

The

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## Sustainable Cooperation and Healthy Competition in a Globalized World

Exploring Strategic Options for Türkiye-Horn of Africa Relations



The HORN Bulletin is a bi-monthly publication by the HORN Institute. It contains thematic articles mainly on issues affecting the Horn of Africa region.

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### Abstract

The 21<sup>st</sup> Century international system is increasingly proving to be highly competitive and globalized. The emergence of new centers of global influence as epitomized by the Brazil, Russia, India, China, and South Africa (BRICS) phenomenon over and above the activities of non-state actors, herald a paradigmatic shift in international relations, three decades since the end of the Cold War. It is within this context that various countries are seeking to forge strategic relations both within assorted bilateral contexts or various multilateral frameworks and/or settings. Yet in such a world, the likelihood of cooperation and competition turning unhealthy and morphing into the undesirable realm of adversarial and conflictual relations is not unthinkable.

In this way, a thin line exists between cooperation on one hand, and potentially unhealthy competition, even deadly conflict as exemplified by the crisis in Eastern Europe, occasioned by the Russia-Ukraine crisis and its regional and global ramifications. Over the past decade or so, Türkiye and various Horn of Africa states have forged deeper and stronger cooperation ties. Nonetheless Türkiye, which is a formidable middle power in its own right, is not the only country seeking to establish new and stable spheres of influence on matters to do with trade, commerce and exchange among other issues of strategic cooperation.

This outlook of things calls for a proper sense of strategic direction in as far as the conduct of relations across states and regions is concerned, now and into the future. Against this background, this paper confronts the puzzle on 'how best to ensure sustainable cooperation and healthy competition in a globalized world,' by exploring strategic options in as far as Türkiye -Horn of Africa relations is concerned. To this end, the research will rely on both documented secondary sources and primary, first-hand data through interviews with purposively identified strategic actors, academic stakeholders and policy practitioners in as far as Türkiye -Horn of Africa relations are concerned.

## Background

Türkiye is an emerging middle level global power with a large advanced economy (USD 720 Billion) and defence industry which has grown from 56 companies in 2002 to 1,500 in 2020; Ankara's commercial interests across the world are thus expanding. However, Türkiye is not a new player in international geopolitical or geostrategic competition with great powers, as it is the remnant of the old Ottoman Empire (Orakçi, 2022). The empire stretched across territories and along strips of the Middle East, North Africa and the Horn of Africa (Orakçi, 2022). The empire began to decline by 1915 during the World War I, collapsed and gave birth to the Republic of Türkiye in 1923 (Robinson, 2022). The period between 1924-2001 was a modernization period characterized with economic and political challenges; Türkiye wallowed in the shadow of the Ottoman Empire as Ankara's influence and power shrunk both in Europe, the Middle East and the Red Sea region. In the Middle East (and the Muslim world), the Ottoman Empire collapsed and multipolarity emerged with the rise of Egypt, Saudi Arabia, and Iran (formerly the Persian Empire) (Maziad and Sotiriadis, 2020). In Europe, Türkiye's power further shrunk with the emergence of the European Union (EU), the EU – Russia continental dichotomy, and the EU – United States alliance. Türkiye thus exited the galaxy of great powers and lost the 'leader of the Muslim world' stature.



President Recep Erdogan host African leaders during the Ankara Consensus, 'How Turkey is boosting influence in rising Africa', on February 6, 2024 (Photo Credits: MURAT CETIN MUHURDAR/TURKISH PRESIDENTIAL OFFICE/AFP)



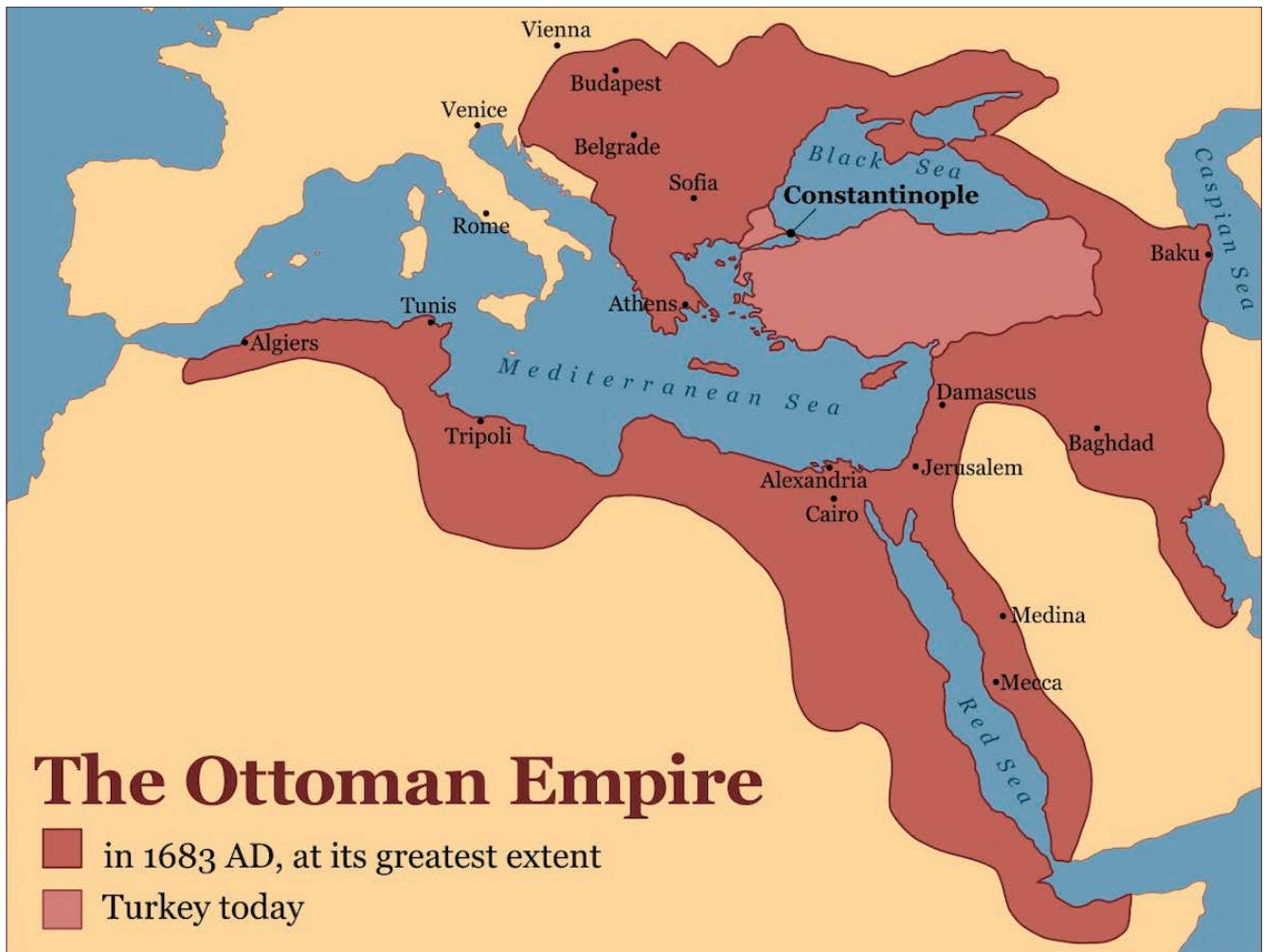


Figure 1: The Ottoman Empire. Source: *The Conversation*

Türkiye began experiencing the 'economic miracle' especially in the period 2002–2011 where its economy grew at 7.5 per cent annually (Robinson, 2022). Türkiye experienced the 'economic miracle' in two phases: 2002–2008 and 2009–2013, when its economy grew faster than most economies in the world at an average of 7 per cent per annum (Subasat, 2019). With an expanding and fast industrializing economy, Türkiye's trading interests expanded and so did its political and military power. So, as Türkiye asserts itself internationally today, Africa is proving strategic to Ankara's interests. The continent is long decolonized and has a bulging population of 1.3 billion with some of the world's fastest growing economies for foreign direct investment and an expanding market (Orakçi, 2022). Specifically, the Horn of Africa is more strategic to Türkiye as it lies in the Red Sea region in the former Ottoman dominion, has close geographical proximity to the Middle East, and enjoys long established trade and cultural ties with Türkiye. It is therefore understandable for Türkiye to bear heavy presence and influence in the Horn of Africa. However, Türkiye's ambitions in the region are confronted with

intense geostrategic competition from the Middle East (UAE, Saudi Arabia, Iran), the US, the EU, Britain, China and Russia among others.

The competition plays out in economic, military and security, diplomatic, commercial, and ideological spheres which not only threaten Türkiye–Horn of Africa relations but also the security and stability of the Horn of Africa. It is important however, to appreciate the region's agency is in its external relations to help contextualize Türkiye–Horn of Africa relations. The region's dynamic challenges ranging from violent conflicts, climate change threats, high levels of unemployment and poverty, food insecurity and humanitarian strife, and the need for economic development therefore occupy the centre of the Horn of Africa's relations with Türkiye and other contending foreign powers despite the risks involved. This paper will therefore help to imagine Türkiye–Horn of Africa relations on the basis of policy options which expand opportunities and mutual benefits, mitigate risks and balance competition to secure gains made.

## Türkiye – Horn of Africa Relations: An Overview

Türkiye's aggressive forays into Africa began at the turn of the century in 1998 when its foreign ministry adopted the Africa Action Plan (1998–2013); diplomatic, economic, political and cultural programs for engagement with Africa (Dahir, 2021, p.29). While the African Action Plan took off in 2002 when the Justice and Development Party (AKP) came to power, it was until 2005 that Ankara launched its first bold omnibus foreign policy towards Africa. The policy was dubbed 'The Year of Africa', marking Ankara announcement of itself as a strategic actor in Africa. The first Türkiye – Africa Summit was held in 2008 where Ankara presented its vision for the Türkiye – Africa relations of 'strategic partnership' and several summits have been held ever since. In 2013, Türkiye adopted another action plan, the Africa Partnership Policy to build on the progress made during the Türkiye – African Initiative Policy in trade, cultural exchanges, investment, security and military cooperation, and other development projects (including infrastructure) (Republic of Türkiye n.d.).

