
**Constitutional Mechanisms for the
Management and Settlement of Identity
Conflicts**

The Cases of Sudan, Kenya and Somalia

by

Steve Odero Ouma

PhD Thesis

Summary

Luiss University of Rome

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1. Basic Premises

This thesis has explored the concepts of powersharing, devolution, federalism and autonomy devolution as mechanisms for the management and settlement of ethnic conflicts. In so doing it has posed and answered the following questions; Why do ethnic groups mobilise for political aims? Why do identity conflicts seem so severe and intractable? What are the patterns of ethnic conflict escalation and de-escalation and in what way are they manifested? Are identity conflicts amenable to management and if so what principles apply?

In summary and broadly construed with regard to ethnic conflict in particular, there are two schools of thought to explain the phenomenon of ethnic conflict. The first school termed as primordialism explains ethnicity in terms of inherited group behavioural characteristics argued to be biologically based, that is ethnic group identity passed on from one generation to the next. The other school known as instrumentalism, argue that ethnicity is contextual, fluid and a function of structural conditions in society. Instrumentalists assert that ethnic identities are malleable, that they wax and wane, contingent on a number of variables, including the capacity and skills of political entrepreneurs who can effectively mobilise groups for collective aims and articulate beliefs about common ancestry and destiny. Some instrumentalists alternatively known as structuralists suggest that ethnic identity is socially constructed often created or de-emphasised by power seeking political elites. Instrumentalists often view ethnic conflict as less a matter of inherent incompatible identities and more as a consequence

of differential rates and patterns of modernisation between groups; competition where relations among groups vary according to wealth and social status. In short ethnicity is often a guise for the pursuit of essentially economic interests.

In the debate about the nature of ethnicity, two important facts should be kept in mind or noted. Firstly, each ethnic conflict occurs in its own context and as a result of unique historical developments, structural conditions (especially the structure of intergroup economic relations) and regional and international contexts. It would be hazardous to generalise across all cases with an all-encompassing theory. However the allegiance of scholars to either of these schools, one which sees ethnicity as immutable, innate and another that views it as socially constructed will influence the type of political systems put in place to ameliorate conflict. For example where ethnicity is viewed as immutable and innate, a consociational approach or power sharing and autonomy is likely to be advanced. On the other hand, if ethnic relations are considered socially constructed and more so along intergroup economic relations, the political system advanced may be an integrative mechanism such as devolved government.

What is important is not whether ethnic group identity is innate immutable and fixed or contrived and manipulable, it is that members of an ethnic group perceive the ethnic group to be real. Perceptions are critical in understanding the extent to which intergroup relations can be peaceful or violent. Donald Rothchild has rightly focused on ethnic group perceptions of each other, identifying three basic types: an essentialist

perception in which groups perceive physical cultural, or social threats to their vital interests thereby making compromise seem a sign of weakness; pragmatic perceptions in which conflicts of interest remain acute but compromise is possible on the margins and; reciprocative perceptions in which groups seek to transform the structure of relations to achieve mutual interest primarily through the state as a mediator. Essentialist perceptions are likely to lead to violent intergroup conflict, pragmatic perceptions allow for an occasional truce or cooperation in limited spheres and reciprocative perceptions lay the foundation for long term peaceful cooperation amongst groups.

Patterns of identity politics can be discerned that can help clarify the distinction between successfully regulated multiethnic societies and the violent intercourse of deeply divided societies. A clear perception of the basic patterns that identity politics takes may lead to more consistent policy prescriptions about what type of practices can help alleviate or manage tensions. In this analysis three issues are of central concern;

- a) the structure of social cleavages;
- b) the relationships between ethnic groups and the state and;
- c) the stages of phases of conflict escalation or de-escalation.

