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**INFORMATION NOTE ON
THE SITUATION IN SOMALIA**

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I. INTRODUCTION

1. At its meeting held on 15 June 2006 during which the situation in Somalia was discussed, Council agreed to meet shortly to review the situation and decide on the way forward. The present Note is being submitted to facilitate the deliberations of Council.

II. BACKGROUND

2. Council will recall that, on 15 October 2002, the Somali National Reconciliation Conference (SNRC) was convened in Eldoret, Kenya. The first few months were spent to determine who, among the multitude of personalities who had been invited and some who simply presented themselves in Eldoret, would represent the many factions that were then emerging to take part in the talks. Among the assembled personalities were representatives of the then Transitional National Government (TNG), as well as a host of warlords/faction leaders. With the exception of the TNG delegation, the majority of the groupings were largely clan-based.

3. While the very early stages of the discussions faced organizational difficulties, the formation of an IGAD Facilitation Committee to coordinate and manage the Conference changed the character and content of the talks, and geared them into more structured albeit long negotiations. The transfer of the talks from Eldoret to Mbagathi, Nairobi, also had a positive impact. It is important at this point to note the highly active role played by the IGAD Council of Ministers, which not only closely followed the negotiations but met on numerous occasions to make timely interventions and keep the Conference on track. For the record, the SNRC was the fourteenth in a series of efforts made to mediate differences among the Somali parties and reconstruct Somalia after the collapse of the state structures in 1991. Throughout, the Commission was fully involved in the deliberations of the SNRC.

4. In September 2004, the SNRC formed a Transitional Federal Parliament (TFP), which, in turn, sat as an electoral college that, on 10 October 2004, elected Abdullahi Yusuf Ahmed as President of the Transitional Federal Government (TFG). It should be noted here that, just prior to the voting procedure, all candidates (there were six) had to sign a Declaration that had been unanimously adopted by the Interim Parliament the day before. The Declaration essentially requested all candidates to accept the outcome of the elections in the interest of reconciliation; in addition, the candidates, as a "sign of goodwill and in the interest of peaceful governance, pledged to hand over any firearms, weapons and/or military equipment in their possession or in the possession of any of their supporters to the TFG after the election of the Government, in accordance with the Transitional Federal Charter (TFC) and the Disarmament, Demobilization and Reintegration Programme (DDR)." The voting in Parliament was undertaken in a dignified and transparent manner under the chairmanship of its Speaker, the Hon. Sharif Hassan Sheikh Aden.

5. It was hoped that, from that stage, the focal issue for all concerned would be formation of the necessary administrative structures and concentration on return to stability in the country. However, there were a number of groupings outside the

SNRC (the business community and some religious institutions – all with considerable militias) who were still sitting on the fences but could have a direct impact on the security situation.

6. The relocation of the Transitional Federal Institutions (TFIs) from Nairobi back to Somalia was also an exercise of negotiations. In effect, the TFG's progress in establishing itself in the country was hampered by the refusal of a number of high officials to join the rest of the Government, when it settled in Jowhar as a transit seat, until conditions allow for its installation in the designated capital, Mogadishu. High among those senior officials who would not go to Jowhar but relocated to Mogadishu was the Speaker of the TFP. The Speaker, because of his status as head of the legislative branch of the Government, assumed a very high profile and, around him, gravitated a number of members of Parliament, including some senior Ministers such as the Minister for Internal Security, Mohammed Qanyare Afrah, and Ministers Muse Sudi and Omar Fillish. This schism meant that the TFIs (the TFG Council of Ministers and the TFP) could not function as a coordinated entity of governance.

7. The preceding situation impacted negatively on the general situation within Somalia and also on most of the international partners whose assistance and collaboration is essential for the consolidation of the outcomes of the SNRC. Indeed, the need for a broad consensus among the TFIs was among the issues considered important by the United Nations Security Council in providing further support to the peace efforts in Somalia, particularly with respect to the exemption to the arms embargo imposed on Somalia since 1992. The negative impact on the international partners also meant that one of the essential elements for Somalia's reconstruction – the Coordination and Monitoring Committee (CMC) – could not operate. It should, however, be added that there were also some basic differences of approach within the donor community, which compounded the differences among the Somalis and further contributed to the paralysis of the CMC.