The most recent Türkiye - Africa Summit was held in 2021 with representation from 39 African countries, among whom were 26 foreign ministers, 102 ministers and 16 heads of state and government (African Business, 2021). In the Summit, the 2021-2026 Türkiye – Africa Partnership Joint Action Plan was adopted which outlines areas of joint cooperation as including peace, security and governance; trade, investment and industry; education and training especially for youth and women; infrastructure development; agriculture; and healthcare (Ergocun, Abdu and Sahin, 2021). Besides the Türkiye - Africa partnership summits, Türkiye's other foreign policy instruments in Africa have projected Ankara's soft power. Such include trade, investment, humanitarian

aid as well as technical assistance especially through scholarships to about 15,000 African students who graduated in Türkiye since 1992 (Republic of Türkiye n.d.).

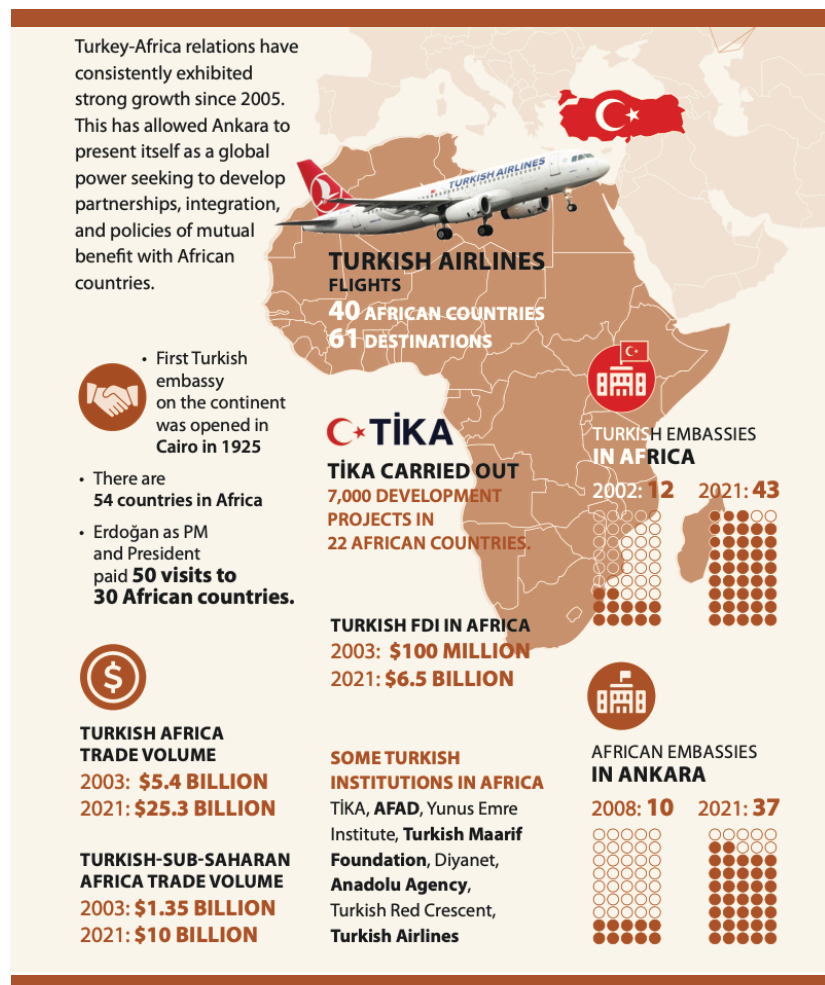


Figure 2: Turkey's influence in Africa 2002-2021 Source: Dahir 2021

As shown in figure 1 above, in terms of trade and investment, Türkiye annual direct investment in Africa has increased from USD 100 million in 2002 to USD 6.5 billion in 2021 while Türkiye-Africa trade has grown from USD 5.4 billion to USD 34.5 billion between 2003 and 2021 (Republic of Türkiye n.d.). Turkish firms have invested about USD 71 billion (USD 19 billion in Sub-Saharan Africa) and are increasingly getting involved in infrastructure development on the continent (Dahir, 2021 p.33). The Turkish Airlines on its part has expanded its market in Africa from mainly North Africa to 61 now destinations across 40 African countries (Dahir, 2021). Türkiye's influence and presence in Africa has continued to grow steadily through the expansion of diplomatic reach (embassies) in Africa; Turkish embassies which rose from 12 in 2002 to 44 in 2022 as African embassies in Ankara also grew from 10 in 2008 to 38 in 2022 (Republic of Türkiye n.d.). Türkiye's expanding defence industry has also become another significant player in Ankara's trade in Africa, as Türkiye now channels significant defence and security supplies to various African countries (Yasar, 2022). Turkey has in fact concluded defence cooperation agreements with 30 African countries 21 of which were ratified in 2017 alone, the largest in a single year. Turkish annual defence and aerospace supplies to African



jumped to USD 460.6 million in 2021 from USD 83 million in 2020 (Yasar, 2022, p.2).

In the Horn of Africa, Türkiye first announced itself through the 2011 visit to Somalia by Turkish President Recep Erdogan (Donelli, 2020). In the same year, Türkiye pumped in significant humanitarian aid to Somalia in terms of relief food, healthcare resources and financial aid to the Somali government (Dahir, 2021). Having established a foothold on the Red Sea, Türkiye has solidified its presence and influence in Somalia in a strategic manner. Turkish companies are involved in infrastructure and construction projects in Somalia, including the construction and maintenance of Mogadishu airport (run by Favori company) and seaport (run by Albayrak company) (International Crisis Group [ICG], 2019). To extend its 'soft power' influence over Somalia, Türkiye provides direct budgetary support to Somalia in excess of USD 2.5 million annually (ICG, 2019).

In the period 2016 - 2018, Türkiye moved further north, where it acquired an ally in the hitherto pariah Sudan under President Omar Bashir. Sudan was on the brink of economic collapse and humanitarian crisis following decades of international sanctions and the Bashir government was under intense pressure locally and abroad. The coming of Türkiye therefore heralded relief for Khartoum. Gradually, Türkiye has moved into the Horn of Africa's most populous country, fastest growing economy, and gateway to Eastern Africa, Ethiopia. Türkiye has penetrated to the centre of the African regional integration and consciousness, since the African Union (AU) is the seat of the AU. In fact, Türkiye has managed to become an observer and 'strategic partner' at the AU. Türkiye's strategy seems to first focus on Muslim majority countries such as Somalia, Sudan and Djibouti, followed by the region's anchor states and large economies such as Kenya, Ethiopia, Uganda and Tanzania in which Turkish interests are growing. Türkiye's interests in the Horn of Africa are vested in diplomatic relations, education and training, healthcare, trade and investment, and military and security cooperation, flanked by cultural and historical tools of soft power (Orakçi, 2022).

## Tracing Türkiye's Footprint in the Horn of Africa

Turkey has grown to become an indispensable actor in the Horn of Africa given its presence, influence, investments and trade volumes with regional states. Türkiye under President Recep Erdogan has leveraged on



Türkiye is among the leading regional trade and investment partners in the Horn of Africa after China, the European Union, the United States, the UAE, Japan and India

ties that date as far back as the Ottoman era, to deepen relations and presence in the Horn of Africa. Ankara has particularly been keen on tracing 'Ottoman territories' and establishing stronger ties with them (Uzgel, 2022). More strategically, Ankara draws on cultural ties based on shared material and non-material culture to engage the Horn of Africa. It is notable for instance that a sizeable number of Horn countries exhibit are either Muslim majority or have significant Muslim minorities (Seman, 2016, p.103). Türkiye has therefore strategically targeted such countries to strengthen relations with, including Somalia, Sudan and Djibouti (neo-Ottomanism and Muslim majority) and Kenya, Ethiopia, Tanzania and Uganda (significant Muslim minorities). Türkiye's relations with the Horn of Africa have thus blossomed since the coming of the Justice and Development Party (AKP) to power under a new pragmatic, constructive and yet assertive approach in its regional foreign policy (Sabah, 2022; Abdulleh, 2019). Türkiye's presence in the Horn of Africa is therefore driven by various strategic interests such as:

### i. Energy Resources

As a growing lower upper income economy, Türkiye's energy requirements are growing given its industrial and domestic energy needs. Ankara has become a major importer of African oil and gas with Algeria being the fourth largest exporter of gas to Türkiye alongside Nigeria (Orakçi, 2022). Chad has sent formal invitations to Türkiye for oil and gas explorations in the Central African Republic (CAR) and so has Somalia in the Horn of Africa invited Türkiye for oil and gas exploration in its sections of the Indian Ocean (Orakçi, 2022). The demand for energy resources especially oil and gas by Türkiye has therefore partly fuelled its activities and presence in the Mediterranean, the Red Sea and in the oil-rich Middle East. In fact, part of the regional dispute between Somalia and Kenya is over their maritime border in the Indian Ocean, in which Türkiye has been invited by

Somalia to conduct exploration for oil and gas (Mules, 2020). Kenya had initially blamed Britain and Norway for fanning the dispute between Nairobi and Mogadishu given the energy deposits in the disputed 100,000 square miles of maritime zone (Garowe Online, 2019). Türkiye has also been exploring for oil and gas in the Libyan and

Turk-Cyprus Mediterranean, a development which had fuelled tensions with Egypt, the European Union (EU), France, Greece, Greek-Cyprus and Israel before Türkiye took constructive rapprochement efforts from 2020 (Carassava, 2020) in the crisis as shown in figure 3 below:

