

Somalia: The Trouble with Puntland

I. OVERVIEW

The semi-autonomous north-eastern Somali region of Puntland, once touted as a success of the “building blocks” approach to reestablishing national stability and widely viewed as one of the most prosperous parts of Somalia, is experiencing a three-year rise in insecurity and political tension. At its roots are poor governance and a collapse of the intra-clan cohesion and pan-Darood solidarity that led to its creation in 1998. Intra-Darood friction has eroded the consensual style of politics that once underpinned a relative stability. The piracy problem is a dramatic symptom of deeper problems that, left untreated, could lead to Puntland’s disintegration or overthrow by an underground militant Islamist movement. A solution to the security threat requires the Puntland government to institute reforms that would make it more transparent and inclusive of all clans living within the region.

Puntland’s founding a decade ago was an ambitious experiment to create from the bottom up a polity that might ultimately offer a template for replication in the rest of the country, especially the war-scarred south. But Puntland is no longer a shining example, and its regime is in dire straits, with most of the blame resting squarely on the political leadership. In a major shift from the traditional unionist position officially adopted in 1998, an important segment of the Majerten elite is pushing for secession. If a wide variety of grievances are not urgently tackled in a comprehensive manner, the consequences could be severe for the whole of Somalia and the Horn of Africa.

The new president, Abdirahman Farole, and his government promise many reforms and say they will eradicate piracy in “a matter of months”. Since the beginning of April 2009, there has been a crackdown on the gangs; a few members have been put on trial and sentenced to long jail terms; and the security forces have raided suspected hideouts. These measures alone are likely not enough, however, to cope with an entrenched criminal enterprise. Criminal gangs in Puntland are involved not only in piracy, but also in other illicit activities, including arms trafficking, kidnapping and the smuggling of both people and contraband. There is evidence of state complicity, and doubts

remain that the government has the political will to move against the powerful gangs, since that could spark fighting between sub-clans. Officials know this and are prioritising what they call a *wa’yigelin* (sensitisation campaign) rather than use of force.

Clan elders and clerics are talking to youth groups in coastal villages about the immorality and dangers of piracy, but the practice is widely tolerated and even described as a response to the “plunder” of Somalia’s marine resources and the reported dumping of toxic waste on its shores. Youth unemployment, poverty and worsening living conditions fuel the problem.

The government must take advantage of the piracy-driven international attention to mobilise funds and expertise to carry out comprehensive political, economic and institutional reforms that address the fundamental problems of poor governance, corruption, unemployment and the grinding poverty in coastal villages. The international community needs to refocus on the long-term measures without which there can be no sustainable end to that practice or true stability. Equipping and training a small coast guard is obviously a necessary investment, but so too are other steps, such as to improve the general welfare and help impoverished fishing communities. International partners should encourage and support the government of Puntland to do the following:

- ❑ suspend implementation of the new constitution and redraft it in a more inclusive process involving consultation with civil society and key clan stakeholders, as well as expert help to meet international standards;
- ❑ draw up and implement a credible security sector reform strategy with input from domestic stakeholders and foreign experts, key elements of which should include civilian oversight and professionalisation of the state security agencies, and recast the general amnesty for pirates who surrender so leaders and their financial backers do not have impunity to enjoy their profits;
- ❑ implement comprehensive electoral reform, including an independent electoral commission whose members come from all clans, are endorsed by the elders and parliament and enjoy secure tenure and autonomy; an independent cross-clan committee of

experts to redraw parliamentary boundaries; and a special court to handle election petitions and arbitrate disputes;

- set up an independent anti-corruption authority competent to investigate and prosecute officials;
- open serious talks with Somaliland, the Transitional Federal Government (TFG) and clan elders in the Sool and Sanaag regions, and if necessary seek external arbitration to determine the final status and ownership of the disputed territories; and
- build consensus around these measures by convening a region-wide conference of clan elders, political leaders and civil society groups, modelled on the 1998 Garowe Conference that launched the Puntland experiment.

II. THE FOUNDING

A. CREATION OF A SEMI-AUTONOMOUS STATE¹

On 5 May 1998, a major conference of Darood/Harti² clan elders in the northern town of Garowe resolved to declare a regional administration called Puntland,³

¹ At present, the government of Puntland operates wholly autonomously of the Transitional Federal Government. Transitional Federal Government President Sheikh Ahmed Sheikh Sharif and his cabinet ministers have no direct authority in Puntland, which, in its old and new constitution, retains the right to negotiate its status with the “federal” government of Somalia. Its new constitution states: “Pending the completion of the Federal Constitution, ratified by Puntland, and approved by a popular referendum, Puntland State shall have the status of an independent State”.

² The Darood is a large Somali clan, sometimes called a clan family, whose members primarily live in northern Somalia and parts of Mogadishu and the south west. Various Darood clans (sometimes confusingly called sub-clans) also live in the Ogaden region of Ethiopia and Kenya’s Northeast Province. The Harti are a Darood clan (or sub-clan) that includes, among others, the Dhulbahante, Majerten, and Warsangeli clans, which are in turn further sub-divided.

³ The name Puntland comes from the mythological “Land of Punt” in the Horn of Africa. The bulk of the new state was carved out of the north-eastern regions of Bari, Nugaal and Mudug – historically part of the Sultanates of Majertenia (1901-1927) and Mudug/Hoby (1885-1925). No technical demarcation preceded declaration of the state. Its land mass was officially given as 212,510 sq km – roughly one third of the whole country, including Somaliland. This and the unilateral incorporation of non-Majerten areas of Mudug and the territories of Sool and Sanaag rankled with non-Majerten

encompassing seven regions of north-eastern Somalia, including two – Sool and Sanaag – whose status has since been the source of much tension with the secessionist state of Somaliland. The Garowe Declaration was preceded by meetings between prominent elders from the Darood/Harti clans. The campaign to rally the *Isimada* (clan elders) behind the project to carve out an autonomous pan-Harti regional state was driven by the Somali Salvation Democratic Front (SSDF), a guerrilla movement active in north-eastern Somalia.⁴

At the time of the conference, the SSDF was headed by the veteran guerrilla Abdullahi Yusuf, a powerful militia leader and close ally of Ethiopia who had provided his forces with weapons and training to drive the radical Islamist movement al-Ittihad al-Islami (AIAI) from Puntland in 1992.⁵ The idea for the Garowe Constitutional Conference was first mooted in the early 1990s. Schisms within the SSDF, principally the rivalry between Yusuf and General Mohammed Abshir, delayed consensus, but a combination of political factors and clan pressure eventually produced momentum that culminated in the conference.

In 1998, Yusuf and his supporters, drawn mostly from the powerful Majerten (a Darood/Harti sub-clan) political and business elite, realised that powerful forces were emerging in Somalia and re-arranging the political landscape in the interest of their clan constituencies. Several clans were setting up clan-based states. In the north west, Somaliland, dominated by the Isaq, was consolidating its power. The Digil and Mirifle clans were seeking to create an autonomous regional state in the western part of south-central Somalia, in the regions of Bay and Bakool. In the south, an alliance of groups dominated by the Hawiye was cementing its power in the capital, Mogadishu, and appeared poised to extend its control over large swathes of the south-central regions.

The Majerten and their Harti clan cousins, the Warsangeli and Dhulbahante, believed inaction would make them vulnerable. Their conclusion was that they needed to act in unison to secure their interests and avoid being swept under in what was seen as a vicious clan struggle for territory and power. They also knew that territorial control would be a powerful bargaining chip in any negotiation to recreate a central national authority.

clans, such as the Habar Gedir (Sa’ad sub-clan), the Warsangeli and the Dhulbahante.

⁴ For detailed analysis of the conference see “The Puntland Experience: A Bottom-up Approach to Peace and State Building: Peace Initiatives in Puntland 1991-2007”, Interpeace, 2009.

⁵ Crisis Group Africa Report N°100, *Somalia’s Islamists*, 12 December 2005.

