as the issue is inherently political, not legal. Key players in the international community, including the new UN envoy, the AU and EU envoys and Turkey, should facilitate an intra-Somali dialogue. Parties should be compelled to commit to the principle of nonviolence, de-escalation, and a path for settlement within the framework of the Provisional Constitution.

The most sensible dispensation is to acknowledge the legitimate aspirations of the people of Kismaayo and its environs, and the sacrifices of Raas Kambooni in capturing the city from al-Shabaab. The SFG should endorse its leader as the interim head of an administration in Lower Jubba, for a period of no more than two years, during which administrative and institutional capacities are strengthened, and reconciliation and confidence-building measures are restarted. This should lead to an inclusive and transparent selection process that paves the way for a federal member state.

During the interim administration, Raas Kambooni militia should be integrated into the SNA. An SFG-appointed commander should be in charge of security, and a revenue sharing mechanism must be developed. Finally, the KDF must operate within its mandate and respect the sovereignty of Somalia. It should recognize that only a stable and democratic Somalia can effectively protect its national interests.

Recommendations

To the Somali Federal Government:

- Recognize the Kismaayo crisis as an urgent political problem that cannot be resolved through the Provisional Constitution.
- Recognize that the template for establishing local administrations is unfit for Kismaayo and the “Jubbaland” regions
- De-escalate rhetoric and recognize the limits of SFG authority in Lower Jubba, Middle Jubba and Gedo regions.
- With the support of international partners, implement the IGAD call for a reconciliation conference on the Kismaayo crisis.
- Recognize and acknowledge the aspirations of the people of Lower Jubba, Middle Jubba, and Gedo regions, and the sacrifices made by the Raas Kambooni group in their fight against al-Shabaab.
- Allow Raas Kambooni to lead an interim administration in Lower Jubba that lays the foundation for an inclusive and transparent selection process that leads to the establishment of a federal member state.
- Robustly engage the Kenyan government and reassure them of their legitimate security concerns by sharing a workable plan to stabilize southern Somalia.

To the Raas Kambooni group:

- Abandon your unilateral effort to establish a federal member state without territorial integrity, inclusivity, or transparency.
- Recognize and collaborate with the SFG in your legitimate aspirations to establish a federal member state.
- Consolidate control in Lower Jubba until Middle Jubba is recovered and Gedo joins the “Jubbaland” initiative voluntarily.
- Heed the IGAD call to participate in a reconciliation conference aimed at resolving the crisis.

To the Kenyan Government:

- Exercise neutrality in the Kismaayo conflict, and recognize that only a stable and democratic Somalia can effectively protect your national interests.
- Promote dialogue and peace among all parties in the Kismaayo dispute and work with international partners to find a durable solution to the crisis.
- Respect AMISOM's mandate and do not attempt to impede the movements of federal government officials or interfere with Somali national politics.

To the international community:

- Facilitate a high level meeting between the SFG and Raas Kambooni with the aim of de-escalating the rhetoric and committing to a reconciliation conference on the Kismaayo crisis.
- Facilitate and monitor the establishment of an SFG-endorsed local administration led by a senior Raas Kambooni official with a two-year mandate to prepare for an inclusive and transparent selection process where local communities choose their district commissioners and representatives, and form a federal member state.
- Mobilize political and financial resources to help the local administration in Kismaayo achieve its objectives.

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