The salience or prominence of ethnicity as a social differentiator and the intensity of ethnic ties are very critical predictors of violence. Salience and intensity are tied closely to the perceived stakes of ethnic relations. The questions that may be posed in this regard are; What are the expected costs of defeat? What threats to group survival or well being are perceived? The stakes are arguably highest when group identity is

threatened or challenged, in particular symbols of ethnic identity and destiny that are held sacred to the group and are neither divisible nor amenable to compromise or trade-off. Horowitz has given as an example of such symbol language which is considered as an incommensurate good not easily amenable to compromise. There is a broad scholarly consensus that when social cleavages are reinforcing rather than overlapping, the potential for conflict is more acute. This is more so when segments of a society are hierarchically arranged that is when there is one distinct group or coalition of groups dominating the others. Dual societies such as Rwanda and Sri Lanka where the politics often takes the form of zero sum game are especially intractable or difficult. An exception often advanced by scholars is the case of South Africa in which the structure of social cleavages was strongly reinforcing along the lines of race and class but which nonetheless proved tractable or solvable over the long term. Another example is that of Northern Ireland with better prospects of peace today than in the past thirty twenty five years or so. Two scholars Rabushka and Shepsle have offered a simple and useful typology of multiethnic societies based on the structure of social cleavages and power relationships. In this regard, a differentiation can be made amongst four types of deeply divided societies as follows:

- i. *Fragmented Societies*. In a fragmented society, there are more than four major mobilised ethnic groups none of which is clearly dominant. Examples of fragmented societies are Afghanistan, India, Nigeria and DRC.

- ii. *Balanced Societies*: Balanced societies are those with four or fewer clearly identifiable groups and they can either be bipolar e.g. Cyprus and Northern Ireland or multipolar e.g. Bosnia.
- iii. *Dominant Minority Societies*: In this societies a dominant minority can wield power to the exclusion of a significant majority. Examples include Rwanda, Burundi, Syria and apartheid South Africa.
- iv. *Dominant Majority Societies*: These are societies in which a majority group dominates ethnic minorities e.g. Croatia, Russia, Estonia, Sri Lanka and Israel.

2. Mechanisms for Management of the Identity Question

This thesis has examined the following constitutional mechanisms for ethnic conflict management in light of the cases of Kenya, Sudan and Somalia.

2.1 Powersharing Arrangements

Nearly all the peace accords negotiated in the past fifteen years have included powersharing in one form or the other. As powersharing gains popularity as a mode of conflict management and its frequency increases, it becomes increasingly important to assess its foundational principles. Power sharing or consociation has been defined by Arend Lijphart as a set of principles that when carried out through practices and institutions provide every significant identity group or segment in a

society representation and decision making abilities on common issues and degree of autonomy over issues of importance to the group.

The main institutional features of a consociation or power sharing arrangement are a grand coalition executive which is inclusive of the polity's main segments; segmental autonomy, which can be either territorial or corporate in form; mutual vetoes on matters of vital importance to the segments; and the promotion of the principle of proportionality throughout the public sector, including the electoral system. These can be summarised in a more succinct way as follows:

- a) Grand Coalition Government Including Representatives of All Major Linguistic and Religious Groups
- b) Cultural Autonomy for these Groups
- c) Proportional Representation In Political And Civil Service Appointments
- d) Minority Veto With Regard To Vital Minority Rights And Autonomy

2.2 Devolution

In the most general of terms, devolution refers to the transfer of authority from a central government to a sub-national entity. Beyond this general definition, the process of devolution is a complex undertaking, taking on different meanings in different contexts and

according to the desires and plans of those in charge of its design and implementation.

2.2.1 Forms of Devolution

Devolution or devolved government is a form of decentralisation or decentralised government in which the authority for decision making with respect to political, administrative and legal authority is transferred to quasi-autonomous units of local government.¹ In other words, devolution is a political concept that denotes the transfer of political, administrative and legal authority, power and responsibility from the centre to lower level units of government created by the national constitution. In a devolved political system, the lower level units of government to which power, authority and responsibility has been transferred (devolved) are more or less autonomous from each other.² This means that any one level of government is not under any obligation to refer to or seek authority from the centre in order to make and or implement decisions that fall within their exclusive jurisdiction. Devolution forms the foundation for political devolution in that it usually involves the transfer of responsibilities to municipalities that elect their own mayors and councils, raise their own revenues and are able to make investment decisions independently of the central government. In such a system, local governments have legally recognised geographical boundaries within which they exercise their authority and perform public functions.