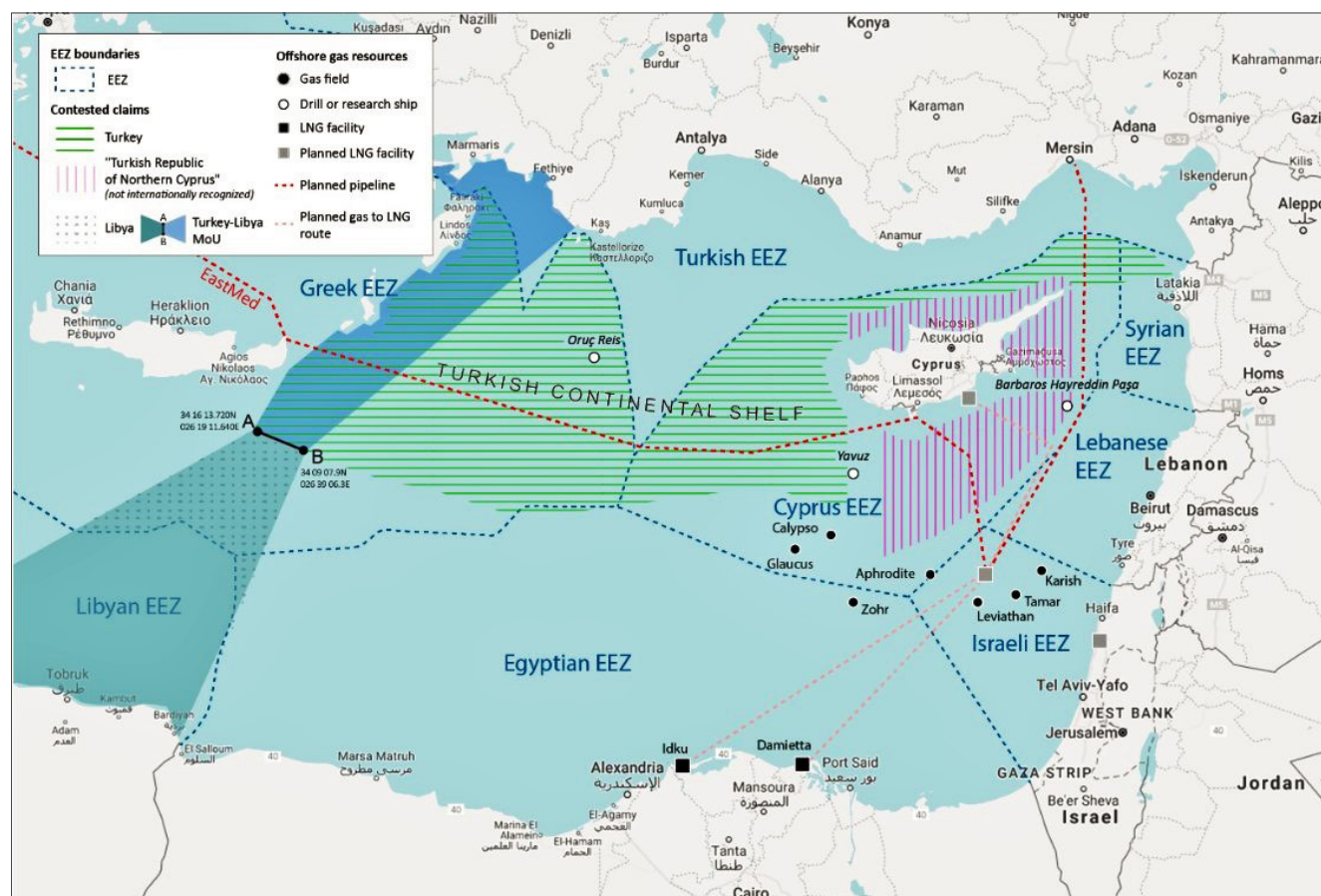


Figure 3: Turkey - Libya Maritime Agreement and its implications. Source: European Parliament

In fact, the Qatar- Türkiye alliance in the Gulf of Aden may also partly serve Türkiye's energy ambitions since Qatar is a major gas producer globally and important oil exporter in the Gulf.

## ii. Trade and Investment

Türkiye is among the leading regional trade and investment partners in the Horn of Africa after China, the European Union, the United States, the UAE, Japan and India. Türkiye's growing economy, (defence) industrial output and capital base (firms) are therefore factors contributing to Ankara's forays in the Horn of Africa in search for markets and investment opportunities. The Horn of Africa has sizeable economies of Ethiopia and Kenya (GDP over USD 100 billion), fastest growing economies (Ethiopia, Kenya, Uganda, and South Sudan) and fast-growing population which provide cheap labour to Turkish firms. Turkish investments are in sectors

such as textile, construction, healthcare and energy. In Sudan, Türkiye acquired a 99-year lease for Suakin Island for 'strategic development' for USD 650 million (Kabandula and Shaw, 2018). Türkiye and Sudan further signed economic cooperation agreements in the water and energy sectors worth USD 50 million and trade agreements to raise their bilateral trade volumes to USD 10 billion from just about USD 500 million among other agreements in infrastructure and construction sectors including a new airport in Khartoum, hospitals, grain silos and power stations (Maguid, 2018). In Kenya, the region's largest economy, Türkiye is deepening trade, economic, political and security ties to expand its influence from the Red Sea to the Indian Ocean and further penetrate into the Eastern Africa region. Türkiye's foreign direct investment in Kenya by 2021 stood at around USD 1 billion but more investments keep flowing in in 2022. For instance, in July 2022 Turkish Industry Holdings set



up USD 760 million Special Economic Zone in Naivasha (Wasike, 2022). In terms of trade, Türkiye has expanded its bilateral trade with Kenya from USD 52 million in 2005 to USD 235 million in 2019 (*Daily Sabah*, 2020).

In Ethiopia, Türkiye has invested in various economic sectors over USD 3.2 billion, the largest in Sub-Saharan Africa (Seman, 2016, p.99). Turkish firms have pumped investments into Ethiopia's textile, agro-processing, mining, energy, tourism, healthcare and pharmaceuticals, and technology to a tune of USD 2.5 billion (*Ethiopian Monitor*, 2022). About 220 Turkish companies operate in Ethiopia and provide employment for about 30,000 Ethiopians. The trade volume between Türkiye and Ethiopia has also grown for instance from USD 200 million in 2019 to USD 650 million in 2021 (Tastekin, 2021). Türkiye has further pumped investments in Somalia's economy which has been rebuilding at least since 2004. Turkish companies are involved in infrastructure and construction projects (roads, water, hospitals, schools, ports) in Somalia, including the construction and maintenance of Mogadishu airport (run by Favori company) and seaport (run by Albayrak company). The trade volumes between Türkiye and Somalia have also grown for instance from USD 5 million in 2010 to USD 123 million in 2016 (Gurbuz, 2018).

Turkish interests in the Horn of Africa, just as elsewhere in Africa, have also began to prioritise the security sector. In the streak of Ankara's militaristic foreign policy, Türkiye signed a 'military financial agreement' with Ethiopia in 2021 at the height of the armed conflict in Ethiopia's Tigray region. Ethiopia joins Rwanda, Madagascar, Sudan, Somalia, Tanzania, DRC and Djibouti which ratified defence cooperation agreements with Türkiye earlier in 2017 (Yasar, 2022, p.2). The region's market for Turkish defence industry seems to be expanding in terms of volumes of defence and security supplies as well as capacity building training (for special police units and the military). Türkiye has provided joint security governance assistance to Sudan, Somalia, and South Sudan, and commissioned military attachés to 19 African countries including Kenya, Uganda, Ethiopia, Somalia, and Tanzania (Yasar, 2022, p.4). Kenya for instance purchased 118 mine-resistant ambush-protected vehicles (MRAPS) in 2021 and contracted Türkiye to provide counter terrorism and counter narcotics training to its police (Yasar, 2022, p.4).

### iii. Geopolitical Projection

The Arab Spring in 2010 provided a watershed moment for Turkish assertive and aggressive foreign policy (neo-

Ottomanism) in the Horn of Africa, as the extension of the Red Sea and North Africa region (Uzgel, 2022). The popular uprising in the Arab world which began in Tunisia and swept across the Middle East and North Africa (MENA) region, toppled autocratic governments in Egypt, Libya, Tunisia and later on Algeria and Sudan. The Arab Spring further left Syria and Yemen trapped in civil war due to un-ending insurgency and counter-insurgency campaigns. Türkiye moved to seize the power vacuum opening up in the MENA region (a significant part of the Muslim world) as a result of the Arab Spring (Ylönen, 2022). Türkiye exploited the moment to recast itself as the regional hegemon by exploiting the apparent regional power vacuum and supporting the rise of democratic Islamic governments to recast itself as the leader of the Muslim world (Ylönen, 2022).

The Horn of Africa is therefore looked at by Türkiye as a strategic region for expansion of its sphere of influence as an emerging regional 'hegemon'. Türkiye's claim to hegemony is however contended by the Saudi Arabia-Egypt-UAE alliance which 'clamped down' on Qatar (Doha provides Ankara a foothold in the Gulf of Aden and is the main ally for Ankara in the Middle East) in what occasioned the Gulf Crisis between 2017 – 2020. In fact, the Saudi Arabia-Egypt-UAE alliance is actively engaged in countering Türkiye's influence and presence in the Horn of Africa, which intensifies competition and rivalry between the two blocs of MENA powers in the Horn of Africa. Technically therefore, the Horn of Africa has become an extension of the MENA regional power and ideological competition and rivalry courtesy of its location within the Red Sea region hence Türkiye's geopolitical projection in the Horn of Africa.

Türkiye's geopolitical aspirations can therefore be defined by the strategic steps to pull especially Sudan, Somalia, Djibouti, and Ethiopia into Ankara's sphere of influence.

## Local Agency in the Horn: The Opportunities for Türkiye in a Globalized World

The Horn of Africa countries are rational actors in their foreign policy making and conduct with regard. Certain conditions and interests inform the outlook of the region's engagement with the external world. Türkiye will therefore be more constructive as a foreign actor, by being able to appreciate local agency and customize its regional foreign policy to reflect responsiveness to regional issues and interests such as:

### i. Maritime Trade and Maritime Security

Geo-strategically, the region occupies one of the world's busiest sea trade routes along the Red Sea through the Strait of Bab al Mandeb and Suez Canal. The Red Sea trade route accounts for between 10% – 15% of global

sea trade volume and 80% of sea oil transit especially from the Middle East to the rest of the world (Narbone and Widdershoven, 2021, 5). The route accounts for 75% of Europe's imports, and 40% of Asia – Europe trade.

