

Assessing the Consequences of the Failed State of Somalia

Joint Hearing

House Subcommittee on Africa, Global Health, and Human Rights

House Subcommittee on Terrorism, Nonproliferation and Trade

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I thank both subcommittees for inviting me to testify on Somalia today. My testimony focuses on ways for the United States and the international community to respond (or not) to the plethora of challenges posed by the current situation in Somalia.

Dual Track Policy

The United States announced in October 2010 a dual track approach toward Somalia. Track one called for continued support of the Djibouti Peace Process and the Transitional Federal Government (TFG), including security sector assistance to the African Union Mission in Somalia (AMISOM) and the TFG National Security Forces. Track two called for expanding outreach with self-declared independent Somaliland, semi-autonomous Puntland and regional and local anti-Shabaab groups throughout south and central Somalia. Track two included encouragement of grass-roots support for stability in Somalia and reaching out to the Somali diaspora in the United States.

The policy is essentially sound. Unfortunately, the TFG is in many ways dysfunctional. It controls most of Mogadishu, thanks to the AMISOM force, and small bits and pieces elsewhere in south and central Somalia while Al-Shabaab controls most of the rest of south and central Somalia and a smaller part of Mogadishu. The fact remains, however, that the TFG is the only entity other than al-Shabaab with any claim, albeit a weak one, to speak for Somalis living in this part of Somalia. The TFG continues to be bedeviled by internal power struggles and inefficiency. It extended its mandate from August 2011 to August 2012. If it cannot make significant progress by the end of its extended mandate, it is difficult to imagine there will be any support left for it in the international community. Many in the Somali-American diaspora and a number of American scholars who follow the situation in Somalia have already given up on the

TFG. I have not heard, however, from those who want to end support for the TFG an acceptable alternative entity to work with in Somalia. Nevertheless, if the TFG continues its internal squabbles and fails to make progress, I may find myself joining this group in August 2012 when there would hopefully be an acceptable alternative.

I have argued for the past decade that the United States should devote more development resources to Somaliland and Puntland and, in the case of Somaliland, open a small liaison office in Hargeisa to monitor an expanded development program. Initially, there was no interest in this idea. In the past several years, as al-Shabaab became more threatening towards western interests in the region and carried out terrorist attacks in Somaliland, concerns about providing adequate protection for an American physical presence in Hargeisa have made the proposal more difficult to justify. At a minimum, however, U.S. government personnel should have more flexibility in visiting both Somaliland and Puntland, which unlike Somaliland is not seeking independence. Providing additional resources to Puntland needs to be balanced with the inability and/or unwillingness of Puntland to shut down pirate bases along its coast. I will come back to this issue in my comments on piracy.

The hard part of the two track policy is that which calls for reaching out to and supporting anti-Shabaab groups in south and central Somalia. From my optic, the United States has not yet figured out how to reach these groups because they are, after all, under al-Shabaab control. To the extent that the TFG can convince Somali communities on the margins of al-Shabaab control that it has something to offer them, then the international community needs to step in quickly to provide development resources. I don't know how you reach out successfully to Somali communities firmly under the control of al-Shabaab; so far, the TFG has not demonstrated that it is the organization to carry this out. Whatever strategy is pursued to overcome this conundrum, however, it must be Somali driven and not have an outcome that by supporting sub-clans and small groups results in the permanent balkanization of the region.

The Somali diaspora can be an important part of the solution in Somalia. It is large, provides a huge amount of remittances and is generally interested in the future of Somalia. Like Somalis in Somalia, however, it is not united on a solution. Nevertheless, the U.S. government is correct to reach out to this community in the United States just as other governments should do in those countries where there is a large Somali diaspora. The idea behind the two track policy is commendable; implementation of the program in territory held by al-Shabaab is still wanting.

Counterterrorism and Military Strikes

Following the departure in March 1994 of U.S. troops from the international peacekeeping operation in Somalia, U.S. policy towards Somalia was largely one of neglect. Counterterrorism developed as an issue of limited concern after the 1998 bombings of the U.S. embassies in neighboring Kenya and nearby Tanzania. It took some time, however, to link al-Qaeda affiliates in Somalia to the attacks on the embassies. Following 9/11, counterterrorism

became the overwhelming U.S. policy and continues as a major factor, although the policy is now more nuanced. While it is important to keep counterterrorism high on the priority list of U.S. concerns, it should not overwhelm U.S. and international community actions that might make a stronger contribution to diminishing the influence of al-Shabaab in the region and help to establish the conditions that may eventually allow Somalia to reestablish a broadly accepted national government.