III. EFFORTS WITHIN THE TFIs AND DEPLOYMENT OF IGASOM

8. In early January 2006, President Abdullahi Yusuf Ahmed and TFP Speaker Shariff Hassan met in Aden, Yemen, at the invitation of that country's President, who had undertaken extensive efforts prior to the consultations between the two leaders. On 5 January, the two leaders signed an agreement establishing broad parameters for the pacification of the capital and, in the interim, for the early convening of the TFP inside the country, at a venue to be agreed upon, to pave the way for the smooth running of the Government.

9. On 26 February, the TFP formally met in the town of Baidoa, in the presence of President Abdullahi Yusuf. For the opening session, some 211 MPs participated. The figure is highly impressive considering the fact that the total membership of the TFP is 275 and that 10 MPs have died of natural causes since the formation of the Parliament. Attendance by such a large number of MPs indicated, among other things, that politicians had become psychologically exhausted of the perennial bickering and wanton battles that ultimately affected the prospects of reconciliation and reconstruction of their country. To most, continuation of conflict was a no-win situation. Note should be taken of the fact that the town of Baidoa and its environs, until that point, had been under the control and influence of three contending leaders and their militias. Subsequent to the agreement reached between the two national leaders, the three leaders of the area (who are senior Government officials) agreed

to remove their militias from the town and to have them encamped and disarmed some 30 kilometers outside Baidoa. The Parliament has now overwhelmingly voted Baidoa as the transit seat of Government instead of Jowhar. As a result, the AU Liaison Office in Jowhar, established there to support the Somali peace process and which became operational towards the end of last year, will be relocated to Baidoa.

10. Since that opening session, the TFP has put in place sectoral committees that have been in full swing. The TFP discussed and, adopted the National Security and Stabilization Plan (NSSP) on 14 June 2006, after it had been endorsed by the Council of Ministers. More generally, Parliament is now focused on what is required for putting into place the governance building blocks. The establishment of national security institutions has been initiated. These are to be headed by a National Security Council, which will be the highest decision-making body on all matters relating to national security in Somalia. With donor support, a plan for administrative structures and capacity building has also been elaborated, and the first steps towards its implementation have been taken.

11. The AU Summit held in Khartoum, in January 2006, welcomed the signing of the Aden Declaration and encouraged the TFIs to work together in the interest of consolidating the peace process. The Summit recalled earlier decisions of the Peace and Security Council on the deployment of an IGAD Peace Support Mission (IGASOM) to be followed by an AU Peace Support Mission, and called upon the Security Council to provide an exemption to the arms embargo with a view to facilitating the envisaged deployments. The Summit also decided that a Panel composed of the Commission, IGAD Secretariat and the TFG be established to undertake a comprehensive review of the arms embargo.

12. In March 2006, an IGAD Summit, preceded by a meeting of the Council of Ministers, took place in Nairobi. Once again, IGAD reiterated its determination to deploy IGASOM. The question of the UN arms embargo loomed large in the discussions, and a decision was taken to entrust the task of achieving the lifting of, or an exemption to, the arms embargo to the IGAD/AU/TFG Panel referred to above, with a clear injunction that IGASOM should be launched to be followed, as per the relevant decisions of the PSC, by an AU Peace Support Mission.

13. As a follow-up to the decisions of the IGAD Summit, the Panel met in Nairobi on 18 April, and endorsed a programme of action that will lead to a demarche to the United Nations Security Council for an exemption to the arms embargo, fund raising for a peace support operation and, ultimately, the deployment of a peace support mission. In this respect, it is to be recalled that, following the request made by the PSC in May 2005, for an exemption to the arms embargo, the UN Security Council, in July 2005, issued a statement urging the TFIs to conclude without delay a national security and stabilization plan, to include a comprehensive and verifiable ceasefire agreement leading to a final disarmament; it also expressed its expectation that the AU and IGAD will work out a detailed mission plan, in close coordination with the broad consensus of the TFIs and consistent with a NSSP.