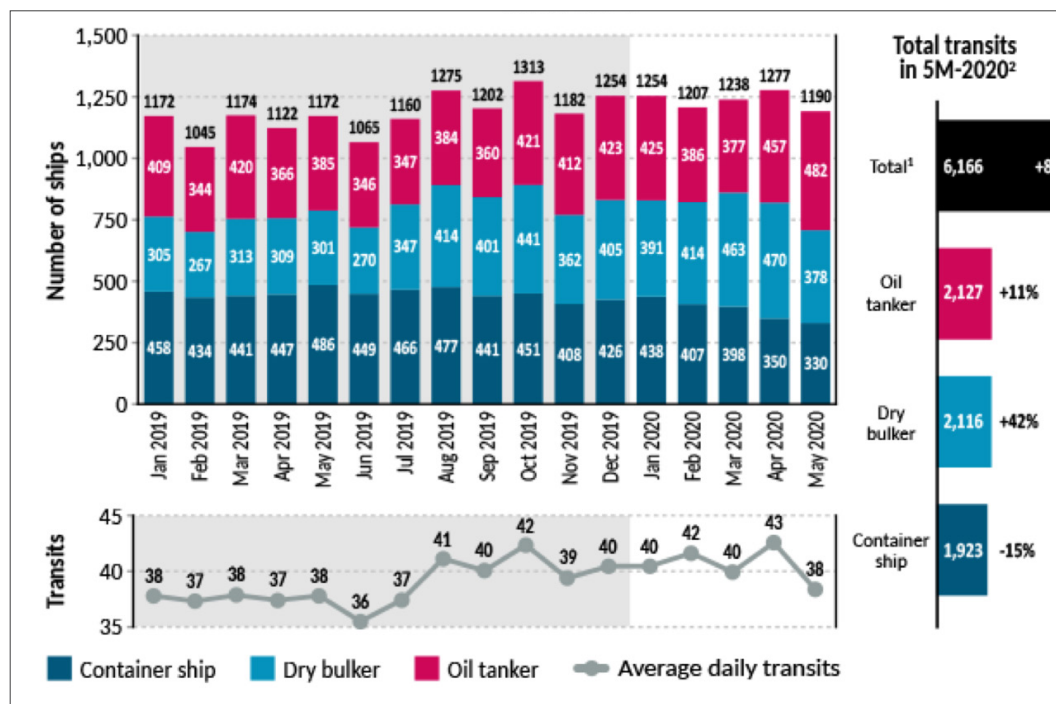


Figure 4: Red Sea transits 2019 – 2020

Source: BIMCO

The region is also a gateway between Europe, Asia and Africa and bears significant prospects of growing into a transcontinental trade and logistics hub. Therefore, regional countries favour mega port, road and railway infrastructure projects which can elevate the region to the transcontinental and continental trade and logistics hub. From the Tanzanian ports all to Port Sudan, the entire strip of the eastern Coastline of Africa is decorated with mega port, railway and road infrastructure projects. In fact, there is regional and extra-regional competition and rivalry in port and railway development.



Figure 5: Foreign Sea Ports in the Horn of Africa



UAE (Berbera Port in Somaliland), Türkiye (Port of Mogadishu) and China (Doraleh Port formerly built and operated by Dubai Ports World of UAE) lead the extra-regional frontier of the 'war of ports'. Kenya (Port of Mombasa and Lamu Port and new in-land dry ports), Tanzania (Ports of Tanga, Dar es Salaam and Mwanza), Somalia (Berbera Port, Kismayu Port and Port of Mogadishu), and Djibouti (Doraleh Port and Port of Djibouti) are leading the regional frontier of the 'war of ports' to serve landlocked neighbours such as South Sudan, Ethiopia, Uganda, Rwanda and Burundi, and the expansive Democratic Republic of Congo (DRC). Eritrea is an eager contender in the 'war of ports' and has been proffering its Port of Assab and potentialities of Massawa Port especially to Ethiopia (*Somaliland Standard*, 2018). On the other hand, Kenya (Standard Gauge Railway – SGR, from Mombasa city to Kampala), Sudan and Tanzania (Tanzanian SGR) lead in the 'war of railways'.

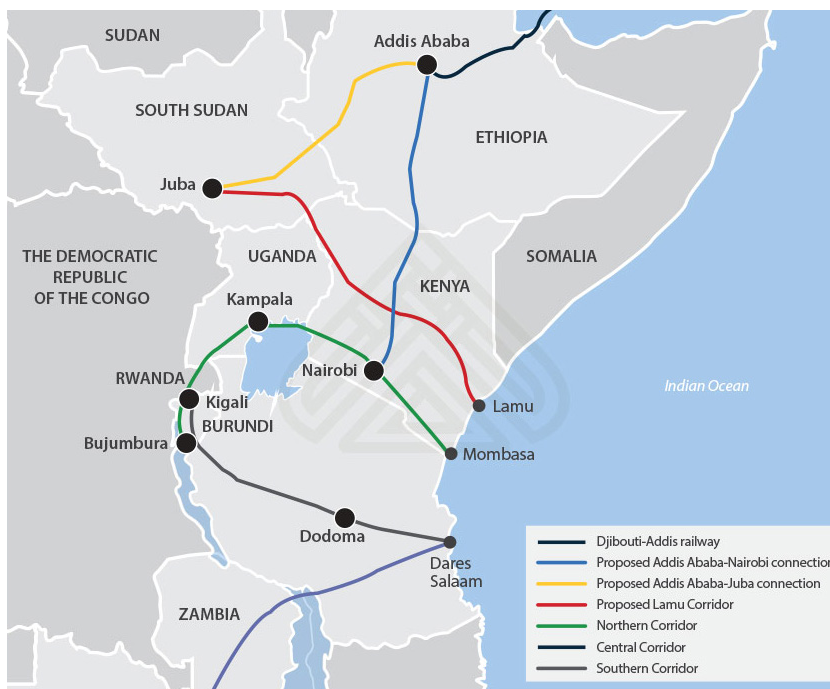


Figure 6: Railway projects and systems in the Horn of Africa

However, while regional investments and competition in developing robust trade infrastructure to tap into the prospects of Red Sea and Indian Ocean maritime trade, maritime security threats risk both regional maritime aspirations and maritime trade itself. Mainly, the piracy off the Somali coast of the Indian Ocean and along the Red Sea strip threaten the global shipping business (Narbone and Widdershoven, 2021). Such threats undermine the strategic value of the Red Sea trade route, diminishes the economic output of regional infrastructure projects, and lowers the Horn of Africa's prospects for continental and extra-continental trade and logistics hub.

The history of terrorism and violent extremism which straddles the Red Sea region also adds to potential threats to Red Sea and Indian Ocean maritime security (Melvin, 2019). Terrorist and militant groups in Somalia and Yemen, and in the Sinai Peninsula threaten the safety and strategic importance of the Red Sea trade route (Melvin, 2019). The regional countries have

however limited maritime security capabilities to ensure the safety of Red Sea and the Indian Ocean (Council of the European Union, 2011). Foreign powers have therefore been drawn to 'ensure maritime security' along the route hence establishing foreign military bases in the region and initiatives to conduct maritime security exercises sometimes jointly with regional countries (Narbone and Widdershoven, 2021, 6). Countries such as Germany, India, Egypt, Iran, China, US, Britain, Japan and Italy maintain military bases or logistics hubs and conduct regular counter piracy patrol missions in the Red Sea and Indian Ocean between the Middle East and the Horn of Africa (Melvin, 2019). Russia and Türkiye also conduct naval patrol missions in the region.

## ii. Insurgency and Armed Conflicts

The Horn of Africa is one of the most politically volatile regions in Africa, characterized by perennial insurgencies and armed conflicts in Somalia, South Sudan, Sudan, Ethiopia, and the Democratic Republic of Congo (DRC). Somalia collapsed in 1991 to civil war, while South Sudan descended into civil war in 2013 and the 2019 peace agreement is stuck in precarity. Sudan moved from the 1983-2006 civil war which led to the secession of South Sudan, to the conflict in Darfur in 2003 – 2005 and the Abyei crisis and has not regained stability in the disturbed regions despite peace agreements between rebel groups and the Government of Sudan. Ethiopia's modern history is punctuated with civil war and armed ethnic conflicts, with the most recent being the Tigray and Oromo insurgencies led by the Tigray People's Liberation Front (TPLF) and the Oromo Liberation Army (OLA) respectively between 2020 – 2022. Other armed conflicts have been between states such as the Eritrea-

Ethiopia war (1998 – 2002), Djibouti -Eritrea (2009/10), and Ethiopia – Sudan (2020-2021). The Horn of Africa has also had significant peacekeeping deployments in South Sudan, Somalia, Sudan (and by extension DRC and Chad), and between Djibouti and Eritrea (by Qatar) (Gurbuz, 2018).

The conflicts have become intractable and overstretched state capacities to end violence and increased the risk of state fragility, which collectively regional security and stability. Foreign powers have therefore exploited the capacity gaps for conflict prevention and resolution in the region, to initiate peace processes, cooperation mechanisms for regional security and stability and remain engaged in the local and regional conflicts. Other foreign powers have in fact participated in the conflicts in form of bolstering state capacity for counter-insurgency and conflict management including UAE, Türkiye, Iran and China which backed the Federal Government of Ethiopia in the conflict in Tigray region of Ethiopia. The Ethiopian government had accused the West (EU and USA) of siding with TPLF and Egypt of arming TPLF (Tastekin, 2021). Türkiye's role in Ethiopia's conflict has reflected in the enhanced national defence capabilities for the Ethiopia, successful counter-insurgency operation by the Ethiopian government, and subsequent regime stability in Addis Ababa, which increased prospects for peace dialogue and peaceful resolution of the conflict. The conflict ended in a peace agreement late in 2022.

In Somalia, regional powers (Kenya, Ethiopia, Djibouti, Uganda and Burundi) deployed the AMISOM force and various foreign powers including the US, Britain, Germany, the EU and Türkiye are providing capacity building support to the Somali National Army and Somali security agencies. Türkiye specifically, has been training special units of Somalia National Army (SNA) to a tune of 5000 troops, which have strategically bolstered the country's fight against al Shabab's terrorism and Islamist insurgency in Southern and Central Somalia. The current SNA military campaign against al Shabab is heavily bolstered by the Turkish trained Gogor units (All

Africa, 2022). Regional governments therefore entertain regional and foreign security cooperation arrangements that boost state capacities to deter and manage armed conflicts and insurgencies. Türkiye's role has therefore been constructive in shaping regional security and stability in the Horn of Africa through its peace and security initiatives and bilateral defence and cooperation arrangements with relatively fragile countries in the region.

### iii. Economic Diplomacy

The Horn of Africa is made up of some of the fastest growing economies in Africa, with a swelling population and numerous economic development challenges. The region's countries are aggressively pursuing development of their industrial, energy, transport and communication infrastructure, housing, healthcare and education sectors looking at their economic development blueprints. The overarching goal of the regional economic development blueprints is the creation of wealth, employment and better quality of life for the region's population. There is therefore a linkage of politics when regional economic development blueprints influence the nature of foreign policy regional countries adopt. Resultantly, there seems to be a foreign policy congruence in the region in terms of the economic nature of diplomatic relations regional countries have with external powers, especially middle and major powers.