¹ J C Ribot, African Devolution: Local Actors, Powers and Accountability, Democracy, Governance and Human Rights Paper Number 8, 2002 7.

² Id.

2.3 Federalism as a Conflict Management Tool

Any scholar of federalism would acknowledge the complexity in defining federalism in view of the various ways in which it has been employed.³ Indeed, one researcher has identified 267 different conceptions of the term.⁴ Nevertheless, federalism or the federal principle in this thesis refers to the philosophical or ideological idea that a political organisation should seek to achieve both political integration and political freedom by combining shared rule on some matters and self-rule in various forms on others.⁵ Federalism is a normative and philosophical concept based on the notion that the greatest human fulfilment is to be found through participation in a wider community that at the same time favours diversity and protects individuality.⁶ The practice of federalism links individuals or groups within various political entities, forming part of a broader single entity, in a lasting but limited union in such a way as to provide for the pursuit of common ends, while maintaining their respective integrities usually through permitting some level of discretion in policy making on their part. This thesis discusses the application of the federal principle in Sudan.

³ J Anton *American federalism and public policy* (1989) 3.

⁴ See W Stewart *Concepts of federalism* (1984).

⁵ J Madison, A Hamilton, and J Jay *The federalist* (1987) 515 opine that as a normative concept federalism entails both elements of self-rule and shared rule. See also D Elazar *Exploring federalism* (1987).

⁶ On this definition of federalism see B De Villiers "Federalism in South Africa: Implications for individual and minority protection" (1993) *South African Journal of Human Rights* 375. For the same definition see P King *Federalism and federation* (1982) 159.

2.4 Autonomy

Autonomy has been defined as a means for the diffusion of powers in order to preserve the unity of a state while respecting the diversity of its population. A territorial political autonomy is an arrangement aimed at granting to a group that differs from the majority of the population in the state but that constitutes the majority of the population in the state, but that constitutes the majority in a specific region, a means by which it can express its distinct identity. A main issue involved in the establishment of a regime of autonomy is the division of powers between the central authorities and the autonomous entity. The powers of the autonomy are usually related to matters of culture, economics and social affairs. There are however different degrees of autonomy and the extent of the powers transferred to the autonomous authorities varies accordingly ranging from a very limited to a larger and up to a high concentration of major powers in the above areas. Usually foreign relations and external security are reserved for the central government; however in a few cases the autonomous body has limited powers with the consent of the central government to enter into international agreements and to become a member of a particular organisation. For example Aland is a member of the Nordic Council and with the approval of Finland is permitted to conclude agreements with the Nordic countries.

In order to avoid disputes and misunderstandings it is important that the powers of a regime of autonomy be defined as clearly as possible when it is established. There are usually four different areas of powers to be

considered: powers reserved for the central authorities, those fully transferred to the autonomous entity, parallel powers and powers that can only be exercised jointly. In certain cases the central authorities determine a general policy in a number of areas in which the autonomous entity may act and the local authorities are authorised to operate within the limits of this general policy. There is usually a need for cooperation, coordination and consultation between central authorities and the autonomous entity. This is crucial because there is likely to be a close link between their respective powers. In addition certain powers are likely to require joint action. Even if the transferred powers are carefully and meticulously described when the autonomy is established future difficulties cannot always be prevented. For example there may be differences of opinion regarding to which category of powers a certain practical matter belongs. Similarly a question may arise in an area of powers that had not been considered beforehand or a question may arise that encompasses different areas one of which is within the jurisdiction of the centre and the other within that of the autonomy.