14. In a presidential statement adopted on 15 March 2006, the United Nations Security Council welcomed the AU Summit decision on Somalia, including the possible deployment of IGASOM, to be followed by an AU Peace Support Mission. The Security Council reiterated that, in the event that a national security and stabilization plan includes the need for a peace support mission, it expects the AU

and the IGAD to workout a detailed mission plan in close coordination with and with the broad consensus of the TFIs and consistent with the national security and stabilization plan. The Security Council indicated its readiness to consider an exemption to the arms embargo imposed against Somalia on the basis of such a mission plan.

15. In a related development, the Monitoring Group established by resolution 1519 (2003) with respect to the situation in Somalia submitted a report in early April 2006. The Monitoring Group identified the TFG, the then Mogadishu-based opposition alliances, the militant fundamentalists, the business elite, pirate groups and feuding sub-clans as the main actors receiving arms, military material and financial support, in violation of the arms embargo. In resolution 1676(2006) adopted on 10 May 2006, the Security Council stressed the obligation of all Members States to comply fully with the arms embargo and expressed its intention to consider specific actions to improve implementation of, and compliance with, measures imposed by resolution 733 (1992), and requested the Secretary-General to re-establish the Monitoring Group for a period of six months.

IV. FIGHTING IN MOGADISHU AND REACTIONS WITHIN THE INTERNATIONAL COMMUNITY

16. In February 2006, fighting broke out in Mogadishu between the Alliance for the Restoration of Peace and Counter-Terrorism (ARPC) and the Sharia Courts system, an entity that, for the last decade, has run not just the Courts but also provided a rudimentary schooling system and health facilities. The fighting, which resulted in hundreds of Somali dead, mostly civilians, initially involved two clan militia leaders, namely Haji Abukar Adani (a religious leader among those considered “extremists”) and Bashir Rage, a leading business-cum-warlord, who battled over the control of the road leading to the natural seaport of El Ma’an, which is not only a strategic asset but also a largely lucrative economic entity. As the fighting raged on, the ARPC was formed, composed of Cabinet Ministers who had refused to go to Jowhar, the then transitional seat of the TFG, and relocated instead to Mogadishu, principally Mohammed Qanyare Afrah, Minister for Security, Muse Sudi Yaolhow, Minister for Trade, and a group of businessmen. In the meantime, most of the militias deemed to be within the Sharia Courts system threw their lot with Haji Abukar Adani, and the continuing battles were thus joined.

17. The Union of Sharia Courts is now in control of Mogadishu and its environs. The Union of Sharia Courts has also seized control of Jowhar, north of Mogadishu, which was the last stronghold of the ARPC, and is reported to be proceeding northwards along the main road towards Beled Weyne. The Transitional Federal authorities have issued a statement urging all concerned to put an end to the fighting, and urged for dialogue as the appropriate vehicle to be adopted. The Union has, in turn, issued a statement expressing its readiness for dialogue. However, members of the Union were reported to have stated that they would stop dialogue if the TFG goes ahead with the envisaged deployment of IGASOM.

18. On 31st May 2006, the Security Council delivered a press statement in which it condemned the resumption of fighting in Mogadishu, called for an immediate and unconditional ceasefire, and urged both sides to find solutions to the problems in Mogadishu, within the framework of the Transition Federal Charter. The Security Council reiterated the urgent need for a rapid finalization of an agreed national

security and stabilization plan. It reiterated the need to strictly comply with the arms embargo introduced by relevant Security Council resolutions, and expressed the need to continue the efforts to this end, within the Committee established pursuant to Security Council resolution 751(1992).