Increasingly, regional countries are pursuing and more interested in economic ties above other interests. Specifically, ties that enhance foreign direct investment, local industrial development, energy production, water resources development, infrastructure development (transport and communication), healthcare, local exports, development assistance, financial lending to public development projects and national budgets, technical training through scholarships and exchange programs, agricultural productivity and value addition (through agro-processing) and tourism, sit at the centre of regional foreign policies and external relations to the extent that relations are increasingly transactional.

Türkiye's influence and presence in Africa has continued to grow steadily through the expansion of diplomatic reach (embassies) in Africa; Turkish embassies which rose from 12 in 2002 to 44 in 2022 as African embassies in Ankara also grew from 10 in 2008 to 38 in 2022



#### iv. Droughts, Famine and Humanitarian Strife

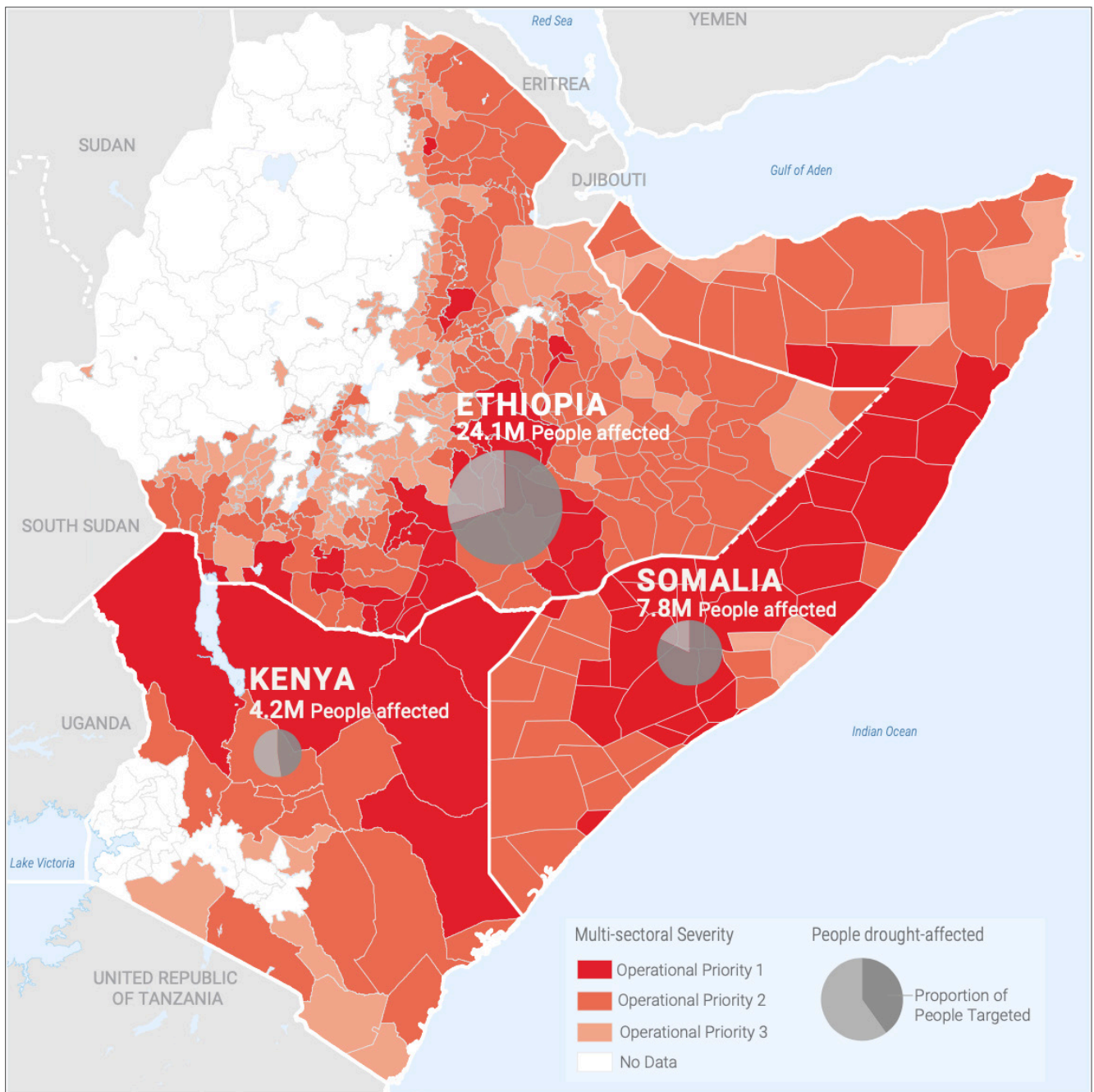


Figure 7: The drought and famine situation in the Horn of Africa, as of October 2022.

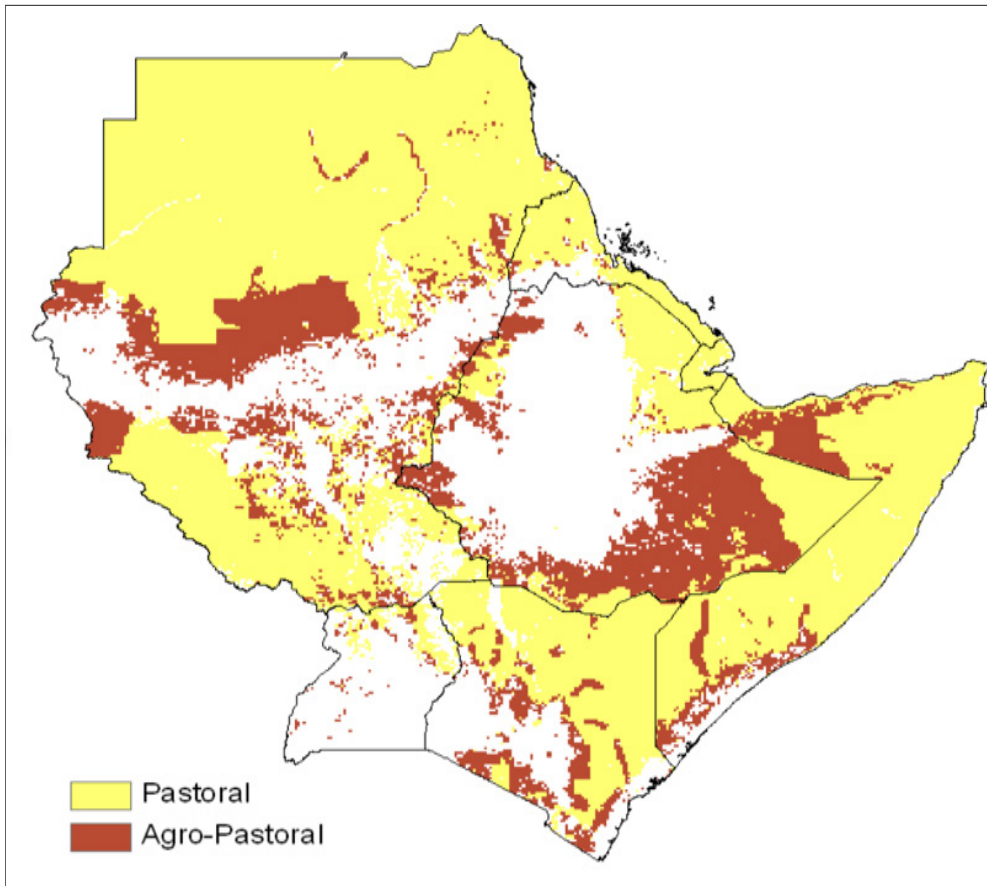
Source: OCHA, 2022

The Horn of Africa is among the worst-affected regions by drought and famine in the world. The humanitarian crisis as a result of natural disasters especially prolonged shortage of rainfall and conflicts is a historical phenomenon in the Horn of Africa. Ethiopia, Somalia and Kenya experience the worst-case drought and famine and currently, the region is facing its worst drought in 40 years (UN News, 2022). Drought in the region has prolonged for the last consecutive five years between 2018 – 2022, when rainfall fell 70 per cent short of its annual levels, thereby eroding

resilience of the region's populations (UN News, 2022). It is important to note that the previous drought was not far apart as it lasted between 2011 and 2016 (OCHA, 2022). The region's peace and security body which also coordinates climate and drought response action, the Intergovernmental Authority on Development [IGAD], had issued alarm in August 2022 decrying an imminent humanitarian catastrophe in Kenya, Ethiopia and Somalia and estimated the crisis to acutely affect over 50 million people (UN News, 2022).

Worse still, is the fact that the most affected communities depend mainly on pastoral livelihoods which are also exposed to significant threat from drought. The drying up of water sources and shortage of rainfall affect water

and pasture resources respectively for livestock, which leads to increase in livestock death and poor pastoral production across the region, erosion of incomes and exacerbation of poverty for affected communities.



