

Engaging Extremist Organizations: Contextualizing Al-Shabaab in Somalia. Paper by Muliru Yoni

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### Abstract

The paper puts to context the need to negotiate with non-state armed groups. It explores the challenges caused by the continuous branding of these organizations into terrorist entities. The document reviews all the challenges from a policy perspective to the community perspective with a specific emphasis on the moral dilemma of such engagements. The paper also looks at the organizational stages of extremist organizations using Al-Shabaab in the Horn of Africa. It concludes with a call to action requesting regional institutions to explore mechanism of engaging with Al-Shabaab as a lasting solution to the challenges in Somalia.

The international institute of Strategic Studies Armed Conflict Database, estimates an average of 87 conflicts involving NSAG and over 58 million refugees. [1] Conflicts and Conflict Systems are changing with the focus being more on intrastate rather that interstate. The internationalization of conflict is not on the basis of the territorial dispute between the states but the internal functioning and interests within the state. The changing environment in asymmetrical violence is making humanitarian work even more challenging and difficult. The recent engagement of Non-State-Armed-Groups (NSAG) and the tagging of extremist organizations under the "terrorism" wording/grouping makes the situation even worse. In addition, the continuous suffering of civilians caught in between the conflicts between the state and the NSAG poses an even greater challenge in dealing with the situation.

Majority of the numbers mentioned by the database above are from the Horn of Africa. These range from humanitarian crisis, division of government and even the formation of new states as seen in the case of South Sudan. The changing geopolitics in the region has made it more prone to conflict putting in mind that the same region has in recent past celebrated the birth of a new state. Even with these issues, one of the most evident threat that continues to plague the horn is the threat of dealing with Non-State-Armed-Groups (NSAG).

International actors have different names given to these NSAG but one name stands out; Terrorist Organizations. The horn alone can be said to harbor around four major terrorist organizations working in different spaces within the region. Various research documents have also mentioned or seem to agree that the horn of Africa may have been the source of global terrorism due to the services the region has provided to extremists. [2] We should also take note that even as we talk of terrorist organizations; the term is skewed as it does not highlight all the NSAG present and within a particular space.

One NSAG that has been as a major regional threat is Al-Shabaab. There are various reports that mention the start-up of Al-Shabaab enterprise to have originated from the more non-tolerant arm of the Islamic Courts Union as a reaction to the invasion of Ethiopia in 2006. Other reports indicate that this enterprise may have started earlier on around 1998 with Hassan Dahir Aweys as its leader. [3] There are yet other reports that move its origins way back to 1996 in Al-huda training camps in Bakol state South

Central. [3] All these origins and evolution documents indicate a process that the organizations sort to either come to prominence or to stay afloat.

A report by Matt Bryden for the Center for Strategic studies concludes with suggestions of various avenues that different initiatives should focus on in order to maintain the stream of success Amisom has had against Al-Shabaab. Some of the recommendations that he posits include the government providing genuine security in the ungoverned spaces, winning the trust of the different clans by providing an all-inclusive government in these regions while taking note of the soft target reaction expectations from the extremist organization. [4]

There has also been the question of countering/preventing violent extremist (C/PVE) initiative's space in counter terrorism (CT) activities considering most of the CT initiatives have been from the hard power component usually put forward with governments. In the case of Al-Shabaab, some areas have been seemingly secure under their "protection" due to the social services they provide after the collection of taxes from the residents.

A blog by the crisis group also mentions the different interests that Al-Shabaab is tapping into at the community level and this is making them gain milestones. The blog mentions that the continuous fight for various interests by different parties including the various clans, government representatives and even Amisom; is making Al-Shabaab flourish in these areas. [5] This can also be one of the attributing factors of the alleged support and harboring of Al-Shabaab during the El-adde attack in January 2016. International crisis group has also released a briefing mentioning the consideration of a political settlement that stems from the bottom up as a way of dealing with the threat of Al-Shabaab in the region. [6] Some of the areas of focus look at both the commonality of vision at the nation level in Somalia as well as National stabilization strategy, clan dialogue and finally legitimizing all the grievances. [6]

In the recent times, there has been suggestions of engaging extremists as a way of Countering Violent Extremism (CVE). Examples have been given of cases where the successes of engagement have not only led to saving of lives but also creation of political processes that have been sustainable or restored a sense of peace. Some of these examples include the case of South Africa and the end of Apartheid, the discussions with the IRA and now the interest of Hezbollah and its need to be served with international support. The argument has been that some of these extremist organizations have come up as a result of the perceived violence within the states and/or them being "governments in waiting."