Yusuf and the SSDF cleverly exploited this apprehension to foster pan-Harti solidarity. The Warsangeli and the Dhulbahante, numerically disadvantaged⁶ and historically reliant on the Majerten for protection, appeared on the whole supportive of the Puntland project. Despite widespread misgivings in Sool and Sanaag and claims of strong-arm tactics by Yusuf to co-opt recalcitrant leaders, participants accepted the outcome.⁷ Elders from the two clans knew the consequences of challenging the SSDF.⁸

The Puntland project's architects had to contend with more immediate political calculations as well. First, the Majertens feared it was a matter of time before Somaliland gained full recognition. The prospect of an internationally-recognised secessionist neighbour was disconcerting, because it could, among other things, undermine their claim to Sool and Sanaag. The Majerten felt that a semi-autonomous but non-secessionist Puntland would undercut Somaliland's separatist argument and recognition campaign.⁹

Secondly, though the SSDF had defeated AIAI, Yusuf and his supporters recognised the long-term threat posed by powerful Islamist groups in the region that were beginning to dominate commerce and were forging close clandestine relationships with clan elders and civil society.¹⁰ It was clear to the SSDF these groups

had political ambitions and would eventually try to fill the political void in the north east. It was thought imperative to forestall this by following the example of Somaliland's Somali National Movement (SNM) and becoming a political movement.¹¹

Thirdly, Yusuf and his allies wanted to defeat their rivals within the SSDF.¹² Yusuf's chief adversary was General Mohammed Abshir, who remained a bitter foe despite attempts by Ethiopia to reconcile them in 1997. Their personal contest intensified as the Garowe Conference began, but Yusuf outmanoeuvred Abshir. Garowe initially was limited to elders from the four main sub-clans of the Majerten. Yusuf's push for inclusion of the non-Majerten Harti clans, principally the Warsangeli and the Dhulbahante, was a masterstroke that weakened Abshir, who had greater support among the Majerten.¹³ His gambit paid off handsomely, and he easily emerged as the undisputed leader of Puntland.¹⁴

B. THE BUILDING BLOCKS APPROACH

The SSDF was from the mid-1990s an ardent advocate of the "building blocks" approach – a form of federalism seen as a possible way out of Somalia's anarchy and political crisis. The argument was that attempts to recreate a unitary, centralised Somali state were bound to fail. Instead each of the four major Somali clans should build a "block" within a loose federal or confederal structure. It was thought this "decentralised route to unity" was better suited to Somalia, whose

⁶There are no reliable statistics on clans in the north east. Puntland claims a population of 3.9 million. Somalia has not had a census for two decades, so credible figures are difficult to obtain. Most experts believe the Majerten are the majority, followed by the Dhulbahante.

⁷Crisis Group telephone interview, Laas Canood clan leaders, January 2009. The misgivings eventually became open rebellion.

⁸The SSDF in the 1980s and early 1990s were ruthless against dissent in western and central Somalia. There have been many claims of extrajudicial killings, torture and forced disappearances of political opponents. Some leaders suggested the meetings that led to the Garowe Conference were not entirely voluntary and that "intimidatory tactics" were employed in the early stages. Crisis Group telephone interviews, Somali leaders, January 2009.

⁹The Somaliland authorities recognised this and followed developments in the north east with concern. Some suggested a military response, but others warned it could damage Somaliland's image as a responsible player keen on resolving conflicts peacefully. More critically, it would have alienated Ethiopia and Western partners and destroyed recognition chances. Lacking leverage to stop the project, Hargeysa mounted a propaganda campaign. An old name often viewed as offensive by the Majerten, "Majertenia", was used to describe Puntland. The state radio, Radio Hargeysa, continues to use this name.

¹⁰Islamist groups hold economic power in Somalia today. The free enterprise system that followed Siyad Barre's 1991 overthrow has largely been driven by close-knit groups with Gulf

and diaspora links. Islamist businessmen own stakes in the most profitable enterprises, especially money transfer agencies (*hawala*) and telecommunications. See Crisis Group Report, *Somalia's Islamists*, op. cit.

¹¹The SSDF saw the SNM's rise to power in 1991 as a model to emulate, despite its scepticism about political pluralism. The SNM adopted a democratisation strategy early on, led by figures such as Mohammed Ibrahim Egal, who admired liberal democracy. The SSDF had no such ambition; Puntland was to operate a non-party system.

¹²"The Puntland Experience", Interpeace, op. cit., pp. 15-16.

¹³General Abshir lacked Yusuf's political networking skills and spent less time at the conference. Ibid, p. 36.

¹⁴Yusuf's bid, as well as the relatively smooth transfer of power, was aided by his military strength. Throughout his presidency, he commanded the loyalty of former elite forces of the Somali National Army, who obtained arms and ammunition from Ethiopia (to fight al-Ittihad). They later formed the core of the Puntland Darawish, a paramilitary force. A UN monitoring group study estimated the Darawish at 5,000. Their numbers declined, however, after over 1,000 were deployed to the south by Yusuf when he was president there. See "Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811 (2008)", S/2008/769.

clans have traditionally been fiercely territorial and autonomous.

Somaliland, the Isaq initiative, was cited as an early example. Other clan blocks were encouraged to repeat its success – albeit without following the secessionist route. The Hawiye could form a regional entity including Mogadishu and its environs (Banaadir) and extending to the central regions of Hiiran, Galgaduud and Mudug. The Harti, who predominantly inhabit the north east, could create their own regional government. Similarly, the Digil and Mirifle could create their mini-state in the Bay and Bakool regions of south-central Somalia.¹⁵

When Puntland declared its autonomous status in 1998, the reaction in Ethiopia was resoundingly positive.¹⁶ The prospect of another strategic Somali region, led by a long-time ally in Yusuf, was seen as a major success that vindicated its push for the building blocks approach.¹⁷ The growing international support for this approach was not shared, however, by the major interested Arab powers. Egypt, in particular, whose Horn of Africa policy focuses on retaining undiminished access to the Nile waters, feared Ethiopia would dominate the region and was strongly opposed.¹⁸ It favoured a strong central government, campaigned energetically against Somaliland independence and viewed creation of “mini-states” as a strategy by Addis

Ababa and its allies to establish weak client entities incapable of challenging its strategic ambitions.

Their diametrically opposed interests led Egypt and Ethiopia to back rival factions, thus intensifying clan and political polarisation, undermining opportunities for dialogue and ultimately adding another layer to the Somalia conflict. For the country’s politically ambitious warlords, permanently in search of foreign patronage, this rivalry was a godsend. They were adept at playing off one state against the other. Any alliance was more often than not short-term, tactical and driven by a single motive: to maximise support for themselves. Whenever support was deemed inadequate, they switched sides with ease. The impermanence of the alliances added unpredictability and fluidity to already complex and combustible politics, making the search for peace much harder.

The debate over various approaches (federalism, regionalism and building blocks) occurred against this backdrop of regional competition, warlordism and political opportunism, with little intellectually rigorous argumentation to convince the public. In fact, the tendency was to ignore the public altogether. The few intellectuals who were sceptics or favoured a more serious discussion were increasingly isolated or silenced.¹⁹ Yusuf and his supporters fostered – in the words of one critic – “a climate of certitude and blind faith in a fallible human model with a fervour and zeal that was religious in its intensity”.²⁰

Puntland’s creation in 1998 was not simply about building an autonomous regional government based on the building blocks model. It was also about how best to address inter-clan animosities and mistrust. There was a recognition Puntland could easily unravel if this problem was not properly tackled. Leaders in the north realised that the key shortcoming of the numerous reconciliation efforts in the south was the failure to first conduct a grassroots campaign to rebuild inter-clan cohesion and unity of purpose. All the political accords in the south to create interim governments have been rendered ineffective primarily by inter-clan and sometimes intra-clan (i.e. sub-clan and sub-sub-clan) mistrust and rivalry. Because Puntland’s leaders wanted to avoid this, the Garowe Conference was preceded by lengthy meetings of clan elders across the region.

¹⁵ Increasingly, ideas on devolution and decentralisation became *de rigueur*. Ethiopia’s “ethnic federalism” policy was under way, while Sudan struggled to consolidate a classic federalism system. In Kenya, debate over *majimbo* (regionalism) was intensifying and polarising parties. The UN envoy to Somalia in 1992, Mohammed Sahnoun, is believed to have favoured this strategy of rebuilding the state. See Matt Bryden, “New Hope for Somalia? The Building Block Approach”, *Review of African Political Economy*, vol. 26, issue 79 (1999). In 1998, another UN envoy, David Stephen, spoke in favour of the approach. See “Somalia – change in approach in addressing problem of peace”, *UN Chronicle*, autumn 1998.

¹⁶ The building blocks approach enjoyed Ethiopia’s unequivocal endorsement; some Somali critics suggest it was driven by Addis and that it was no coincidence that almost all Somali advocates were essentially Ethiopian allies. Crisis Group interviews, Nairobi, Mogadishu and Djibouti, February 2009. Somaliland nationalists reject any suggestion their quest for independence was other than domestically inspired. They speak of the right of an oppressed people to end decades of domination by the south.