In many cases in order to ensure cooperation the parties establish a joint organ in which both the central government and the autonomous entity are represented such as is the case with the Aland Delegation. In addition the parties may agree upon a special procedure for settling disputes between the centre and autonomous body for example the documents that established the autonomy of the Faroe Islands, Greenland and Memmel. As already noted above, the powers of the autonomous entity usually include legislation, adjudication and

administration in those spheres of responsibility that have been transferred to the autonomous entity. In some cases however adjudication remains fully within the authority of the central government. The legislative acts of the autonomous area usually requires confirmation by the central authorities but this confirmation by the central authorities must be given except in severe cases defined in advance for example when those legislative acts amount to an excess of power or undermine the security of the state. The assumption is that the representatives of the population in the autonomous area exercise the relevant powers. Nevertheless coordination is often needed between the centre and the autonomous authorities regarding the appointment of one or more high ranking officials like the representatives of central government in the autonomous region or the head of local administration. In most cases the official is either appointed jointly or by the local authorities with the consent of the centre or vice versa. The acts of the autonomous entity in the areas for which it has jurisdiction are normally not subject to any control by the central authorities except as mentioned in such cases as excess of jurisdiction. In certain cases the inhabitants of the autonomous region participate fully in the public life both in their region and in the framework of the central government for example in Southern Sudan. A regime of autonomy can be established by an international treaty, by a constitution by a statute or by a combination of instruments of these categories; probably it may even be established by a custom.

Redslob has described personal autonomy as the attribute of a community whose members are connected by individual characteristics

such as ethnic consciousness or language and irrespective of their location or abode. In other words this type of autonomy applies to all members of a certain group within the state regardless of the place of their residence. Personal autonomy is usually granted to ethnic, cultural, religious or linguistic minorities. In the case of personal autonomy, the state grants minorities the right to take the necessary steps through their own institutions in order to protect and implement their own rights. They may act upon their own discretion but within the limits of the laws of the state. In principle each individual should be able to decide whether or not to belong to the minority group; however certain groups in particular religious ones and indigenous populations tend to establish conditions for membership. In certain situations, it may also be difficult to leave a particular group. Personal autonomy has a great advantage over territorial autonomy: As mentioned it usually applies only to people who opt to be members of the group for which it is established. Territorial autonomy on the other hand may apply to all inhabitants of a certain region thus including those who are not members of the group for whose benefit the regime is established and who may even resent it. Territorial has another disadvantage: Since people tend to move from one place to another, the composition of the population of a given region may change; the former majority in the region might become a minority and consequently the regime of autonomy may lose its *raison d'être*. This may be problematic is the relocation that changes the composition of the population is encouraged by the central government. On the hand territorial autonomy has the advantage that in addition to cultural matters, it can also apply to a wide range of social and economic affairs whereas personal autonomy has

usually been limited to matters of culture, language, charity, religion and education. Personal autonomy has the advantage of applying to all members of an ethnic group in a country regardless of their location.

3. Findings on the Case Studies

3.1 Sudan

This chapter has examined Sudan's experience in grappling with the ethnic question, in particular its resort to federalism and autonomy and finally the Southern Sudanese decision to secede. On the whole, this chapter has traced the debate on federalism, which has featured all through Sudan's quest for peace and unity. Apart from investigating the manner and content of federalism as has been employed, in particular, the 1972 Addis Ababa Peace Agreement⁷ (the Addis Agreement) and the Constitution of 1998 (the 1998 Constitution), the political, sociological, anthropological and psychological issues revolving around these endeavours are considered. This chapter lays the foundation for a discussion of the present Sudanese political and constitutional order, the re-introduction of autonomy in Sudanese politics and the decision to secede from the North. In the essence, this chapter serves to bring the recent political and constitutional developments in Sudan into perspective. In doing this, it provides historical insight into the character of the conflict, highlighting the key issues that have been at the heart of the civil war. This chapter equips the reader with a factual background

⁷ The Addis Ababa Agreement on the Problem of South Sudan, Appendix B in M Beshir *The Southern Sudan: From conflict to peace* (1975) 158.

that will enable the ensuing analysis of feasibility present day political order.