In an article, Andy Carl and Sophie Haspeslagh talks of the court decision on the Holder Vs Humanitarian where the prohibitions of communication with the so called terrorists is included. [7] It is very clear that the double standards that exists on whole some inclusion in the political settlement vs non communication to terrorist organizations is making the process of countering violent extremism impossible.

From this background, there are a couple of questions that this paper answers; What are the opportunities available to humanitarian and political actors engaged in dialogue with violent extremist organizations? What are some of the constraints they face? At which phase of the organizational cycle is engagement most effective? Can humanitarian dialogue serve as a starting point for political transformation of extremists? Can humanitarian dialogue represent the first step to other forms of political engagement?

The relationship between extremism, extremist organizations and terrorism; has been blurred, as there are no definitions that are agreed internationally on their associations. Terrorism has been defined as, any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage. [8] This relates well to some of the objectives depicted by extremist organizations at the violent stage of its enterprise development.

According to a research document from the Rand Corporation, most of the terrorist organizations that began with violence, 43 percent came to an end through transition to political engagement, 40 percent through policing, 10 percent because they had achieved their narrow objectives and only 7 percent due to use of force. [9] Based on this analysis, it would be imperative to understand the process through which these organizations transition into political involvement and how different actors can be engaged to exploit the windows of opportunity and make a difference. Terrorist and extremist organizations are not a monolithic static entity but an ever changing entity whose goals and objectives keep on shifting. [10] This alone should be the stimuli to incorporating dialogue in engagement with the NSAG. A case in point is that of Israel's negotiations with HAMAS since it won the 2006 Palestinian elections. [10] To be able to further understand the opportunities and challenges available in the engagement with extremist, it would be better to have an approach that looks at both the advantages and disadvantages of engaging with NSAG.

I would like to start with the disadvantages that have majorly focused on the moral component of engagement. Some have also termed this as a way of legitimizing the use of asymmetrical violence as a way to gain power or a place in the political confines of a state. Jonathan Powell in his book talking to terrorists; highlights an average of six reasons that may seem to justify why we should not engage extremist organizations leading with the thought of discussion or negotiation will mean that the government is weak. [11] To elaborate further, the anti-terrorism law adopted in 1996 and amended to the Patriot act in 2001 in the United States that creates a 15-year penalty to any training or activities towards a terrorist organization even if it is geared towards peaceful engagement. The same also applies for the UK Terrorism act of 2000 that has a caveat on genuinely benign meetings but still prohibits general support and managing meetings to the terrorist organizations. [7]

A lot of protocols that seem to be reinventing the wheel and the other thing that is holding back some of the activities include the ratification of certain protocols and making it difficult to move. Out of the 15 member states, Kenya, Nigeria and Somalia have not ratified the Algiers protocol. [12] According to Article 1.3 of the Algiers Convention, the AU defines a terrorist act as: (a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to: intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or create general insurrection in a State. (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a). This may be a good definition that will remain just that, as it seems not to be working. [13]

Apart from the various legislation, the AU adopted the African Model Law on Countering Terrorism. Chapter one part 9 clearly indicates that any association with terrorism whether for peaceful engagement or otherwise is considered an offense and will depend on the penalty specified under part 5 of the same model law. [14] In the horn of Africa, other laws are present also hinder the process of engagement. According to Prof. Kagwanja, governments hastily introduced counter-terrorism legislation as curbs against terrorist incursions. In 2002, Tanzania ratified seven of the twelve international counter-terrorism instruments and passed the Prevention of Terrorism Act which criminalized support for terrorist groups operating within its territory amid fierce protests by human rights activists and opposition parties.