¹⁷ Prime Minister Meles and others in the Ethiopian regime are said to have also believed that this was a version of Ethiopia’s ethnic federalism that could work in Somalia. Crisis Group interviews, journalist, Addis Ababa, December 2008.

¹⁸ Crisis Group Africa Briefing N°45, *Somalia: The Tough Part Is Ahead*, 26 January 2007.

¹⁹ A prominent Somali scholar familiar with the politics of the debate told Crisis Group in a Nairobi interview in February 2009: “The pro-federalism lobby’s favourite sales pitch was to say ‘if it is good for Ethiopia, it must be good for Somalia’”.

²⁰ Crisis Group interview, academic, Nairobi, February 2009.

Once Puntland was declared, an interim charter adopted and a government – reflective of the pan-Harti character of the region – formed, the challenge was to sustain the new sense of common purpose. But even more daunting was the ideal of building an egalitarian political system based on cross-clan support and legitimacy that the rulers invoked as their guiding principle. Representation in the Puntland government and control of economic activity had to be carefully balanced among the dominant clans in the region, particularly the Omar Mohamoud, Issa Mohamoud, Osman Mohamoud, Dhulbahante and Warsangeli. If the balance was not kept, invariably tensions would rise. Many consider subsequent developments were a betrayal of the original objectives.

III. THE YUSUF YEARS AND BEYOND

While Puntland's creation was preceded by a Darood/Harti political consensus, it was Yusuf's ambition, power and charisma that drove the process. Without him, the project may not have been viable. However, he had little or no desire to promote democracy or good governance. Puntland's creator also sowed the seeds of its decline.

A. BUILDING BLOCKS IN PRACTICE

Puntland began to rapidly consolidate its image as a functioning regional state and a model of the building blocks approach. Yusuf was elected by clan elders as its president for four years. A charter was adopted after a one-year drafting and consultation process.²¹ A regional parliament chosen by clans was established.²² A relatively more efficient tax and revenue collection system was inaugurated. Courts and prisons were rebuilt in all major towns. There was enthusiasm for the new regime and its attempts to create functioning insti-

tutions, and a sense of freedom allowed civil liberties and independent media to take root.²³

Despite the encouraging achievements between 1998 and 2001, however, Puntland was far from the model of stability and progress its supporters wanted. Things took a dramatic turn for the worse when Yusuf, whose term officially expired on 30 June 2001, refused to step down and embarked on machinations to cling to power unconstitutionally.²⁴ Clan elders appointed a caretaker president, Yusuf Haji Nur,²⁵ mandated to prepare for elections in November 2001 that were won by Jama Ali Jama, an old Yusuf rival.²⁶

Yusuf refused to recognise the election and launched a military offensive against militiamen loyal to Jama. After his forces quickly overran a number of towns, he proclaimed himself president²⁷ and proceeded over the next two years to rule with an iron fist,²⁸ locking up dissidents, restricting the media and creating a climate of fear.²⁹ The consensus politics of the first years was

²³ See "Media survey of Somaliland and Puntland – March 2007", BBC Worldwide Monitoring, March 2007. All major towns in Puntland – Boosaaso, Garowe, Galkacyo and Qardho – have FM stations. Though radio remains the most popular and important medium, owing to literacy levels, there are a few influential newspapers. The media is considered freer in Puntland than Somaliland, despite self-censorship and occasional crackdowns, especially in Galkacyo, on those deemed supportive of the Islamist political agenda. *Ibid.*

²⁴ His first move was to push parliamentarians into supporting a controversial motion to extend his mandate by three years. The motion was overwhelmingly passed, but its validity was challenged by several clan leaders and opposition figures. The region's chief justice termed it unconstitutional. Crisis Group telephone interviews, local leader, Boosaaso, April and May 2009.

²⁵ Yusuf Haji Nur was chief justice of Puntland at the time. He took the decision to – as he claimed – defend "constitutional-ity" against Yusuf's attempt to obtain an "illegal mandate extension". From June to December, there were skirmishes between rival militiamen supporting the two men. Crisis Group telephone interviews, journalist, Boosaaso, April and May 2009.

²⁶ Jama Ali Jama, a former army colonel who turned to politics in the early 1990s, has been one of Yusuf's most vociferous critics. He comes from the Osman Mohamoud Saleban sub clan, traditionally a rival of Yusuf's sub clan.

²⁷ Yusuf's brutal campaign led to the death of close to 400 people, according to local journalists Crisis Group interviewed in April 2009, and exacerbated intra-Harti clan frictions. The aftermath proved politically costly, as it set the stage for the open rebellion in the north-central regions of Sool and Sanaag.

²⁸ Crisis Group telephone interviews, politician, Garowe, January 2009.

²⁹ One popular independent radio station targeted was SBC (Somali Broadcasting Corporation), which was banned in May 2002 for "airing material deemed injurious to state se-

²¹ See Federico Battera, "Remarks on the 1998 Charter of Puntland State of Somalia", UN Development Office for Somalia working paper series, available at www.somaliawatch.org/archivejun02/020707602.htm.

²² The system of clan representation was arbitrary and often dogged by controversy. In theory, every sub-clan of the Darood/Harti clan had to nominate a parliamentarian endorsed by sub-clan leaders. In practice, the nomination was often contentious, and the calibre of those selected the subject of much discussion. Minority groups and women were clearly disenfranchised, despite the fact that women were allocated five seats – a token gesture incompatible with their dominant role in society.

abandoned. Yusuf gave his elite special security forces, the Darawish,³⁰ and the Puntland Intelligence Service (PIS) unrestricted leave to clamp down.³¹ Nepotism, cronyism and corruption took root. The regime rested on a narrow base, with the Omar Mohamoud sub-clan essentially controlling the levers of power.

The clash between the ideal of an indigenous, consensual political system and the reality of a top-down repressive system had disastrous consequences. As public support for the regime waned, infighting between leaders and the sub-clans intensified. A pliant judiciary, politicised civil service and security apparatus packed with handpicked cadres ensured the regime's tenuous grip on power was not threatened from within. Periodic but controlled elections were designed to mollify a restive public rather than advance democracy.

However, while Yusuf wanted to remain the undisputed leader, his ambition was to become president of all Somalia.³² He was elected president of the Transitional Federal Government (TFG) in October 2004, thanks to Ethiopian and Kenyan influence. His departure for the south to head the TFG triggered elections in Puntland in January 2005, won by a close ally, General Adde Muse Boqor,³³ whom many saw as "a decent guy", but without Yusuf's "toughness, charisma and survival skills".³⁴ Under him, Puntland's situation deteriorated rapidly.

By 2005, corruption in Puntland had permeated every tier of government and become almost a way of life.³⁵ Its impact on business was particularly devastating. Traders applying for licences to import food, fuel and consumer goods had to pay large bribes. Fishing licences and mineral exploration rights were sold to well-connected firms without open tenders. Livestock export licences went to those able to pay the highest bribes or with powerful, often clan connections. Food, transport and basic goods and services became much more expensive, as traders passed on the costs of doing business. Poverty and malnutrition increased, and ill-advised state interventions made matters worse, including the printing of new banknotes that flooded the money market and created hyper-inflation. These developments, aggravated by severe drought, pushed Puntland into a lengthy humanitarian emergency.

Crime and corruption soon spiralled out of control. The environment was ideal for criminal syndicates involved in arms smuggling, piracy, human trafficking, kidnapping and counterfeiting.³⁶ For example, a gang based in the Bari region reportedly used (and still uses) the same boats employed in piracy to carry refugees and economic migrants from Somalia to Yemen, returning with arms and ammunition.³⁷ Security problems were compounded by political tensions within the regional government,³⁸ as well as growing frictions with the TFG and armed groups in the south.

curity". See "Attacks on the Press 2002: Somalia", Committee to Protect Journalists, news release, 31 March 2003.

³⁰ See fn. 13 above.

³¹ Dozens of dissidents, mainly Islamists, were tortured, disappeared or "rendered" to foreign intelligence services. Yusuf's critics argue it was this image of a strong, ruthless leader that he cultivated during this period that endeared him to the Ethiopians and paved the way for his rise to the post of president of the Transitional Federal Government (TFG) in 2004.

³² Crisis Group interviews, officials close to Yusuf, Nairobi, Addis Ababa and Djibouti, January and February 2009.