On secession, important political acts like secession cannot be entirely confined to deontological considerations of justice. Certainly one of the strongest arguments used against secessionist movements in the past has been that they would divide the state into two fragments one or both of which would be severely crippled economically and scarcely able to survive as a viable nation.⁸In addressing the question what the odds and evens are for secession in Sudan the economic effect of such secessionist movement is of critical importance.⁹ Given the fact that Southern Sudan recently overwhelmingly voted for an independent state of Southern Sudan, one of the major challenges still to be faced and overcome remains the fact that most of the economic activity and infrastructural institutions to manage any wealth exists in the North. Without proper support from Kenya and other African and international friends, the looming secession of Southern Sudan would effectively be like farmer with a grade cow who is no longer able to feed it and puts it up for sale. It would be extremely difficult for Southern Sudan to sustain itself.

3.22 Is Southern Sudanese Secession Therefore Justifiable?

Given the difficult and tumultuous journey from independence to date that Sudan has experienced, the question as to whether the looming

⁸ Russell and McCall, as above.

⁹ See in this regard P Collier and A Hoeffler *The political economy of secession* (2002).

secession in Sudan is justifiable or not has been answered by the voting patterns of Southern Sudanese in the January 2011 referendum. Other constitutional mechanism such as federalism which was a long time employed proved ineffective in the long run and thereby justifying the secession of Southern Sudan.

3.2 Kenya

This chapter has assessed the nature and impact of institutions of powersharing and devolved government in Kenya. The focus of the discussion is on the 2008 agreement signed between the country's two main political parties, PNU (Party of National Unity) and ODM (Orange Democratic Movement) and the enactment of a new constitution that has seen the creation of comprehensive devolved system of government. The agreement was agreed upon after a disputed election that sparked a wave of ethnic clashes in which more than 1,000 people were killed and another 300,000 were internally displaced. Signed in March 2008, it has been largely successful in its primary goal: ending the violence and restoring peace in Kenya. Since the implementation of the agreement there has been little inter-communal violence and some of the people displaced by the post-election clashes have been able to return home. Moreover, the agreement has enjoyed wide-spread support from across partisan and ethnic lines. The agreement similar to that of South Africa during its transition from apartheid to a democratic system, is temporary in nature and does not guarantee permanent positions of power to any groups or parties. While the parties to the accord are collaborators in its implementation, they are also foes in the

electoral arena that expect to compete vigorously in the next election cycle. The power-sharing agreement, therefore, does not undermine the electoral incentives that the parties would otherwise face in its absence. The main accomplishment of the power-sharing agreement has been the creation of a Grand Coalition government in which executive functions and cabinet positions are shared between the two main parties. Long-term grievances and underlying issues have not been addressed and remain latent sources of conflict. So far the parties have shown a willingness to work together and compromise. But the Grand Coalition government is facing many serious challenges. Currently, the issue of whether to prosecute perpetrators of the violence domestically or internationally following the International Criminal Courts (ICC) involvement in the PEV is a potentially explosive issue that threatens to destabilise the agreement. The structure of this chapter is as follows. The first section describes the 2008 power-sharing agreement, placing it in the context of long running debates about constitutional reform in Kenya. The next section takes an in depth look at the devolved system of government under Kenya's new constitutional dispensation. In conclusion, the powersharing arrangement in Kenya has so far proved effective in at least bringing about a period of peace just as was the case in South Africa during the transition period. In addition it has facilitated the enactment of a new constitutional order in which a devolved system of government has been put in place. What remains to be seen is whether Kenya will transit peacefully into the new order come the next general elections in 2012.

3.3. Somalia

Somalia is often considered a failed state.¹⁰ It is indisputable that the project to build and sustain a modern state, with internal and external sovereignty as its defining characteristics has failed in Somalia. However, the continuous framing of Somalia as a case of state failure is an analytical strategy that must have definite limits. It must be pointed out that there exist two relatively peaceful and functioning regions of Somaliland and Puntland in the North and North-eastern regions respectively. The fact that Southern Somalia has been war torn for over a decade, has rendered the whole country to be considered failed principally because of the lack of a centrally functioning government. Today the larger part of Southern Somalia is ravaged by famine and civil war. Up until recently, much attention has been given to Somali clan relations and Islamic radicalism as being the root cause of the tragedy. While drought, Islam and clans are repeated themes in Somali history, famine and anarchy as has characterised the South are not. The reality is that a confluence of external forces along with external arms and the internal disruption of the clan system have contributed to the extreme condition of Southern Somalia as witnessed today. This chapter approaches the study of Somalia from a different angle. Instead of taking the modern sovereign state as a universal norm for political organisation and assuming that it is the only imaginable alternative, the chapter approaches Somalia as a socio-political order. Doing so entails an investigation of the structures and logics that sustain the current order