Uganda ratified all the twelve international conventions and protocols on terrorism and enacted the Anti-Terrorism Act; formerly known as the Suppression of Terrorism Act, in May 2003. While the legislation imposed a mandatory death penalty for terrorists and potential death penalty for their sponsors and supporters, it has been accused of prioritizing local rebellion over the international terrorist threat. Kenya also ratified all the twelve international counter-terrorism conventions and protocols and published the Suppression of Terrorism Bill on 30 April 2003. [15]

These laws already undermine the unstable political situation as far as engagement and dialogue is concerned. With the changing political environment, the various examples seen including the case of South Sudan; continuous blacklisting of organizations to avoid communication and dialogue is not bearing fruit but rather making the situation worse. These examples have also shown that peace processes have been able to increase pro-dialogue within a group and isolate the violent members. Though the laws are not

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friendly, there can be an opportunity for engagement from the NGO's but with support from the international organizations and governments.

Petraeus summed up his view that in Iraq; "we would not be able to kill or capture our way out of the industrial-strength insurgency that was tearing apart the very fabric of Iraqi society. [11] In 2011, Somali Prime Minister, Abdiwali Ali, in an interview with BBC stated that the government was willing to have negotiations with Al-shabaab. [16] It should be noted that the activities of the government are also advised with various international policy directions and actors mentioned above and therefore their openness to want a dialogue process as a government may be hindered by the international laws, policies and interests.

Secondly, there are instances where engagement with the NSAG may result to some legitimacy being conferred to these organizations. This may cause a lot of back lash on governments and other international organizations. On the other hand, the engagement is usually to seek legitimacy and a buy in from the members of the community supporting NSAG or who are under the terror by the said groups. Therefore, though that seems to be one of the challenges facing this process, there are organizations that are already working with NSAG to ensure reduction on casualties of civilians.

The ICRC in the Philippines that is offering capacity building support training involving International Humanitarian Law (IHL) in NSAG controlled territory, [17] and Geneva Call, a Swiss NGO, established in 2000, that attempts to persuade NSAGs to adhere to universal humanitarian norms by signing, unilaterally, its Deed of Commitment. [18]In addition, there are fears of non-supervision of the engagement which in other cases may be intrumentalized by the NSAG especially in areas where there are initiatives that are active and can be played off one another. In practice, states, international organizations and Humanitarian non-governmental organizations use different approaches in similar locations and at the same time. [19]

The processes create alot of duplication and other unintended consequences that would otherwise be avoided if there is improved communication, coordination and collaboration. In Summation, it is important to recognize that terrorist groups are defeated in negotiation rather than in conflict.

There has been some form of engagement that has taken place in the past but for the sake of assisting in humanitarian aid in different regions. Humanitarian negotiations with Al-shabaab in Somalia report mentions various instances where aid workers have been forced to pay Al-shabaab so that they can ensure entry to territories that they control. [20] Though this is a practice is happening, it is not easily talked about. On the contrary, these efforts have been watered down with the inclusion of military strategy when implementing these activities.

An example can be seen in August 2003 when a bomb exploded outside the UN compound in the Iraqi capital, killing 24 humanitarian workers and injuring another 150; and in October the same year at least 12 were killed at the ICRC office in Baghdad. In the following month 29-year-old Bettina Goislard was murdered while on duty with UNHCR in Afghanistan. In December 2007 two car bombs UNHCR and other UN offices and the city's Constitutional Council building. More recently there have been targeted attacks on aid workers in, for example, Syria 26, Afghanistan 27, Pakistan 28 and Southern Sudan 29. Each of these attacks was targeted and intentional. None was a case of 'wrong place and wrong time', 'caught in the crossfire', or just unlucky.