³³ General Mahmud Muse Hirsi, aka Muse Adde, was a general in Siyad Barre's regime, a regional governor and a military attaché in China and elsewhere. He comes from the Osman Mohamoud Saleban sub-clan of the Majerten. His choice was surprising to many. In early 2001 he was a foe of Yusuf and ally of Jama Ali Jama. But the two patched up their differences around 2003 and reached a "gentleman's agreement" that paved the way for Adde Muse's election as president.

³⁴ Crisis Group interviews, politicians and clan leaders, Boosaaso and Nairobi, February 2009. Prof. Abdiweli M. Ali described the optimism that greeted the general's election: "People had known Adde as [a] click-the-heels, salute, and get-the-job-done guy. Boots with brains, or so they thought! ... He had an enormous political capital to effect change, and he squandered it". "Corruption in Puntland and Adde Muse's noble-sounding nonsense", Hiraan Online, 28 July 2007.

³⁵ Crisis Group telephone interviews, politicians and clan leaders, Boosaaso and Nairobi, April 2009.

³⁶ Human trafficking is called by Somalis by the Arabic word *tahrib* (smuggling). Thousands of Somalis, Ethiopians and Eritreans pass through Puntland's Boosaaso port every year to undertake dangerous sea voyages on rickety boats across the Gulf of Aden. The death toll is estimated at close to 2,000 annually. Kidnapping for ransom is common in the major cities and in remote villages, with foreign aid workers and wealthy locals the favourite targets. Counterfeiting of Somali banknotes has compounded inflation. Local traders, especially in Boosaaso, and Far East firms have been cited as responsible.

³⁷ "Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811", op. cit., p. 32.

³⁸ Simmering Warsangeli and Dhulbahante unease and their unaddressed grievances erupted into open rebellion against the Muse Adde government in mid-2007. A prominent Dhulbahante leader, Ahmed Abdi Habsade, was fired as security minister in July 2007. In retaliation four districts in the disputed Sool region broke from Puntland, calling their entity Maakhir. Habsade escalated tension by switching his allegiance to Somaliland and allegedly began formenting rebellion. A cabinet rebellion in 2008 led to multiple resignations, the most prominent that of a respected woman minister, Asha Gelleh (women and family affairs), in August. See "Somalia: cabinet minister resigns in Puntland", AllAfrica.com, 9 August 2008.

Clan tensions had begun to surface barely two years into Puntland's existence, and the bitter leadership contest between Yusuf and Jama in 2001 put paid to any notion of government by cross-clan consent. Yusuf seized power in clear defiance of the *Isimada*, who had anointed Jama as president. This plunged the region into armed conflict,³⁹ after two years of which he finally attained a decisive military advantage, albeit with Ethiopian assistance.⁴⁰ Under the terms of the 2003 peace accord, he was initially re-appointed president of Puntland for one year but secured a six-month extension, to 31 December 2004, due to his engagement in the Mbagathi peace talks.⁴¹

From that point, leadership was not about consent, but about who could muster the force to claim it and use coercive instruments to maintain it. There was little pretence of inclusivity. The notion of creating a council of elders to check the excesses of a powerful executive was abandoned. Increasingly, cabinet posts and other state jobs were allocated on a narrow clan basis, often to Yusuf loyalists drawn mainly from the Omar Mohamoud sub-clan. This alienated key segments of the old clan alliance instrumental in Puntland's creation. The regimes that followed Yusuf's after 2004 have had a similar style, further undermining the little that remained of clan cohesion and intensifying political polarisation.

B. THE ROLE OF THE SECURITY APPARATUS

On the establishment of Puntland, a new police force, intelligence service and army were created, the bulk of whose members were ex-SSDF guerrillas loyal to Yusuf. By 2001, the most powerful state institution – arguably more so than the presidency – was the U.S.-backed intelligence service, the PIS.⁴² It accumulated extensive authority and acted with impunity, targeting perceived enemies and routinely using torture to extract information. Ethiopian Ogadeni and Oromo rebels seeking temporary refuge and Islamist militants were often arbitrarily “rendered” to Ethiopia.⁴³

³⁹ See Crisis Group Africa Report N°45, *Somalia: Countering Terrorism in a Failed State*, 23 May 2002, pp. 7-8.

⁴⁰ “Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1425 (2002)”, S/2003/223, p. 23.

⁴¹ Crisis Group Africa Report N°88, *Somalia: Continuation of War by Other Means?*, 21 December 2004, p. 7.

⁴² Crisis Group interview, ex-military officer, Nairobi, April 2009. See also Crisis Group Africa Report N°95, *Counter-Terrorism in Somalia: Losing Hearts and Minds?*, 11 July 2005, p. 9.

⁴³ Crisis Group interviews, former Puntland security official, Nairobi, January 2009.

The Islamists were particularly targeted following suicide attacks in Hargeysa and Boosaaso in late 2008. Suspected Islamist militants with alleged links to the powerful Al-Shabaab movement in the south were rounded up and detained. The arrests and renditions further eroded public support for the regime, which became increasingly dependent on the PIS for survival. A disproportionate share of the \$20-million public budget was routinely allocated to the service, even as thousands of police and soldiers went for months without salary.⁴⁴

Lack of pay, allegations of clan bias, favouritism and cronyism caused morale to plummet in the security and justice sectors.⁴⁵ This in turn intensified inter-agency friction at a time when crime syndicates were beginning to overwhelm the state's weak law enforcement machinery. Many in the police force could not resist the lure of easy money from crime barons.⁴⁶ The authorities were sluggish in tackling these problems, and their remedial measures, including arbitrary dismissals and transfers of officials, often were half-hearted and cosmetic. The net result of attempts to clean up the police was minimal, and the problem of corruption was left to fester.

IV. PUNTLAND IN CRISIS

A. GOVERNANCE

The post-Yusuf years have been difficult. His departure unleashed forces that intensified the process of decline. Security deteriorated dramatically, state power eroded, and corruption became endemic. The successors – General Adde Muse and Abdirahman Farole – lacked the “gutsy and decisive style of Yusuf”,⁴⁷ and despite elections and the appearance of smoothly functioning ministries and other institutions such as parliament, the reality was one of steep decline.⁴⁸ The

⁴⁴ Crisis Group telephone interview, Somali academic, London, February 2009.

⁴⁵ The makeup of the new police and army was predominantly Majerten, to be precise from the powerful Mohamoud Saleban (sub-clans), although there was a sprinkling of Dhulbahante and Warsangeli figures in the higher ranks. This apparent imbalance planted the seeds of the political problems that overtook the administration.

⁴⁶ Crisis Group telephone interview, Boosaaso, April 2009.

⁴⁷ Crisis Group telephone interview, Somali journalist, Garowe, April 2009.

⁴⁸ This was acknowledged by the Puntland government. See “Puntland Five-Year Development Plan 2007-2012”, Minis-

electoral system is deeply flawed, law and order has broken down, parliament is powerless, and political unrest is growing.

President Farole campaigned as a “reformer”, but he is closely linked to past Puntland regimes. He served as finance minister under Presidents Yusuf and Hashi and planning and international cooperation minister under President Adde Muse (when the five-year development plan was prepared).⁴⁹

The regime promises a functioning multiparty system by 2010,⁵⁰ but this is problematic. Puntland has officially had a “non-party” system since its inception, on the rationale that time was needed to consolidate and institutionalise democracy before introducing multiparty politics. In fact, the regime has been in the hands of ex-SSDF apparatchiks and their clan allies. A transition from the current system of clan representation to meaningful multiparty elections with universal suffrage will face significant challenges. There are also growing fears in the non-Majerten areas that the plan to create a multiparty system may be a ploy to further cement perceived Majerten dominance.⁵¹ There is a danger a multiparty system will simply formalise the growing clan schisms, with every clan or sub-clan creating its own party, as happened in southern Somalia in the 1990s.

Puntland has conducted four presidential elections (1998, 2001, 2005, 2009). Presidents are elected by the 66-member unicameral parliament, whose members in turn are nominated by their sub-clans and endorsed by clan chiefs and an eight-member electoral commission. Supporters admit this “tradition-based” system is not democratic but argue it has produced healthy changes of leadership.

The last election, in January 2009, was particularly closely fought, with the hallmarks of a free contest.

try of Planning and International Cooperation, Puntland State of Somalia, 2007, p. 10.