¹⁰ David A Lake and Donald Rothchild (Eds.) *The International Spread of Ethnic Conflict Princeton: Princeton University Press, (1998).*

as well as those that may change it. This chapter is a journey through time in the quest for a feasible proposition to the current impasse in Somalia and the advancement of a federated Somalia Republic with three autonomous regions. This work makes a case for a comprehensive autonomous arrangement for the Republic of Somalia. The proposition is for an arrangement that is similar to the one that was brokered for Sudan between the North and South but with adjustments to meet the peculiar circumstances of Somalia. A starting point is the identification of some central or key differences between the two cases. Whereas in Sudan, there is a central government from which the autonomous arrangement was built, in Somalia such central and functioning government has been lacking since 1991. This effectively means that the kind of autonomous arrangement required would be the kind I referred to above that is one in which there is a predominance of parallel powers and powers exercised jointly. First things first. In Somalia we have three regions. Somaliland with a longer history of autonomy with a strong emphasis for total self government and secession from the larger part of Somalia, Puntland relatively stable area with self government and an emphasis for a measure of self government for the regions but within a united Republic of Somalia and Southern Somalia a region in chaos largely due to an attempt to impose an unpopular government on them and a refusal by the international community to accommodate the character of their cultural or religious orientation.

Somaliland is internationally regarded as being an autonomous region of the Republic of Somalia. Since 1991, it has been governed by a secessionist administration as the Republic of Somaliland. Somaliland

declared independence in May 1991, but remains unrecognised by any state or international organisation. However, many foreign governments maintain informal ties with the state, with an increasing number of foreign delegations and embassies having been established in the capital Hargeisa. It is still far from full diplomatic recognition. The Puntland State of Somalia was established in August 1998 after a decision made by local political and traditional leaders following several failed national reconciliation efforts in the wake of the Somali Civil War.

As stipulated in Article 1 of the Transitional Federal Charter of the Somali Republic, Puntland is a part of the Federal State of Somalia. As such, the region seeks the unity of the Somali people and adheres to a federal system of government. Unlike the secessionist region of Somaliland to its west, Puntland is not trying to obtain international recognition as a separate nation. However, both regions have one thing in common: they base their support upon clan elders and their way of organization along lines based on clan relationships and kinship. Since 1998, Puntland has also been in territorial disputes with Somaliland over the Sool and Sanaag regions. Both the Sool and Sanaag regions have declared themselves autonomous parts of Somalia as Northland State (2008)^[25] and Maakhir State (2007), respectively, but Maakhir has rejoined Puntland.

The area I refer to as Southern Somalia is that area south of Puntland that has been under the control of what the international community refers to as Islamists. At present there are three main religious groupings in Southern Somalia namely: Al Shaabab Mujahidin, Hizbul Islam and

traditional Sufi groups, organised under the umbrella of Ahlu Sunnah Wal Jama'a (ASWJ). These exist after another grouping, the Islamic Military Courts were defeated and ousted from control in 2006 by the TFG with the support of Ethiopian troops. Without going deep into the intricate politics of the Southern Somalia to date I will hereafter to explain my support for an autonomous arrangement. Somalia is ripe for an autonomous arrangement. The problem has been that the country has continuously been under pressure to take the form of a unitary state with the transitional federal government as the central functioning government. Despite the intense resistance that this idea has received from Southern Somalia, the international community backed by AMISOM, seem intent on imposing this government on Southern Somalia including Somaliland under one umbrella of Republic of Somalia. It is my contention this approach is utterly misconceived and if there is a persistence on its implementation, it may lead to further destruction of the relatively identifiable configuration of Southern Somalia. Southern Somalia risks becoming a haven of international criminal activity far from its present state of a region under the dominion of Islamic groupings each seeking recognition of their political demands. It can be recalled that recently, Hizbul Islam a religious group that had previously not expressed any intention to engage or participate in the illegal lucrative piracy trade off the southern coasts, recently started demanding a share of the loot obtained from the trade.