The U.S. counterterrorism strategy has involved material and training support for neighboring countries, especially Kenya and Ethiopia. Much of the assistance to AMISOM is predicated on obstructing al-Shabaab and other extremists in Somalia. Since 2007, there have been almost a dozen U.S. military strikes inside Somalia using missiles from ships in the Indian Ocean, helicopters from ships and land and, most recently, drones. Some have hit high value targets and some seem to have had limited counterterrorism value. Some have resulted in collateral damage and others, according to accounts from many Somalis, have generated sympathy and even served as a recruitment tool for al-Shabaab. These strikes need to be limited to high value targets where the intelligence is almost incontrovertible and the likelihood of collateral damage is virtually non-existent. One of the strikes that fit this definition was the September 2009 attack on an isolated road south of Mogadishu by U.S. Special Forces against Saleh Ali Nabhan. He was a senior al-Qaeda member believed to have been involved in the planning of the attacks on the U.S. embassies in Kenya and Tanzania and the 2002 attack against the Paradise Hotel outside Mombasa, Kenya.

It will be a huge mistake, however, if these strikes become the U.S. default policy for countering al-Shabaab and other extremists in Somalia. While the successful strikes against senior leaders disrupt the organization, al-Shabaab has been able to replace them without great difficulty. More importantly, a policy of military strikes in isolation does nothing to mitigate the root causes that led to the rise of and continue to generate support for al-Shabaab and similar organizations.

Contact with Al-Shabaab

There is a debate among those of us who follow Somalia closely concerning the wisdom of the international community, including the United States, engaging al-Shabaab in dialogue. Those who make this argument believe there are moderates among the leadership in the organization who might be weaned away from al-Shabaab. I do not subscribe to this point of view. While there are rank and file members of al-Shabaab who have no ideological commitment and can be lured away (witness the low level defections in recent years), I just do not see anyone in a leadership position with whom representatives of the international community should be in dialogue.

To the extent there is any role for a dialogue with al-Shabaab, it should be done by Somalis and not foreigners. In fact, it is my understanding that some representatives of the TFG

have had conversations with members of the same clan and former colleagues who now hold senior positions in al-Shabaab. This is not surprising as Somalis tend to talk with other Somalis irrespective of their political differences. This will continue whether the international community approves or not. To the extent that it is possible to reach any acceptable agreement with al-Shabaab's leaders, a point on which I have great doubt, I don't believe there are any non-Somali with a sufficient understanding of Somali society and the role of sub-sub clan politics to interact effectively with al-Shabaab. Only Somalis can reach an agreement that has any prospect of lasting. Even dialogue with al-Shabaab involving Somalis assumes it is possible to identify a negotiator or negotiators who can overcome vested interests in the proposed solution. This is a challenge.

Piracy

The international anti-piracy effort has clearly prevented some pirate attacks and reduced the rate of increase in both attempted and successful hijackings. But the fact is that both the number of attempted attacks and successful attacks has risen each year since 2006 and the rise has continued through the first quarter of 2011. Only the percentage of successful hijackings compared to attempted attacks is dropping. The international naval force is concentrated in the Gulf of Aden, a relatively small body of water compared to the western Indian Ocean. Most of the success in reducing piracy has occurred in the Gulf of Aden; the pirates have responded by moving most of their operations to the western Indian Ocean. The estimated annual cost of the international anti-piracy operation is an astounding \$1 billion to \$2 billion. It is obviously not the solution to the problem. While all the experts agree that the ultimate solution is the return of state control to lawless parts of Somalia complete with an effective police force and coast guard, it is also understood this goal will not be achieved any time soon. In the meantime, it is necessary to find more effective temporary measures—both sticks and carrots.

Many ships plying the waters in the Gulf of Aden and western Indian Ocean have taken more effective countermeasures such as travelling faster, making it more difficult to board and employing security teams. They still need to do more as Somali pirates improve their own capabilities. When international naval forces captured pirates a couple of years ago, the default policy for dealing with them was "catch and release" because it was too much trouble to prosecute them. Fortunately, this practice seems to be less common today and a higher percentage is being prosecuted. The earlier practice of firing warning shots at armed pirates rapidly approaching a ship, thus alerting the pirates to attack another vessel, seems to be slowly shifting to a tougher response. This is a good development. There also needs to be a greater willingness by the international naval force to hunt down and board pirate mother ships that are operating in international waters. There is still considerable reluctance to do this.