⁴⁹ When a dispute about a Puntland oil deal prompted President Adde Muse to remove Farole as planning and international cooperation minister, his armed supporters tried to prevent parliament from voting on the matter. Mohamed A. Alil, “Puntland presidential hopefuls: with whom shall we entrust the Presidency”, *Wardheernews.com*, 2 January 2009. For an alternative version of the events by Farole’s son, Mohamed Abdirahman Farole, see “Puntland opposition leader calls for nonpartisan Election Commission”, *Garowe Online*, 19 October 2008.

⁵⁰ Crisis Group telephone interview, civil society member, Galkacyo, June 2009.

⁵¹ Crisis Group interview, clan elder, Nairobi, April 2009. Again, the Majerten are numerically and politically dominant.

Over a dozen candidates took part, campaigning was unhindered, and the quality of debate was superior to the past. That an incumbent leader can be unseated – as General Muse was in January – is said to be testimony to the system’s basic fairness.⁵² Critics claim, however, that the elections are little more than “political contrivances” to cement the regime’s democratic credentials, have done little to improve the prospects for greater democracy and if anything are designed to provide the regime with excuses to forestall democratisation. Ordinary people, they say, feel as disenfranchised as Somalis elsewhere.⁵³

There were also credible allegations of widespread vote-buying by the main presidential candidates, a row over the composition of the electoral body and reports of manipulation of clan leaders, all of which undermined the integrity of the exercise. While the victory of Abdirahman Farole, who projected himself as a reformer and an outsider opposed to the old political elite, is now generally accepted, doubts remain about whether he won fairly.⁵⁴

Elections are unlikely to serve as a safety valve for long, considering the mounting domestic opposition to the regime.⁵⁵ A one-person-one-vote system could see the regime defeated. Indeed, one reason holding the regime back from electoral reform is fear of the opposition’s strength, especially that of the Islamists.

B. THE NEW CONSTITUTION

The regime’s attempt to replace the 1998 Puntland Charter with a new constitution also exacerbates the governance crisis. The constitution was crafted in secrecy, without input from civil society and key clan constituents. Unveiled in June 2009, it is provisionally in force pending an early referendum. Critics argue the timing is inauspicious and the process deeply flawed, smacking of opportunism.⁵⁶ Some regime figures see

⁵² Michael A. Weinstein, “Somalia: Puntland’s Peaceful Transfer of Power”, *Garowe Online*, 16 January 2009.

⁵³ Crisis Group interview, civil society leaders and Somali journalists, Nairobi, April and May 2009; Crisis Group telephone interviews, *Garowe*, April 2009.

⁵⁴ Farole’s self-imposed exile in Australia helped him to tap into the Somali diaspora’s financial resources.

⁵⁵ Crisis Group interview, Somali journalist, Nairobi, May 2009. A little-known group, “The Reformists”, is said to attract attention in the region and could prove a major challenge for the government, according to some whom Crisis Group interviewed.

⁵⁶ Crisis Group telephone interview, government critic, *Garowe*, Boosaaso, May 2009.

the whole project as an effort to engineer a final break with the south and move Puntland toward secession.⁵⁷

The idea of a constitution to replace the Charter was first mooted in 2005. A committee of experts was set up to oversee the task, and drafting began in earnest in late 2006. Although the authorities promised a transparent, consultative exercise, this did not happen.⁵⁸ Though some consultative meetings were held in the main urban centres in early 2008, much of the committee's work was shrouded in secrecy.⁵⁹ A section of the *Isimada*, already angry at what they perceived as the government's deliberate policy of locking them out, began to openly question the legitimacy of the process. Much of the opposition was led by non-Majerten elders, who argued the exercise was organised by the Majerten to give their political dominance *de jure* respectability.⁶⁰

Non-Majerten apprehensions were reinforced when the council of ministers quietly adopted the draft in June 2008, immediately followed by the legislature.⁶¹ This was widely interpreted as an attempt to get around significant public opposition.⁶² The response from the dissident clan elders was swift and politically unprecedented. Fourteen prominent *Isims* (chiefs) signed a widely-publicised petition, condemning the entire exercise and calling for a region-wide conference to "save Puntland".⁶³ This challenge reflected growing public unease at how the region is governed and the erosion of consensus politics. The regime's dismissal of opposition to the constitution as insignificant, the work of malcontents and rabble rousers, was another proof for reformists of its growing authoritarian tendencies and – in the word of a prominent clan leader – "its tactless and insensitive response to legitimate public unease and concerns".⁶⁴

A significant number of prominent leaders admit the constitution process was heavily politicised, ill-timed and badly managed.⁶⁵ A less hasty, more transparent and inclusive process might have prevented much of the rancour and suspicion, but the region is now saddled with a basic document that lacks popular legitimacy and is increasingly contested by key segments of society that feel they were deliberately prevented from shaping it.

The trouble with the constitution is not confined to concerns over the drafting process. The document has noteworthy features. It seeks to transform Puntland into a parliamentary democracy with a multiparty system, albeit one that limits the number of parties to three. It is mostly strong on human rights, with a good mix of checks and balances to prevent executive abuses and make government more accountable. However, it also includes illiberal clauses that could ignite serious political and social unrest:

- It seeks to put Puntland firmly on the path towards secession. The region's name has been changed to the "Puntland State of Somalia", and an anthem and flag have been introduced – symbolic measures that critics see as proof of independence intentions. Article 4 explicitly empowers the government to secede from the federal government on specified grounds.⁶⁶
- The move to a multiparty system (Article 46) and the limits placed on the number of official parties could intensify inter-clan friction.⁶⁷
- Many individual and civil liberties are limited, apparently to curry favour with conservative Muslim groups. For example, Article 9 (4), "any law and any culture that are against Islam are prohibited"; and Article 78(2), the president and vice president must be a "practising Muslim" and may not be "married to a foreigner, nor marry a foreigner during his/her term".

⁵⁷ BBC Somali Service Radio, 27 May 2009.

⁵⁸ Crisis Group telephone interviews, civil society members, Boosaaso, Galkacyo and Garowe, April 2009.

⁵⁹ This did not, however, prevent leaks, and by May 2008, the draft was being openly debated, especially controversial clauses. Crisis Group telephone interviews, civil society members, Boosaaso, Galkacyo and Garowe, April 2009.

⁶⁰ Crisis Group interview, Laas Canood elder, May 2009.

⁶¹ The vote in parliament was 49 in favour, two against and three abstentions. Twelve members were absent "Baarlamaanka oo ansixiyey dastuurka cusub ee Puntland", Somali news website Yamayska, 29 June 2009.

⁶² "Somalia: Puntland cabinet adopts new constitution", Garowe Online, 3 July 2008.

⁶³ "Somalia: Clan elders call for conference to 'save Puntland'", Garowe Online, 30 June 2008.

⁶⁴ Crisis Group interview, clan leader, Nairobi, April, 2009.

⁶⁵ Crisis Group interviews, civil society members and politicians, Nairobi and London, July 2009. These sentiments are voiced openly mostly but not exclusively by leaders of non-Majerten clans. A number of prominent diaspora figures privately admit as much.

⁶⁶ Article 80(8) states: "The President shall direct and develop the international relations of Puntland State and negotiate and sign international agreements.

⁶⁷ The constitution allows a maximum of three parties, which smaller clans fear will lead to domination by larger clans, and punishes party defection by automatic removal from the parliament.

C. DISPUTED TERRITORIES

The tension with Somaliland over the disputed Sool and Sanaag regions and with Hawiye clans in Mudug apparently vindicates the critics who warned that creation of autonomous mini-states could spark territorial rows, inter-clan friction and renewed instability. The most dangerous problem facing Puntland is the standoff over Sool and Sanaag.⁶⁸ Though simmering for years, the current serious troubles were triggered by Adde Muse's provocative decision to grant mineral exploration rights to foreign companies in 2005.⁶⁹ That threatens to ignite a major confrontation in northern Somalia, a region long spared from the chaos that has racked the south. The occupation of Laas Canood town, the provincial capital of Sool, by Somaliland forces in October 2007 was a dangerous escalation that has impaired efforts to use traditional inter-clan conflict resolution mechanisms to defuse the crisis.