19. In view of the situation, the IGAD Council of Ministers held an extraordinary session in Nairobi on 13 June 2006. Among others, the meeting agreed to catalogue all those involved in the illegal use of arms to harm innocent civilians and recommended that they should be subjected to the legal international process for prosecution for crimes against humanity and that IGAD Member States will apply the same sanctions against all warlords as has been applied by Kenya, including travel ban and freezing of accounts. The meeting noted the AU resolutions giving IGAD the mandate to deploy IGASOM, and requested Uganda and Sudan to expeditiously mobilize forces in accordance with IGAD Summit resolution of 20 March 2006 and the approved NSSP. The meeting requested an exemption to the arms embargo to enable the TFG to establish its law and order enforcement institutions.

20. The meeting further requested members of the international community not to offer official or non-official unilateral assistance to any party or group of persons within Somalia without due consultation with IGAD and the TFG. It emphasized the need for closer coordination in the engagement of the international community towards Somalia.

21. At its meeting of 15 June 2006 referred to above, Council strongly condemned the fighting that took place in and around Mogadishu, as well as the events in Jowhar, which resulted in the loss of life and further suffering for the civilian population. The Council appealed to all concerned within Somalia to refrain from any action likely to aggravate the situation, to seek the path of dialogue and to extend the necessary cooperation to the TFG, as the legitimate authority in Somalia, in order to achieve lasting peace and reconciliation in the country. Council also welcomed the communiqué issued by the extraordinary session of the IGAD, Council of Ministers, reiterated its support to the initiatives being taken by IGAD and emphasized the central role of IGAD in the efforts aimed at sustaining the peace and reconciliation process in Somalia. In that regard, the Council stressed the need for close coordination of all efforts on Somalia.

22. Council recalled its decision of 29 May 2005, authorizing the deployment of IGASOM and requesting the United Nations Security Council to grant an exemption to the arms embargo imposed against Somalia, to facilitate the deployment of IGASOM, and stressed the need for urgent action by all concerned to facilitate the early deployment of IGASOM. Council appealed to the international community to extend all the necessary assistance to the Transitional Federal Institutions (TFIs) to enable them to fully assume their responsibilities, with a view to restoring lasting peace, reconciliation and stability in Somalia.

23. It should also be indicated that, at the initiative of the US Government, an International Somalia Contact Group has been established, and met in New York on 15 June 2006. In the communiqué issued at the end of the meeting, the Group stated that the situation in Somalia represented a range of challenges related to the humanitarian and socio-economic conditions, governance, human rights, security and terrorism, as well as regional stability. In order to address these challenges, the Group stated that the international community must support the consolidation of

representative and effective governance in Somalia, indicating in this respect that the Transitional Federal Charter and Institutions provide a legitimate and viable framework for the continued process of reestablishing governance in Somalia.

24. The communiqué further indicated that the Group, whose goal will be to encourage positive political developments and engagement with actors inside Somalia to support the implementation of the Transitional Federal Charter and Institutions, will include, as members, the European Union, Italy, Norway, Sweden, Tanzania, the United Kingdom and the United States. Other interested States and representatives such as the United Nations, the AU, IGAD and the League of Arab States will be invited as observers. The Group may broaden its membership or seek other consultation modalities in close consultation with regional groups. The communiqué indicated that the Group will reach out to Somali and regional parties for advise and information sharing, and that it will work with the UN, AU and IGAD in encouraging the sustained process of inclusive dialogue and reconciliation between the TFG and all the Somali parties.

IV. OBSERVATIONS

25. While the overall impact of the latest developments in Mogadishu and in other parts of the country is yet to be fully assessed, the prevailing situation highlights now more than ever before the need for concerted support to the TFG to enable it assert its authority and lead efforts to reestablish peace and security, including the fight against terrorism. This is all the more necessary as the TFIs are now working closely together and are concentrating on the key aspects of the national reconciliation process. In this respect, it is encouraging to note the agreement finally reached on a revised mandate and operational procedures for the CMC, as well as the initiatives for the convening of a Donors' Conference. On its part, the Commission, at the time of finalizing this report, was making arrangements to convene, in cooperation with IGAD, a meeting bringing together all stakeholders to agree on how best to expedite the implementation of previous IGAD and AU decisions, in order to enhance the prospects for peace, security, stability and reconciliation in Somalia.

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