The international community has a responsibility to prevent illegal fishing in Somalia's 200 mile economic zone. While a foreign fishing vessel would be crazy to enter these waters today because of the likelihood of a hijacking, there has been a long tradition in earlier years of

illegal foreign fishing in these waters. Once Somalia became a failed state in 1991, some fishing companies signed bogus agreements with Somali coastal communities that allegedly authorized them to fish in Somali waters. The international community must put an end to this practice. Strong international action against illegal foreign fishing will send a positive signal to Somalis that the world community is also interested in their economic future. There have been a few documented cases of toxic waste dumping along the Somali coast. In my view, many of the reports on this subject have been highly exaggerated, but there should not be a single instance of toxic waste dumping along the Somali coast and only the international community can ensure this no longer occurs. To its credit, the United Nations is finally seized with the matter but this is an issue that should have been dealt with years ago.

The international community should also look into the possibility of working with communities along the Puntland coast with the goal of funding income producing projects that might eventually lure young Somalis away from piracy and into activities that make a long-term contribution to the development of their region. This will be hard as these projects cannot produce the kind of income now being illegally obtained by pirates and shared widely with officials throughout Puntland. But appeals to elders and religious and community leaders backed by international development funding might convince them that this approach offers a better future than piracy. It would also cost a lot less than the international anti-piracy force.

Countering Drought and Potential Famine

East Africa and the Horn are experiencing a serious drought. Southern Somalia, where al-Shabaab is largely in control, seems to be ground zero. Tens of thousands Somalis are flowing into the world's largest refugee camp at Dadaab in Kenya near the Somali border while an estimated 31,000 Somalis have fled to refugee camps in Ethiopia in the past five months. Another 10,000 have moved into Mogadishu seeking emergency assistance. It is important that the donor community not be deterred by donor fatigue and respond quickly to this crisis. It should be possible to move emergency supplies on a timely basis to the refugee camps in Kenya and Ethiopia and even to the Somalis who have moved into that part of Mogadishu controlled by AMISOM and the TFG.

The problem will be providing food to drought victims in the al-Shabaab controlled parts of south and central Somalia. Al-Shabaab imposes strict controls over all non-governmental organizations operating in areas under its jurisdiction and benefits financially by extracting fees from NGOs and insisting that its followers be paid high rates for providing services such as transporting food. This poses a dilemma for the international community and particularly the United States.

Recognition of Somaliland

Somaliland should be rewarded for the relative stability that it has established and the fact that it has become the most democratic entity in the Horn of Africa. In this connection, I have

praised Somaliland over the past ten years and urged that the United States devote more development resources there. With the upcoming independence of South Sudan, there is increasing discussion of recognizing Somaliland's 1991 unilateral declaration of independence. Although Somaliland has a strong legal case for independence, the African Union has been unwilling to accept its position for political reasons, including the precedent it might set for other breakaway regions. Somaliland does have one significant issue related to independence that it tends to ignore. Two sub-clans from the Harti group of the Darod clan, which has close ties to neighboring Puntland, reside in the eastern most part of Somaliland. The Warsangeli inhabit the eastern part of Somaliland's Sannag region and the Dulbahante inhabit Sool region. Many of these people prefer a closer relationship with Puntland, which strongly objects to including these areas in an independent Somaliland.

Any decision on the recognition of Somaliland should be led by the Africans—either the African Union collectively or individual African countries. Non-African countries, including the United States, should not take the initiative. If the Africans move to recognize Somaliland, then it would be appropriate for the United States to follow. There are some who argue that recognizing Somaliland will help resolve the problems in the rest of Somalia. This is an illusion; it could just as easily exacerbate problems to the south.

Regional Economic Integration

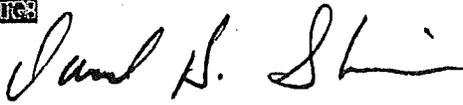
Looking beyond the time when Somalia has a broadly accepted and functional national government, the best long-term solution for reducing conflict in the region is regional economic integration and open borders. Somalis are historically a pastoral people as are many of their neighbors. Since the end of World War II, the Horn of Africa has arguably been the most conflicted corner of the world. The most sensible way to break down political and cultural barriers is to improve and expand regional economic integration. The East African Community (Kenya, Uganda, Tanzania, Rwanda and Burundi) are moving slowly in this direction. The Intergovernmental Authority on Development or IGAD (Somalia, Kenya, Uganda, Ethiopia, Djibouti, Sudan and, until recently, Eritrea) has been too consumed with internal political differences to move forward on economic integration, but IGAD might still provide the necessary framework. In any event, this is the only long-term solution that I see for overcoming the many divisions and conflicts in this part of the world and Somalia could be one of the principal beneficiaries.

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**United States House of Representatives
Committee on Foreign Affairs**

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David H. Shinn	Individual expert
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4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?	5. Have any of the organizations you are representing received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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