The trouble feeds on a deep-seated and acute sense of grievance and a widely-shared perception among the Dhulbahante and the Warsangeli that they are collective victims.⁷⁰ Especially the Dhulbahante perceive their current difficulties as a continuation of "historical emasculation, betrayal, marginalisation and disenfranchisement" by the Isaq (Somaliland) and the Majerten (Puntland).⁷¹ The region's inhabitants accuse both regimes of applying the "politics of tokenism" to blunt criticism and substitute for genuinely participatory governance. What is new is the harsher tone in which

these complaints are being voiced by local leaders and their barely disguised threat to use violence to achieve more freedom from meddling by both Puntland and Somaliland.⁷²

A similar dynamic is developing in Mudug, the central region of which is inhabited by non-Darood clans, principally the Sa'ad sub-clan of the Habar Gedir (part of the Hawiye clan grouping). It is unclear where a definitive Puntland border might be drawn,⁷³ but the de facto border runs through main town, Galkacyo, which is divided into two clan sectors – the north for the Majerten, the south for the Sa'ad. Clan militias have clashed repeatedly in and around Galkacyo in the past five years.

D. THE ISLAMIST THREAT

The brutal suppression of Islamist dissidents in Puntland during the Yusuf years and the rendition of suspected militants to foreign intelligence services has had the cumulative effect of creating an underground movement. The 1990s movement al-Ittihad al-Islami (AIAI) had its roots in Puntland and constructed a formidable social, economic and political structure. Current Islamist groups operate with great caution to avoid PIS attention. Puntland security sources believe the Islamists have built a significant network that will be difficult for the PIS and other intelligence agencies to infiltrate.⁷⁴

Rattled by the Union of Islamic Courts (UIC) take-over of Mogadishu in mid-2006, the Adde Muse government announced it would implement Sharia (Islamic law) and appealed to Ethiopia for military help. When the Ethiopians invaded in December 2006 and the UIC broke into splinter factions, some Islamist fighters with clan affiliations in Puntland may have returned to their communities.⁷⁵ There were periodic reports of infiltration by ex-UIC combatants and Al-Shabaab units throughout 2007 and 2008. In June 2007, an alleged Al-Shabaab unit hiding in a hilly area near the north-

⁶⁸ During his speech at Puntland's eleventh anniversary celebrations, President Farole said, "we shall retake Sool and Sanaag". BBC Somalia Service Radio, 2 August 2009.

⁶⁹ Range Resources of Australia and its partner Africa Oil received rights to explore the Nugaal Valley and areas in the disputed regions. Local clan leaders told Crisis Group in April 2009 they were not consulted, and the regime ignored their plea to discuss critical matters for the Dhulbahante and Warsangeli. See "Somalia's Puntland sold exploration rights in Somaliland", Afrol News, 1 February 2006. Yusuf, as TFG president, granted concessions in Mudug in 2007 to the China National Oil Corporation and China International Oil and Gas. "How many states for the north?", *Africa Confidential*, vol. 48, no. 21, 19 October 2007.

⁷⁰ Clan leaders said Somaliland's forcible seizure of Laas Canood and Puntland's alleged failure to "lift a finger" to challenge the "occupation" brought home their "powerlessness". The leaders argued that rather than leading to despondency, this sharpened political awareness and increased resolve to chart an independent course. Crisis Group interview, Dhulbahante leaders from these regions, Nairobi, April 2009. "Somalia: Las Anod clan elders 'give up' on Puntland govt", Garowe Online, 8 June 2008.

⁷¹ Crisis Group interview, Dhulbahante clan leaders, Nairobi, April 2009.

⁷² Crisis Group interview, clan elders, Nairobi, April 2009.

⁷³ The government website lists Mudug, as well as Sool and Sanaag, among the seven regions of the Puntland state. See www.puntlandgovt.com/profile.php.

⁷⁴ Crisis Group interviews, diplomats and journalists, Nairobi and Addis Ababa, January 2009. Philanthropy has been one effective strategy. For example, Islamist businessmen in Garowe have been paying police who go for months without getting their salaries from the Puntland government. Crisis Group interview, clan leader, Nairobi, April 2009.

⁷⁵ Crisis Group telephone interview, Somali journalist, Boosaaso, January 2009.

eastern coastal village of Bargaal was shelled by U.S. warships.⁷⁶

If the resurgent militants in southern Somalia regain Mogadishu, sympathetic and politically ambitious local groups will likely seek to overthrow the Puntland regime. Control there would enable them to set their sights on Somaliland, another secular region they would consider “ripe for Islamisation”.⁷⁷

E. PIRACY

Piracy has best dramatised Puntland’s mounting crisis. Attacks launched from the region have escalated since the beginning of 2009, provoking unprecedented global interest, shattering the facade of stability that had sheltered the regime from international scrutiny and bringing to the fore the land-based factors at the root of the problem.

1. Socio-economic factors

A major factor fuelling the piracy problem is the level of societal acquiescence the practice enjoys. The “sea bandits” (*burcad badeed*) are seen by many as heroes, striking a blow for Somali nationalism and “protecting” the country’s coastal waters from predatory foreign fishing and ships laden with toxic cargo. This view is now less stridently voiced but remains widespread, cutting across all clans and social strata and not limited to Puntland. This glorification of piracy is a function of a sense of victimhood and national humiliation made acute by the prolonged trauma of statelessness and anarchy that appears to leave the country fair game for foreigners.

But it was the high level of poverty in coastal areas that triggered the piracy. The first pirate gangs formed in the late 1990s in impoverished, remote communities almost exclusively dependent on fishing, such as Eyl, Hobyo and Harardheere. Their core members are thought to have been fishermen, who saw their livelihoods vanish through irresponsible overfishing by better equipped foreign trawlers.⁷⁸

These communities are also victims of government indifference.⁷⁹ Years of neglect and under-investment

in fishing, coupled with the decline in stocks, drove many residents to alternative livelihoods, including piracy.⁸⁰ This official neglect of a potentially lucrative economic sector reflects a deeply-rooted cultural disdain among Somali elites for a way of life they often consider inferior to the “noble” vocation of livestock-rearing.⁸¹ It is no coincidence Puntland’s best developed economic sector is livestock export, which generates most state revenue.

2. Official complicity and reaction

There is evidence that state complicity, though it may have decreased in the last year, perpetuates the piracy problem.⁸² It is an open secret that elements in the police, the security services and government have benefited financially from the practice or felt compelled to turn a blind eye out of filial and clan loyalty. Without some form of official protection and collusion, gangs would find it difficult to operate as efficiently as they do, given the complex logistics involved in planning and executing raids and negotiating ransoms.

The relationship between pirates and officials began initially as a scheme to train ex-militiamen as the nucleus of a coast guard. The training was largely done by ex-officers of the old national navy, but foreign security firms contracted by Yusuf were also involved.⁸³

⁷⁶Mustafa Haji Abdinur, “U.S. warship shells Al-Qaeda targets in northeastern Somalia”, Agence France-Presse, 2 June 2007.

⁷⁷Crisis Group interview, Somali journalist, Nairobi, April 2009.

⁷⁸See “It’s a pirate’s life for me”, BBC News, 22 April 2009.

⁷⁹Crisis Group telephone interview, community leader, Boosaaso, January 2009.

⁸⁰The only notable aid project for the depressed fishing industry was the revival in 2007 of a processing plant in the fishing village of Laas Qorey on the Gulf of Aden. Although the government often hails this project as proof of its commitment to the fishing industry, its role was relatively marginal compared to that of local businessmen.

⁸¹Siyad Barre, the dictator deposed in 1991, exhorted nomadic Somalis to eat fish. A radio jingle, broadcast daily, rhymed: “Let us eat fish and make profit from it; Let us eat fish”. Though fish is becoming popular in most cities, especially on the coast, it is not clear that the campaign changed cultural perceptions about its inferiority to meat, especially camel meat.

⁸²Crisis Group telephone interviews, ex-government officials, Nairobi and Boosaaso, March 2009. See also “Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1474 (2003)” S/2003/1035, p. 33; “Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811”, op. cit., pp. 15, 25; and “Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1766 (2007) S/2008/274, p. 51. President Farole’s son introduced a journalist to several pirate leaders. Jay Bahadur, “I’m not a pirate, I’m the saviour of the sea”, Times Online, 16 April 2009.