Secondly, the rising trend of extremism seen in the religious groupings is a direct response, a form of rebellion against the imposed government in the style of the TFG supported by AMISOM. Only through a fair

appreciation and invitation to negotiation of the groups in Southern Somalia can there be hope for a sustainable peace arrangement. The call to the negotiation table ought not have any pre-conditions. The opposing parties at least in the first instance must be accepted for what they are and stand for. So important is this position, that recently the US has started bending away from its original hardliner stance regarding the Taliban in Afghanistan and Northern Pakistan. There have been insinuations of bringing the Taliban or at least part of their leadership to the negotiation table.

This is because it has been realised that a military approach is rarely the solution to ethnic conflict and secondly that compromise must begin by accepting at least for negotiation purposes the original hardliner positions of opposing parties. There can be no success when one group seeks either total annihilation of the other or a complete alteration of their ideological foundation. It ought to be recalled that the situation or agreement in Sudan was arrived at after both parties accepted the existence of the other and bargained for agreement on other issues like share of the revenues obtaining in the country. The North had to back peddle on its original conception of the SPLM as a terrorist organisation but came to acknowledge it as a liberation movement. On their part, the SPLA on receiving some recognition from the North softened its intentions to annihilate the Northern government by all means. The result was a mutually acceptable autonomous arrangement with the option of secession.

In the same vein, all the groups in Somalia ought to be brought together at the negotiating table. These groups are:

- i. **Representation from Somaliland:** Have traditionally wanted complete self government from the larger republic. Secession in effect
- ii. **Representation from Puntland (Ideally the Transitional Federal Government) and from Ahlu Sunnna Wal Jamaa (ASWJ):** Have traditionally advocated for a Federal Republic of Somalia governed from a central government in Mogadishu ASWJ is much more tolerant of ideological differences, but it remains deeply divided along clan lines.
- iii. **Representation from Al Shaabab Mujahidin, Hizbul Islam**

Initially, Al-Shaabab and Hizbul Islam shared a similar vision and model of Sharia, but they are divided on two crucial issues, pan-Somali nationalism and the political utility of clans. Hizbul Islam's two traditional leaders, Sheikh Hassan Dahir Aweys and Sheikh Hassan Abdullahi Hirsi, "Hassan Turki", are nationalists and strong advocates of the creation of a greater Somalia, which incorporates all the Somali-inhabited regions into one state. Al-Shaabab sees its agenda as much broader than the Somali-inhabited regions of the Horn of Africa. It aspires to creating a new global Islamic Caliphate, with undefined geographical boundaries. Hard-liners in the organisation see nationalism as a legacy of colonialism and part of the problem. They argue that

modern nationalism and the idea of a nation-state are alien concepts meant to fragment the *Umma* (the global Islamic community). The other difference is views about clans. Hizbul Islam also takes a pragmatic view of the clan system, which it tries to exploit to achieve its strategic aims. The four main Hizbul Islam affiliates were chosen with a view to achieving some semblance of clan balance. Views on the clan system within Al-Shaabab are mixed. The hardliners are ideologically opposed to it and see any manifestation of “clan bias” as proof of insufficient commitment to Islam. Less extreme figures sometimes manipulate the clan system to mobilise and achieve short-term objectives but are equally uneasy about getting sucked into Somalia’s clan politics. ASWJ is predominantly a clan alliance that brings together major Hawiye sub-clans inhabiting the central regions of Somalia. ASWJ say that their alliance is animated by the extremist brand of Islam espoused by Al-Shaabab and in defence of traditional Sufi practices. However, territorial and clan calculations also motivate it.