*Figure 8: Pastoral and Agro-pastoral rangelands the Horn of Africa*

Therefore, the human security threat from drought is bifurcated in terms of food security and livelihood system in the Horn of Africa. Famine on its part, which also leads to severe food insecurity in the region, is caused by both drought and conflict. In fact, conflict reinforces the vulnerabilities caused by drought and displacement, thereby deepening the humanitarian crisis in the region. However, conflict and drought are mutually reinforcing especially in pastoral communities since drought increases the competition for water and pasture resources, and increases incidents of violent cattle raids and cross-border clashes. About 18.4 million people are victims of forced displacement due to conflict in the region, a crisis which adds further strain to drought-related vulnerabilities (Bechmann, 2022). Currently, the region requires financing support to raise USD 3.4 billion for humanitarian response (OCHA, 2022, p.2). The region acutely needs the financial resources to alleviate

the experience of drought and famine which affects approximately 36.1 million people in the Horn of Africa (OCHA, 2022). The drought severity affects people and livestock in the region as shown below:

The Horn of Africa sits at the heart of Africa's integration, having championed for African Unity [and Union] since the Pan-African era. ... the seat of the African Union (AU) is in Ethiopia's capital, Addis Ababa with Ethiopia serving as Africa's pride for not having been colonized

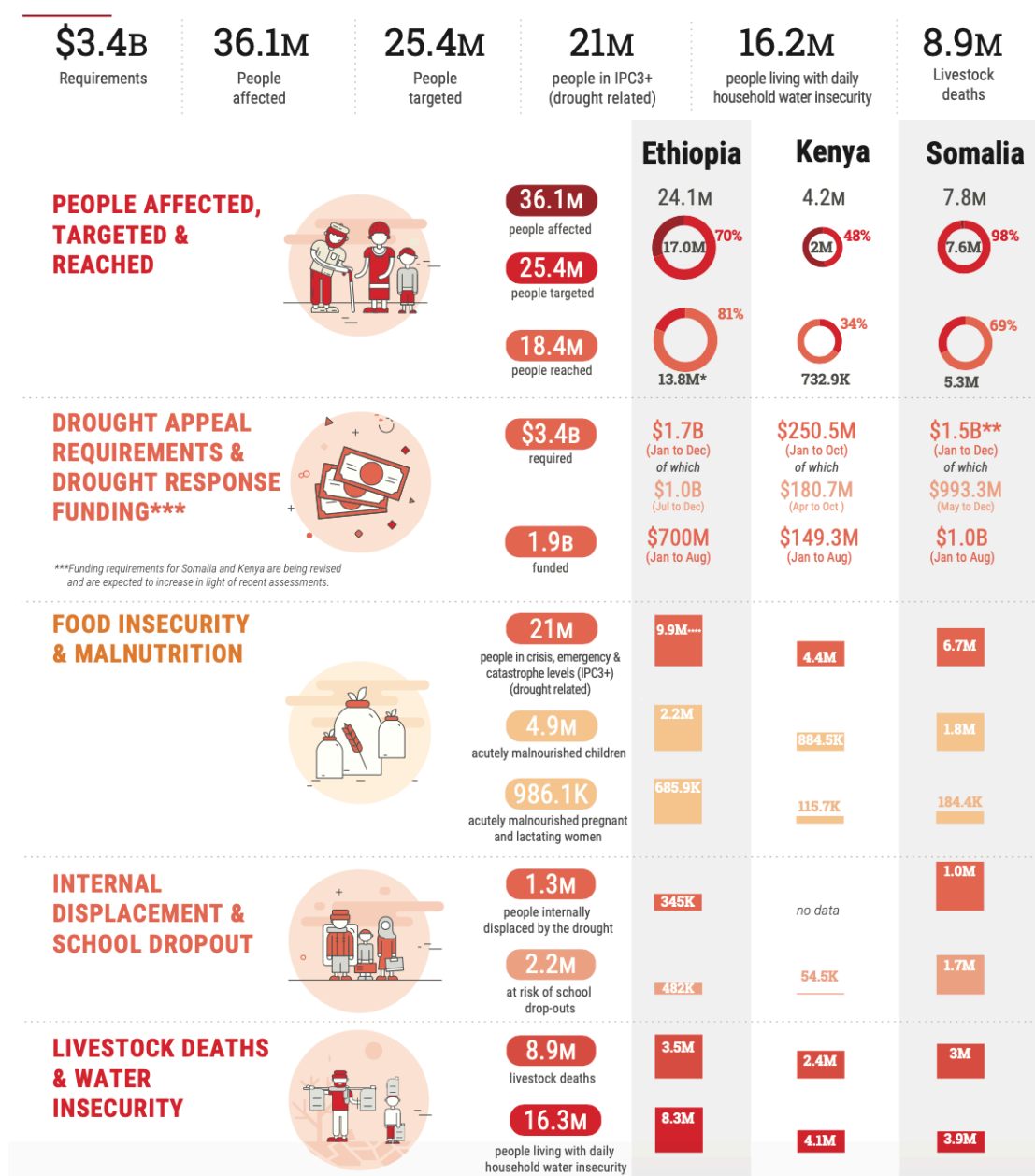


Figure 9: The humanitarian crisis in the Horn of Africa.

Source; OCHA, 2022

Various regional governments have put out national calls to action towards humanitarian response to alleviate the effects of drought on food security and pastoral livelihoods. Kenya has raised alarm with the international community and mobilized for citizens to crowd fund its response initiatives. Somalia on its part appointed the Drought Response Special Envoy, Abdirahman Abdishakur, who is coordinating efforts to mobilize international humanitarian assistance to Somalia (Somaliland, 2022). Abdishakur has paid visits to UNOCHA, and visited or held bilateral talks with the officials of the US, Türkiye and UAE to mobilize humanitarian support to Somalia's fight against drought and famine (Hiraan, 2022). Türkiye can therefore leverage on its established humanitarian diplomacy in the Horn of Africa, to mobilize humanitarian aid or assistance

to Kenya, Somalia, Ethiopia and Sudan which are the worst affected by drought and famine to strengthen its foothold in the region. As seen in 2011 and 2012, Türkiye spent a great deal of efforts to mobilize bilateral humanitarian aid to Somalia (\$49 million official bilateral aid, and \$365 million mobilized through private religious, charity and business networks) and further pushed advocacy at the United Nations General Assembly for global humanitarian response to Somalia's drought and famine (Kagwanja, 2013). Turkish organizations such as Turkish International Cooperation Agency (TIKA), Kimse Yok Mu, and Humanitarian Relief Foundation operate in Somalia alongside other Turkish charitable organizations which operate in Somalia's internally displaced persons camps (Orakci, 2012).



## v. Regional Integration

The Horn of Africa sits at the heart of Africa's integration, having championed for African Unity [and Union] since the Pan-African era. Today, the seat of the African Union (AU) is in Ethiopia's capital, Addis Ababa with Ethiopia serving as Africa's pride for not having been colonized. At the regional level, the Horn of Africa contends with various regional integration approaches ranging from IGAD to the East African Community (EAC). While both EAC and IGAD are long processes of integration stretching from the 1960s and 1990s respectively, the Horn of Africa is yet to achieve a perfect 'union' and a robust regional integration blueprint comparable to the European Union (EU) or the Association of South East Asian Nations (ASEAN). The regional institutional frameworks are within IGAD and EAC are weak to political forces within and without the region, and face critical funding challenges to expedite or finance ambitious integration projects. Further, the region's identity is amorphous, with certain countries (especially Sudan, Somalia and Djibouti) associating themselves with the Arab or Islamic civilization hence their membership of the League of Arab States, the Arab Maghreb Union, and the Red Sea Council and others with Sub-Saharan Africa. Such

identity clefs explain the foreign policy differentiation of external powers especially from the Middle East, which concentrate their foreign policy capital first on Muslim majority or Arab speaking countries and incrementally in the 'Sub-Saharan bloc' such as Kenya, Uganda and Ethiopia. Competing identity visions therefore frustrate regional integration in the Horn of Africa.

Nonetheless, the region continues to make strides towards full integration as evidenced in the processes of strengthening regional institutions, investment in regional infrastructure projects. The Lamu Port South Sudan Ethiopia Transport (LAPSSET) corridor which connects Kenya, Ethiopia and South Sudan and most importantly, the landlocked South Sudan and Ethiopia, to the Indian Ocean through ports, railways and pipelines is an example of ambitious integration projects in the region (LAPPSET, n.d.). However, the USD 25 billion LAPSSET project is undercut by poor budgetary allocations by the participating countries and low financing capacity as well as security threats due to terrorism from al Shabab, which collectively continue to derail the project and erode its prospects for completion (Goldsmith, 2020).



Figure 9: LAPSSET Project in the Horn of Africa. Source: Think Rich Africa

## Risks and Challenges for Türkiye – Horn of Africa Relations

Türkiye – Horn of Africa relations, are not without risks given the nature of foreign policies involved, and the environment of geopolitical competition and rivalry, as well as regional vulnerabilities. The risks in Türkiye's relations with the region include:

### *Destabilizing Competition and Rivalry*

The geostrategic competition Türkiye's presence across the Red Sea has elicited especially from the MENA region, has been destabilizing to a good extent. In bid for counter Türkiye's presence in the Gulf and Red Sea region, the UAE, Saudi Arabia and Egypt alliance blockaded Qatar to partly pressure Doha to cut ties with Türkiye. However, the pressure crossed the Red Sea into the Horn of Africa where regional capitals faced the pressure to cut ties or at least downgrade ties with both Türkiye and Qatar. In Somalia, the pressure from the Gulf Crisis threatened to tear the fragile country apart as pro-Qatar-and- Türkiye factions clashed with pro-Saudi-led coalition in parliament and between the Federal Government of Somalia and the Federal Member States. Jubaland and Puntland supported the UAE-Saudi Arabia- Egypt coalition while the Federal Government maintained 'neutrality' while maintaining closer ties with Qatar and UAE.

In Sudan, the rival blocs dangerously competed at the country's most fragile moment, when long-ruling leader Omar Bashir was ousted by popular rebellion in 2019. Saudi Arabia-UAE-Egypt aligned themselves with the transitional military council which replaced the Bashir government, while Türkiye and Qatar aligned with pro-Bashir factions (Tastekin, 2021). Qatar and Türkiye further attempted to win over the transitional military council with financial packages and military cooperation arrangements especially during the Sudan's military leader and deputy military leader (of the Sovereign Council) Generals Abdel Fattah and Mohamed Hamdan's visits to Türkiye respectively (Tastekin, 2021). Sudan has thus experienced a lengthy and troubled transition which remains unfinished with the military faction of the power sharing government, mounting coup attempts against the transition to civilian rule. Eventually, the military faction backed by UAE, Saudi Arabia, Egypt and to extent Israel, overthrew the transitional government and now rules without the civilian faction in what complicates Sudan's transition.

In Ethiopia, Türkiye, Qatar and UAE as well as Iran have featured in the conflict in Ethiopia's Tigray region behind the Federal Government of Ethiopia (Getachew, 2021). The near two-year conflict threatened the territorial integrity of Ethiopia and general political stability in the country; some of the worst human rights violations and war crimes have been reported in the conflict including murder of innocent civilians, enforced eviction of population, wanton destruction of cities and critical infrastructure, as well as the weaponization of rape and starvation. The conflict has left millions internally displaced, tens of thousands as refugees and millions trapped in famine and in dire need of humanitarian assistance. Türkiye's strategy in the region therefore should carefully balance the competition and rivalry Ankara faces to protect its short and long-term strategic interests in the region from destabilizing forces.