⁸³See Christopher Paul Kinsley, Stig Jarle Hansen and George Franklin, “The Impact of Private Security Companies on Somalia’s Governance Networks,” *Review of International Affairs*, vol. 22, no. 1, March 2009, pp. 147-161; and Stig Jarle Hansen, “Private Security & Local Politics in Somalia”,

After the course, the men were given semi-official status and told to hunt foreign trawlers illegally fishing in Somali waters and extort “fines”. Crews were held and the boats anchored in discreet locations and only released after the “fine” was paid.⁸⁴

Within a short time, this became a sophisticated criminal operation that brought in tens of thousands of dollars annually (later millions) for its masterminds and a growing array of accountants, bankers, negotiators and others hired to value ships, set “fines” and devise means to launder money. The composition of these gangs is increasingly cross-clan, although the leadership remains predominantly Majerten,⁸⁵ and they are evolving into a well-organised, highly adaptive crime syndicate with wide geographic connections.⁸⁶ European Union (EU) governments are alarmed at reports that suggest Somali pirates receive sensitive shipping intelligence.⁸⁷ There is also fear the growing unrest in Yemen and the erosion of state authority in southern coastal areas may provide ideal conditions for Yemeni criminals and the pirates to expand a partnership.⁸⁸

Since late April 2009, security forces have conducted a number of well-organised raids on pirate hideouts. Courts have been giving lengthy jail terms to some pirates after speedy trials. The *wa'yigelin* (sensitisation campaign) appears to be paying some dividends. A group of 80 pirates, led by Abdirizaq Abdullahi “Boya”, took advantage of a general amnesty announced in late May to renounce piracy at a public rally.⁸⁹ However, while the amnesty is a laudable initiative, it should not be a blanket one that lets leaders go free to enjoy their loot.

These developments, even if primarily designed to mollify domestic and foreign critics, are encouraging, but the Farole government is increasingly viewed with suspicion by some Western states. Farole, who needs

foreign aid to shore up his weak government, has been trying to improve his credibility, including by visits to Nairobi in April and London and Washington in July, but it is not clear with what success.⁹⁰ Much depends on whether the new anti-piracy campaign is sustained and produces results.

F. RELATIONS WITH THE SOUTH

In mid-2008 when international pressure over the peace process in Djibouti began mounting on Yusuf,⁹¹ Puntland’s leaders, including then-President Adde Muse, vilified that process as a plot to marginalise the Darood.⁹² When Yusuf stepped down as TFG president on 29 December, they made veiled threats to follow Somaliland into secession. The unceremonious exit of Yusuf and the wide local distrust of Djibouti strengthened those who want an independent Puntland. That an important segment of the Majerten now favours secession is a major change from the unionist position officially adopted in 1998.⁹³

Sheikh Sharif Sheikh Ahmed, the president of the Government of National Unity (GNU), appointed Omar Abdirashid Ali Sharmarke, from a respected Puntland family, as prime minister in February 2009 in order to send a powerful signal to the Darood – especially the Majerten – that they were central to his plan to create a functional administration. His gambit

Review of African Political Economy, no. 118, 2008, pp. 585-599.

⁸⁴ Hansen, “Private Security & Local Politics in Somalia”, *op. cit.*; Bahadur, *op. cit.*

⁸⁵ A private maritime intelligence report obtained by Crisis Group shows there are now probably three distinct pirate groups, the Northern gang, based in Eyl; the Central gang, based in Hobyo; and the Southern gang, based in Harardheere.

⁸⁶ “Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811”, *op. cit.*, p. 27.

⁸⁷ Crisis Group interviews, EU diplomat, Brussels, May 2009. The pirates may access commercially available shipping intelligence.

⁸⁸ Crisis Group interview, private maritime intelligence researcher, Nairobi, June 2009.

⁸⁹ Crisis Group telephone interview, journalist, Boosaaso, May 2009.

⁹⁰ Puntland hired the U.S. lobbying firm Duane Morris in February 2008. This was not its first U.S. lobbying contract. In 2002, it hired Preston Gates Ellis & Rouvellas, but the contract was terminated at the beginning of 2003. Documents on file with Crisis Group. See also Roxan Tiron, “Lobbyist hired to combat more Somali Pirates”, *The Hill* (Washington), 22 April 2009.

⁹¹ Crisis Group Africa Report N°147, *Somalia: To Move Beyond the Failed State*, 23 December 2008.

⁹² Puntland leaders reacted with anger when the Djibouti peace process in November 2008 produced a power-sharing deal between the TFG and the Alliance for the Re-Liberation of Somalia-Djibouti (ARS-D) faction led by Sheikh Sharif Sheikh Ahmed. A government press release described the accord as a “recipe for disaster” and a plot to bring down Yusuf’s TFG government. In an Al-Jazeera interview, Yusuf called it a “clan agreement” between the Hawiye. See “Somalia: President, leader meet with Djibouti’s Guelleh”, AllAfrica.com, 4 December 2008. The hostility toward the Djibouti process intensified when Yusuf resigned in late December 2009 and continued under the new Puntland president, Abdirahman Farole, whose administration sent a strongly-worded letter to the UN, the AU and other regional and wider international bodies in late January 2009, reiterating the same claims of bias.

⁹³ Crisis Group interviews, Somali journalists, Nairobi, April 2009.

has paid off to an extent – there is a palpable sense of relief, if not satisfaction, in the region at the appointment – but it may not be enough. Leaders are increasingly antagonistic to the south and the government there. They are seeking international aid without coordinating,⁹⁴ and their proposed constitution, as noted, aims at greater autonomy, if not yet, as some suspect, a complete break. There is intense rivalry between the two regimes, and at no time has the gulf between Garowe and Mogadishu been as disturbingly wide as it is now.

V. SOLVING PUNTLAND'S PROBLEMS

Puntland has made much progress in rebuilding institutions and restoring a semblance of law and order, unlike the anarchic south, but these achievements need to be deepened if they are to be sustainable. This cannot happen if governance remains deeply flawed, the security sector troubled, and the tensions in Sool/Sanaag and Mudug unresolved.

The international response to the piracy problem has evolved since the initial focus on a purely military response when the situation escalated in late 2008. Since then, there has been a significant shift, notably in the EU and the U.S.⁹⁵ Aggressive naval patrols, apprehension of suspected pirates and their prosecution in Kenya, especially in April and May, have helped reduce attacks.⁹⁶ However, Western officials now also acknowledge that a permanent solution lies in a multi-pronged approach concentrated on “land-based” measures to tackle underlying problems.⁹⁷

A. GOVERNANCE REFORM

Because governance in Puntland remains flawed, there has been a dramatic rise in insecurity and political tension. To reverse this trend, Puntland needs to return to its original consensual style of politics. This requires reforming the electoral system, restarting the constitu-

tional drafting process, tackling corruption and rebuilding clan trust.

The electoral system needs major changes. Although contests are fiercely fought, both the president and the unicameral parliament are indirectly chosen, the former by the parliament, the latter by sub-clans, subject to endorsement by clan chiefs and their hand-picked electoral commission. As noted above, credible allegations of extensive vote-buying by presidential candidates and manipulation of clan leaders have undermined the integrity of elections. Current Puntland thinking is that electoral reforms should be instituted in tandem with broader political reforms and timed to coincide with the anticipated move to multiparty politics. If this is to succeed, however, the leadership must lay the groundwork for a fairer electoral system sooner rather than later. Key elements should be:

- ❑ an independent electoral commission, whose members have secure tenure and are selected from all the clans and endorsed by both the *Isimada* and parliament;
- ❑ an independent cross-clan committee of experts to demarcate parliamentary boundaries; and
- ❑ a special court to handle election petitions and arbitrate disputes.

Puntland should also cancel the referendum on the constitution and redraft the document in a more transparent and consultative way. A credible process must be preceded by efforts that cannot be rushed to rebuild the frayed cross-clan alliance. The political climate is not conducive to obtaining a broad consensus, so time is needed for debate on contentious issues. Key clan and civil society stakeholders need to be brought in. Local and international experts, experienced in constitution-making, should be involved constructively, so that international standards are met. Likewise, the authorities should begin talks with the TFG to assuage legitimate concerns over the current draft.

Corruption erodes public services and support for the government. An independent, credible, adequately resourced authority competent to investigate and prosecute officials is needed. The government may also want to consider hiring, as the TFG has, an outside auditor to manage donor funds intended for capacity building and development.⁹⁸

⁹⁴ See Farole's statement to the Committee on Foreign Relations, House of Representatives, U.S. Congress, on 25 June 2009 during his visit to Washington.

⁹⁵ Crisis Group interview, EU official, Brussels, May 2009.

⁹⁶ Military measures, however, have also had negative effects. Reportedly, pirate gangs, fearful of attacking ships due to the naval build-up, have joined with local gangs to target the local qat business. The qat trade is estimated to be worth \$20 million annually. “Puntland Five-Year Development Plan 2007-2012”, op. cit., p. 15. There have been skirmishes in towns, especially Qardho, between the police and the gangs who extort money from traders at checkpoints.