The UN and its agencies, the ICRC and many other humanization organizations are being targeted by NSAGs precisely because they are providing humanitarian aid or protection. [19] As a challenge, limited trust is created due to lack of courage, patience, careful communication and delicate judgment. Some of the preconditions for the discussions should include the process of delisting as a starting point to create the trust among the members present in the dialogue.

Due to the limits in trust mentioned above, different contexts and parties can be called upon in the delivery of humanitarian assistance and engagement with NSAG as seen in the case where the aid provided by the west is often seen in-genuine. In such instances, the use of aid organizations from the middle east; for example, may be used. The issues of religion have also been associated with being partial especially when the discussion is to an Islamic NSAG and he discussions are being run by a Christian actor. Most of the times this actor is usually associated with the enemy as seen in the case of Al-shabaab and the anger directed to the US and other western country actors. Remaining impartial and adhering to international humanitarian laws poses another challenge. A good example of this can be seen in the case of Rwanda and the genocide.

Even with the said disadvantages, there are various findings that have concluded that government have now come to realize that groups engaging in violent attacks against innocent civilians may not be stopped any other way. [21] That said, the engagement with the terrorist organizations including other NSAG should be based on the question of forgiving and forgetting the past but holding a pragmatic position for the future. [22] States have have now realized that "we cannot kill them all" and its is crucial to start the discussion.

The best approach would be the Dune's approach, which understands that; though the entities seem to have; no affiliations, mono-directional communication commands, limited territorial hold but rather a global reach need and alignment to regional conflicts, these same entities still evolve towards political activity. [23] According to Gray and Ariss 1985, terrorist organizations have a cycle that can be modeled into four stages. These include the conception and development stage, commercialization stage, growth stage and finally the stability stage. [24]

The various stages in the organization can serve as an opportunity to engage and also win the hearts and minds of not only extremist organizations but also the dormant extremist who are at times considered non-violent radicals. In the horn of Africa, Al-Shabaab can be dealt with and sustainable solutions found. At the incubation stage, it is very difficult to have negotiations as the leaders are trying to foment a culture and an ideology within its recruits. Al-Shabaab can be said to have been in this stage from the 1996 to the early 2005 when it was forming its ideology and purpose for existence.

The second stage is the commercialization stage where the organizations goes into the market place and tries to assure its benefactors that it can deliver on its targets while also luring in more supporters into the fold. [25] It is during this period that the organization begins implementing the use of violence to achieve its goals. For Al-Shabaab, this period can be seen as beginning in 2006 with the fight against the

Ethiopian invasion and an attempt to connect its cause to a broader jihadist movement through the attraction of foreign fighters and promoting a relationship with Al Qaeda. [26]

It is also during this period that most of the foreign fighters from all over the world came to support the call by Al-Shabaab against the invasion. One prominent example of fighters includes the case of Omar Hammami aka Abu Mansoor al-ammiriki from the United States calling others to come join the cause. [3] Even though it is still possible, the best channel would be the back door channel and through individuals; specifically, the probable recruits. This stage can also be put together with the growth stage which is the third stage in the evolution of the organization. It can be said that Al-Shabaab is having the growth stage as an ongoing process based on the increase in the numbers.

Reports suggest that the numbers of the extremist organizations range from; 2008: 6,000-7,000, [3] 2013: 5,000, [27] and 2015: 7,000-9,000. [28] These are still rising which begs the question of how the organization is still managing to improve in recruitment. At this level, negotiations can still take place in three forms; the tactical negotiations that involves strategic extortion, commercial negotiations which involves intervention opportunities during the buying and selling of the ammunition and back-channel negotiations which may involve humanitarian assistance.