### *Militarisation of the Region*

The Horn of Africa has seen increasing militarisation by foreign powers. Major powers such as European Union (EU), the United States, China, Japan, Spain, France, Britain and the United States have therefore established military bases and outposts in the region. Russia is also in the plans to establish a naval base off the Sudan coast in the Red Sea. Among the middle powers especially from the MENA region, Türkiye has joined the list of Middle Eastern foreign powers with permanent overseas military bases in the Horn of Africa after UAE (naval base in the Port of Berbera) and Saudi Arabia (in Eritrea's Port of Assab). Türkiye constructed its largest overseas military base in Somalia's Mogadishu Port. While the military powers in the region cite diverse reasons for establishing military bases including ensuring maritime security along the Red Sea and Indian Ocean, humanitarian support to peace missions and emergency humanitarian assistance, and counter terrorism, the bases also act as instruments of geopolitical rivalry (Narbone and Widdershoven, 2021). For instance, the UAE and Saudi Arabia bases serve as launchpads for the coalition's counter-insurgency campaign in Yemen against the Irani-backed Houthi rebels (Narbone and Widdershoven, 2021).

Saudi Arabia and UAE not only are campaigning to militarily defeat the Houthi rebellion, they are also keen on uprooting Iran's foothold in the Gulf after dislodging Iran from Sudan, Eritrea and Somalia in the period 2014 – 2018 (Tastekin, 2021). The Saudi-UAE coalition pressured and enticed regional countries to cut ties with Iran and even enlisted regional forces (Sudan's Rapid Support

Forces – RSF) in its war to dislodge Iran from Yemen. Further, regional geopolitical rivals are establishing bases to counter each other's military expansion and presence for instance Japan and China on one hand (both in Djibouti), and China (Djibouti) and India (in Seychelles) on the other. Therefore, the Horn of Africa is setting itself up for military policy competition among rival powers.

The region also risks becoming a theatre of militaristic foreign policies which increasing militarise relations between Horn of Africa countries and external powers. The combined effect of competing military interests and complicated militarised relations between the Horn of Africa countries and external powers, is the likelihood for volatility and instability.

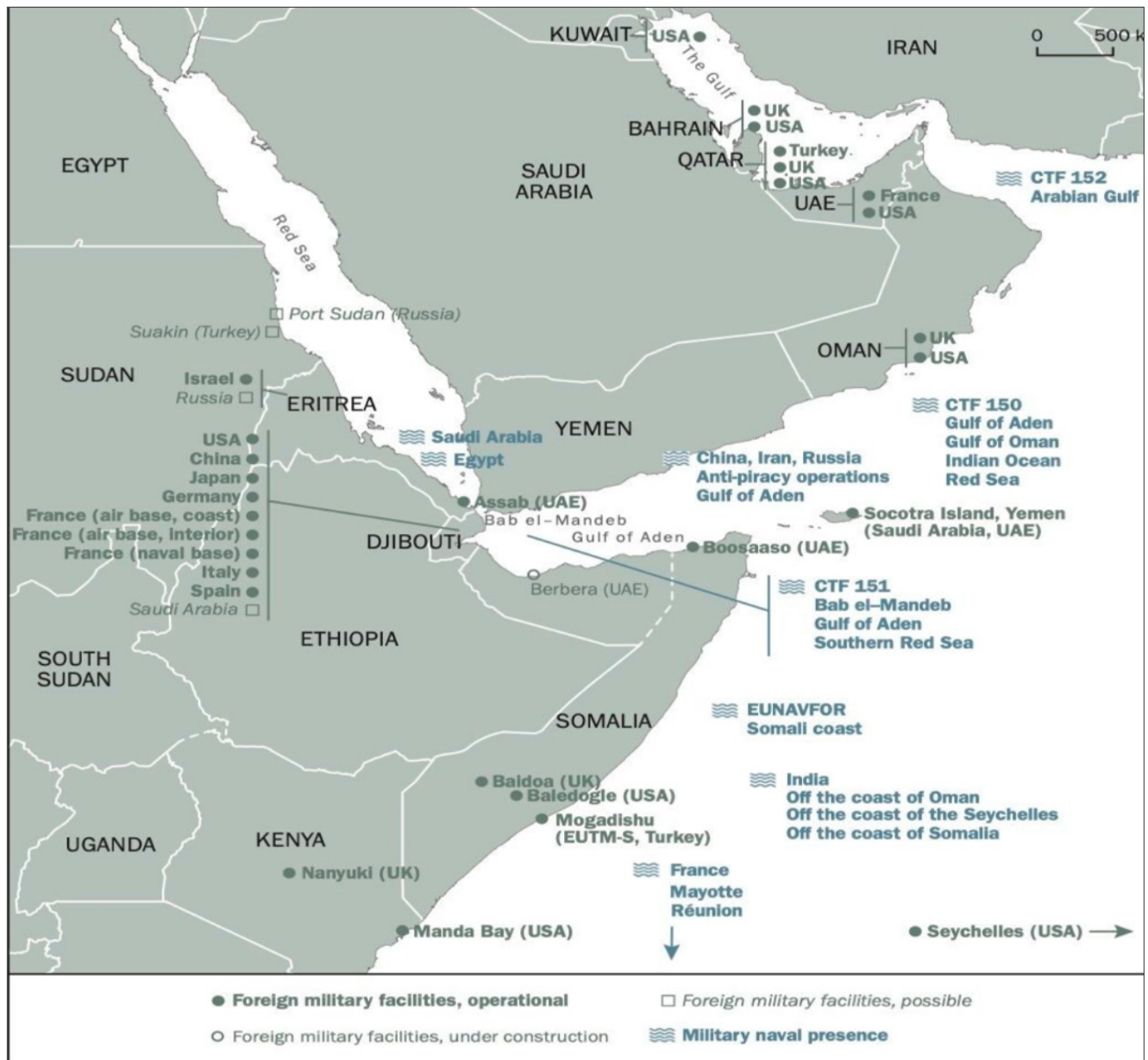


Figure 10: Foreign military bases in the Red Sea and the Horn of Africa.

Source: SIPRI

Secondly, regional countries and institutions are likely to lose capabilities to wield effective control over the whole spectrum of conflict, peace and security, which further undermines national security and sovereignty, as well as the region's security and stability. The two-year intractability of the conflict in Tigray for instance, is a typical scenario of foreign powers' military and geopolitical influence over regional conflicts and peace

processes. Both the conflict actors and regional peace and security bodies such as IGAD and AU struggled to shape the outcomes of the conflict and peace processes to address local realities instead of foreign interests. Third, the region is likely to be drawn into proxy conflicts and join foreign conflict systems. For instance, when Saudi Arabia and UAE set up military bases in the Horn of Africa, the Houthi rebels warned to strike Somalia in



retaliation (Owilli, 2017). Al Shabab and *al Qaida* have also been striking foreign military and strategic assets hosted in regional countries. After the US assassinated the Iranian General Qassem Soleimani, al Shabab struck the US military base in Kenya's Lamu County as reprisal (Rudolph Jr., and Lahneman, 2022). Sudan's Rapid Support Forces (RSF) also enlisted as 'mercenaries' in the Saudi-UAE counter insurgency coalition in Yemen and Eritrea had been requested to also deploy forces to fight for the coalition (*Middle East Eye*, 2020).

While Türkiye has not been a major military and security actor in the region for a couple of decades, its growing involvement in the region's security sector should therefore focus on regional security and stability to curve a constructive role in the region. Therefore, the region is plagued with threats to regional security and stability not limited to conflict. Piracy, terrorism and violent extremism, insurgency, climate change and poor governance among other threats also undermine the region's security and stability in ways Türkiye can effectively intervene to strengthen regional capacity and response mechanism through bilateral partnerships and cooperation with regional bodies. Türkiye's role in Somalia's security sector stabilization through training, and equipment has for instance helped Somalia to achieve significant defence and national security capabilities to manage the country's security post-AMISOM.

### Imbalanced Relations

In Africa's relations with the external world, especially the developed and rich global North, and recently China, the question has been, is it patronage or partnership? Is it collaboration or conquest? Having been a region with the history of colonialism and imperialism, relations with powerful countries and larger economies can easily be seen through the prism of imbalance. The imbalance can be observed in trade, investment relations and economic relations, as well as in security and political sectors, which tend to create dependency and exploitative relations between the dominant and the dominated. In the case of Türkiye and Horn of Africa, the former's economy in terms of GDP (USD 700 billion) is more than double the combined GDP of the Horn of Africa and Türkiye is the 13<sup>th</sup> largest and strongest military force in the world (second largest in the North Atlantic Treaty Organization – NATO) (*Global Firepower*, 2022). The Horn of Africa is therefore nowhere comparable to Türkiye in terms of industrial output, trading and investment interests, political and

diplomatic power, and military capabilities. The possibility of imbalanced and/or skewed trade, economic, political and military relations is therefore high between Türkiye and Horn of Africa countries which would weaken the prospects for mutual gain.

Therefore, Türkiye's approach of promoting partnership therefore dispels the fear for imbalanced relations and placates the anti-colonialism and anti-neo-imperialism attitude in the region which the Western powers and lately China have received in the region in the past few years (Donelli, 2020). Ankara's 'strategic partnership' paradigm will therefore leverage on local agency to posture itself as a constructive partner in security, trade and investment, governance, political cooperation, as well as conflict prevention and management. Such approach ensures mutual gain for the sustainability of Türkiye – Horn of Africa relations and save Ankara from being perceived as a neo-imperialist power and from developing dependency among regional countries (Donelli, 2020). When for instance China hit the shores of the Horn of Africa with financial loans, cheaper goods and products and non-ideological political ties, it was well received. Quickly, China dominated the regional market, joined the largest foreign investment sources in the region, became the largest player in the region's infrastructure development, and deepened political ties with the region to the extent it became a credible foreign actor with significant influence over the region's affairs. However, China's image in the region has been changing over time given the Chinese debt regional countries have accumulated, China's risky model of lending and partnership in the region's infrastructure development.