⁹⁷ Crisis Group interview, diplomat, Nairobi, July 2009.

⁹⁸ Price Waterhouse Coopers will handle financial and procurement management, tracking and monitoring of disbursed funds and financial capacity building of TFG financial institutions.

As a final step to build consensus around these reforms, the authorities should convene a region-wide conference of clan elders, political leaders and civil society groups, modelled on the 1998 Garowe Conference. If well organised and backed with political will, it could offer the regime a chance to reconnect with a critical support base and harness the grassroots idealism that inspired Puntland's founders a decade ago.

B. SECURITY SECTOR REFORM

Puntland is also struggling with a marked decline in the morale and effectiveness of its police and army. Allegations of clan bias, favouritism and cronyism have intensified inter-agency rivalry. Police and soldiers often go unpaid for months and inevitably have turned to corruption and crime. At the same time, criminal syndicates specialising in piracy, human and other trafficking, kidnap for ransom and counterfeiting have emerged.

The police and army are poorly provided for because the intelligence service receives an inordinate share of the state's budget and resources. The PIS is very powerful, acts with impunity, detains perceived state enemies – particularly Islamist militants – and routinely tortures. Its abuses have further eroded public support. To halt the downward spiral, the government must implement credible, transparent security sector reform, with domestic and foreign stakeholder input, that introduces professionalism, transparency, and civilian oversight into the security agencies. Budgets and staffing should be re-balanced to ensure that personnel are paid and represent all clans.

C. SOOL/SANAAG

Especially in the the disputed regions of Sool/Sanaag, the international community needs to move quickly to defuse a growing crisis. Renewed conflict between Somaliland and Puntland would be catastrophic and a major setback for peace in Somalia. Beyond putting pressure on the leaders of the two regions, efforts must be made to reach out to the Dhulbahante and Warsangeli elders to obtain their buy-in to any settlement.

The regimes in Hargeysa and Garowe seem content to let this crisis simmer. Somaliland's Riyaale Kahin, under siege from a powerful opposition, wants to divert attention from domestic critics.⁹⁹ Puntland's leaders

welcome a chance to rally the Majerten and their Darood cousins, in the hope of rekindling pan-Darood solidarity. Both need to start immediate talks with the traditional authorities in Sool and Sanaag to find a peaceful solution. If necessary, they should seek external third-party arbitration to settle the dispute over status and ownership.

VI. CONCLUSION

To halt the precipitous decline in security and political stability, Puntland must improve governance and re-establish the intra-clan cohesion it enjoyed at its founding. Recent moves by the Farole government are not encouraging. The new constitution has further polarised politics and society, damaging the little trust there now is between the Harti-Darood clans. Early attempts to involve the *Isimada* in the political process with a semi-official status under the Puntland Charter have been abandoned.¹⁰⁰ Failure to institutionalise consensual-style politics, as Somaliland did, has been a major driver of the debilitating crisis that has dogged the regime since 2001. An opportunity was missed to create a mechanism to check presidential excesses. Coupled with a weak parliament of hand-picked clan representatives beholden to the state, it set the stage for the regime's slide into authoritarianism.

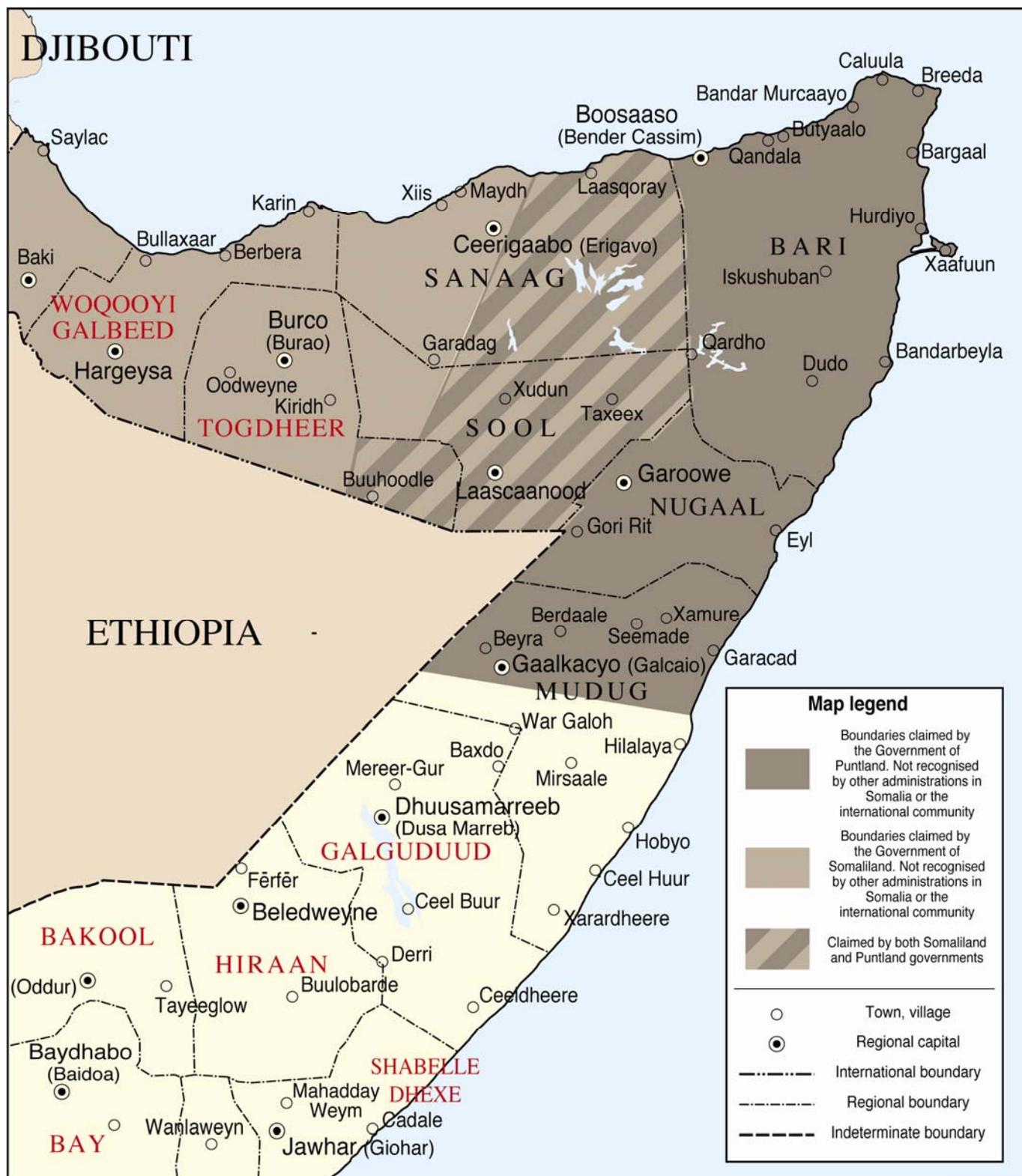
The consequence, many fear, may be the violent break-up of Puntland, as rival clans seeking autonomy from Garowe carve out their own enclaves. In fact, this process is already underway in all the regions inhabited by non-Majerten clans such as Sool, Sanaag and Mudug. Unless the government enacts meaningful reforms and again reaches out to all clans, it may become unstoppable.

Nairobi/Brussels, 12 August 2009

⁹⁹Markus V. Hoehne, "Mimesis and Mimicry in Dynamics of State and Identity Formation in Northern Somalia", *Africa*, Vol. 79, No. 2 (2009), p. 271.

¹⁰⁰Immediately after the 1998 Garowe Conference at which Puntland was founded, former SSDF officials attempted to give the *Isimada* a formal constitutional role in a democratic dispensation: a council of elders (*golaha isimada*), similar to the one created in Somaliland in 1991 (*golaha gurtida*). They failed for two main reasons. Yusuf and his allies feared it could dilute presidency powers and destabilise the regime if such a council adopted an adversarial role. And a significant number of clan chiefs feared it could undermine their authority. Consequently, the idea was abandoned in favour of an ad hoc system in which the *Isimada* were allowed an advisory role in government, in addition to their customary role of conflict resolution and arbitration.

APPENDIX A
MAP OF PUNTLAND



This map has been produced by the International Crisis Group. It is partially based on the United Nations Cartographic Section's map of Somalia (Map No. 3690 Rev. 7, January 2007).



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