The 2014 document on Al-Shabaab documents and provide answers to the reinvention of Al-Shabaab. In the document, Matt tries to analyze whether this is a strategy or a choice for Al-Shabaab. He the hostile takeover by Godane around the early years of 2009. The politics around the various factions within the organization while also facing the challenges of Amisom in 2011. [4] These issues are also expanded by the action by Mukhtar Roobow allowing for safe passage of several lading TFG leaders from his clan in 2009. [4] The infighting within the organization is due to polarization on its long term political goals. Some within the organization subscribe to the notion of having a global jihad call but other do not want a relationship to that and choose not to link up to ISIS but rather focus on dealing with issues in Somalia. [29] The fourth stage of the organization can be categorized as the Strategic Political Violence Stage. At the political violent and political transformation stages, they adopt a more prominent political mission and open to negotiations. The gains made by Amisom in Somalia need to be strengthened by an open channel for negotiation that will provide an opportunity to have some of the grievances addressed from the bottom up. The political settlement at this level can be beneficial and long lasting. This is because, around the same time when there was a conflict between Roobow and Godane, Roobow is head in an interview with Aljazeera mentioning the objectives of the organizations falling within the direction of political settlements and ending oppression in the country Somalia. [30]

Hezbollah has witnessed this stage as it seeks to participate and engaged in international relations with the international community of States. [31] An article in Foreign Affairs is states that the need to negotiate with the extremist organization in this case Al-Shabaab has been in the minds of the TFG as the tactical gains through external military minimal gains may not be sustainable. The article goes ahead and quotes that there are leaders within the organizations who are willing to have a political settlement it the door in this direction can be opened. [32]

Non State Armed Groups need to be engaged as the control or impact on access to territory in which people in need of assistance or protection find themselves. The traditional perceptions of neutrality have been undermined by the continuous use of humanitarian assistance as a military strategy. Humanitarian space such as in the case of the Natural disasters can be the starting point of engaging the NSAG due to their neutrality nature. [33]

The enormous contribution of NGOs cannot be understated as they have been able to outweigh the short comings and limitations of the state actors. This has been done in a couple of ways including; the supplementation of official policy: This is through the adherence to the IHL by negotiating for refugees, provision of food and in some instances provision of other emergency aid, adopting the tasks that would otherwise be problematic in the case for International organizations or state. A good example is ICRC with the IHL and by developing Policies and Providing Early Warning by anticipation of "windows of opportunities" are very easy and this allows them to change with the developments as they occur. [17] The NGOs' sort of autonomy from the state may confer some form of authenticity and increase credibility from the armed groups and encourage participation. There is a myriad of reasons that Hofmann states that "dialogue should be on the table with extremists but with specific actors at the driver's seat". [17] To start with, he proposes NGO's to lead the process as the have a tendency to maintain communication with conflicting parties and to involve multiple stakeholders in their engagement is often perceived as an attempt to tailor solutions to a conflict based on the ideas of the conflicting parties only.

The perception is supported by the lack of leverage – compared with that of states and international organizations – that NGOs have to put pressure on parties. Second, the reliance on dialogue, cooperation and voluntary concessions provides strong ownership to conflicting parties in finding acceptable and sustainable solutions. Third, contact between NGOs and NSAGs is very often personal in nature. Empathy and understanding; but not necessarily agreement, individual reputation and personal integrity are often the core of the relationships between NGOs and such groups. This allows NGOs and private actors to develop a position of trust that enables them to facilitate, mediate, negotiate, counsel and persuade. Finally, to support their reputation as knowledgeable, competent and trustworthy, NGOs often hire individuals with experience in government-level negotiations. [17]

In conclusion, this document contributes to a report developed by Dr. Afyare Abdi Elmi and Abdi Aynte in January 2012 that gave four reasons why negotiation with Al-Shabaab is of critical importance now, and by the TFG. [34] The analysis concurs with the argument that negotiated agreements have some form of success in recent times for civil wars and Somalia can adopt this as a mechanism. Secondly; the military setbacks to the organizations has pushed the extremist group out of its strong holds and this can be used by the government to start negotiations from a point of power and influence. Third; the implementation of the national strategic plan can be more robust through dialogue with the hardliners as this will seek to lessen their stand on various contentious issues.

Finally, included a proposal to have organizations that have expressed an interest to have discussions for a political settlement be removed from the terrorist list and to be

referred to as Non State Armed Groups instead of Terrorist organizations. This proposal will ensure the process of negotiations to start and end to the terrorist threat from Al-Shabaab. [35]

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