While China's influence is still favourably strong in the region, prospects for long-term geopolitical positioning are now complicated for Beijing in the wake of increasingly nationalistic policies being adopted by the

“Türkiye's role in Somalia's security sector stabilization through training, and equipment has for instance helped Somalia to achieve significant defence and national security capabilities to manage the country's security post-AMISOM

region's countries in economic, commercial and financial relations with China. Türkiye therefore has something to learn from China's experience and the experience of relations between Britain, France and the US and the Horn of Africa. Türkiye should manage carefully the fundamentals of power dynamics between itself and the region to mitigate risks of eventually being perceived as imperialist or interventionist, creating dependency and provoking nationalistic policy responses in the region which might threaten its long-term interests.

### **Towards Sustainable Cooperation and Healthy Competition: Likely Options Going Forward**

Having looked at Türkiye's strategic interests in the Horn of Africa, the region's own agency, and the increasingly (almost dangerous) geo-strategic and geopolitical competition and rivalry among foreign powers in the region, Türkiye – Horn of Africa relations should be based on carefully balanced policy options such as:

#### **o Elevation of Economic and Commercial Ties**

The Horn of Africa's agency puts high premise on economic growth and development, and more so, transactional relations. Cooperation and partnership in economic sectors boost the prospects of the region strategically benefiting from its ties with Türkiye and lays ground for wider and stronger ties. It is therefore imperative for Türkiye to prioritize economic relations above ideological and political relations, especially when its strategic presence in the region is young and faces stronger competition and rivalry. Economic and commercial relations which will help Horn of Africa countries to boost investments, grow their economies and expand exports as well as create jobs, improve incomes, infrastructure, technological development, healthcare, and general quality of life, will boost Türkiye's soft power and leverage in the region more than risky ideological efforts. In return, Turkish companies will find conducive

investment environment, wider market for their products and services, and Türkiye will be able to pursue its energy interests in the region without creating a foreign policy fog that crushes its most important strategic interests and its soft power.

#### **o De-externalization of MENA Competition**

The escalation and externalization of Türkiye – Qatar versus Saudi Arabia – UAE - Egypt rivalry and competition into the Horn of Africa, is risky to Ankara's interests in the region. Instead of carefully and strategically focussing on penetrating the region and deepening its levels of cooperation and partnership with regional countries and economies, Ankara's externalization of its MENA rivalry crowds its strategic path with draining competition and rivalry, which further derail its penetration in the region as rivals seek to contain Türkiye. Therefore, Ankara should de-externalized its MENA rivalry and lock such competition within MENA to avoid spilling associated risks into the Horn of Africa.

#### **o Leverage on institutionalization of Relations**

Institutionalization of relations creates predictability, establishes norms and expectations, as well as a higher prospect for continuity. Therefore, Ankara should make efforts to institutionalize its relations with the Horn of Africa in economic, trade and investment, political and cultural relations with clear short term and long-term goals and instruments of cooperation. As such, beyond normal bilateral relations with the regional countries and sub-national entities (especially religious), Türkiye should also leverage on cooperation mechanisms between Turkish institutions and regional and national institutions in the Horn of Africa within clear frameworks of rules, norms and expectations. Türkiye should also adopt a foreign policy operational model for the region, given the region's geo-economic and geopolitical specificities. The Türkiye – Africa Cooperation Summits are one such initiative, but focussing more on strategic and sector-

**Ankara should make efforts to institutionalize its relations with the Horn of Africa in economic, trade and investment, political and cultural relations with clear short term and long-term goals and instruments of cooperation**

specific institutional mechanisms will be effective in helping Ankara to penetrate the region, gain leverage and establish significant influence in the Horn of Africa. Institutions also lend stability to relations.

## Conclusion

The Horn of Africa is a dynamic region, which now sits at the centre of major and middle power geopolitical competition and rivalry. Various policy instruments and approaches have been tried in the region by the contending powers especially China, the US-EU-Britain (and other western and pro-western countries) bloc of powers which has ensured their respectable dominance of trade, investment, political and diplomatic influence, as well as leverage in geostrategic competition with their rivals or competitors. Türkiye has been gradually joining the geostrategic competition among foreign powers, for the Horn of Africa with its own unique set of ideology and norms, different level of rationality of means and instruments, and own strategic interests. Türkiye should

therefore focus on projecting its soft power over its increasingly militaristic foreign policy in the region which will provoke nationalistic, avoidant and equally militaristic policy responses in the region and among its rivals.

It is important for Türkiye to first adequately understand the regional agency to establish its entry areas and unique approaches it will have to deploy. To succeed where other powers have failed before in the region, Türkiye will have to learn to manage the risks brought on by power politics and ideological competition to limit volatility. Ankara will also exercise the level of rationality required to secure its core interests from overshadowing by peripheral or secondary interests, and to limit destabilizing competition and rivalry. In a nutshell, Türkiye should prioritize soft power, positive image and a positive role in the region, by focussing on more meaningful and mutually beneficial issue areas, as well as constructive mechanisms of cooperation and partnership with regional actors.

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# Truth, Justice and Reconciliation Commission (TJRC) of Kenya Process: A Pill Too Bitter to Swallow

By Tecla Namachanja Wanjala, Ph.D

## Abstract

Kenya set up a truth-seeking process, the Truth, Justice and Reconciliation Commission (TJRC) in 2009 following the 2007/2008 post-election violence over contested presidential results in a general election conducted on December 27, 2007. During the implementation of its mandate, the commission faced challenges that almost stalled its operations and impacted on the implementation of its report.

This paper aims to assess the circumstances under which TJRC was set up and the factors that impacted its process and the Report. The study mainly uses secondary data. Information about the traditional justice process and selected truth commissions has been gathered from books, journal papers, and policy documents, among others. The paper concludes that the political context under which the commission was set up, the nature of Kenya's transition, and the investigative mandate were among the factors that impacted on the TJRC process. Truth commissions should be victim-centered and focus more on the restorative justice component to unveil the truth to foster national healing and reconciliation and minimize criminal justice. The transitional justice mechanism should employ the justice pillar separately to meet the demands of international criminal laws but with proper sequencing with the other pillars.

## Background

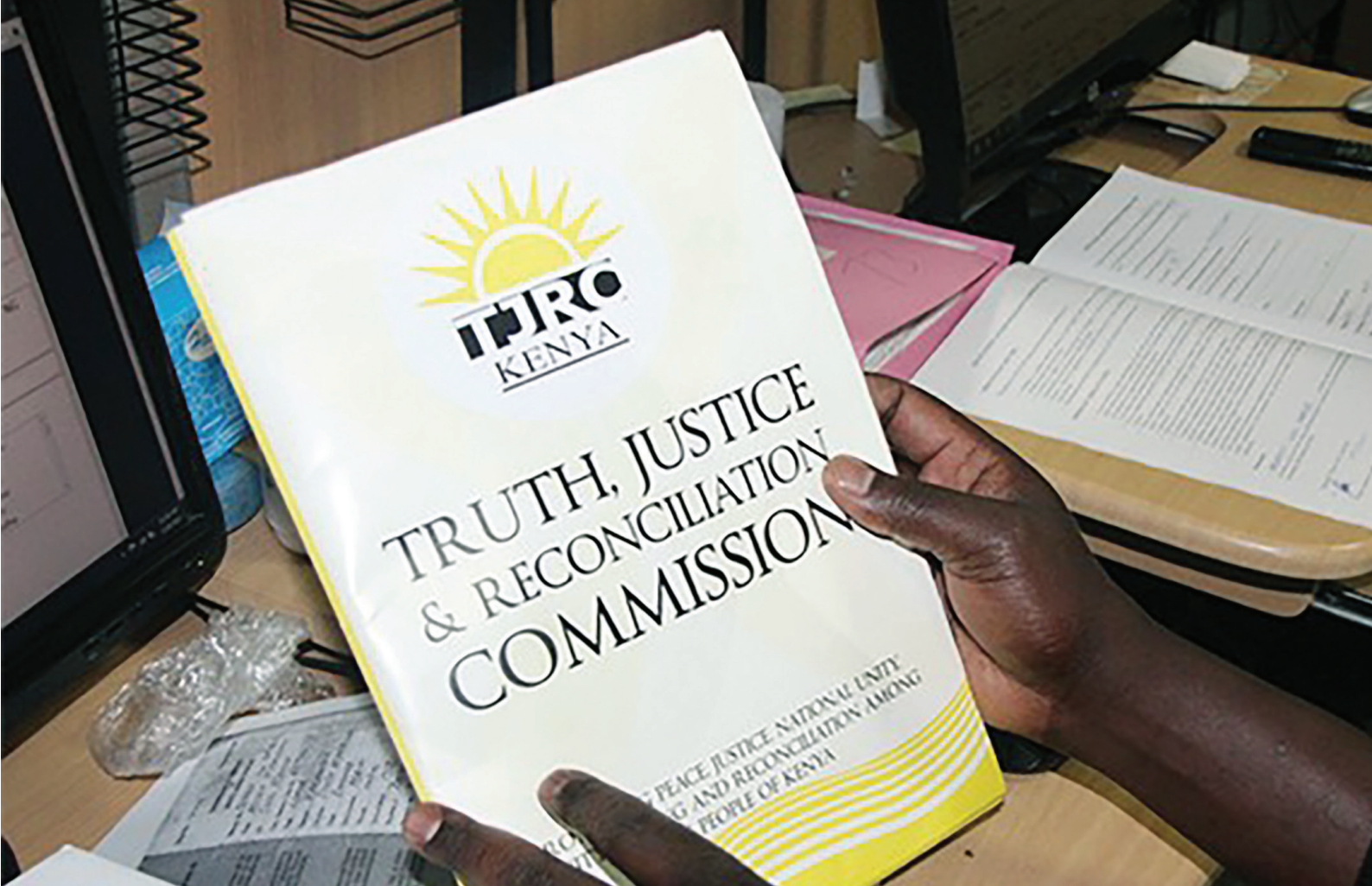
The 2007/2008 post-election violence resulted from contested presidential results in a general election conducted on December 27, 2007. It pitted the then incumbent President, Mwai Kibaki of the Party of National Unity (PNU), and Raila Odinga of the Orange Democratic Movement (ODM) (Kiberenge, 2022). This violence led to the loss of over 1,200 lives, displaced more than 600,000 people, and destroyed property worth billions of shillings (CIPEV Report, 2008).

The African Union created a three-person Panel of Eminent African Personalities – Kofi Annan (the former UN Secretary-General) Benjamin Mkapa (former Tanzanian President) and Graca Machel (the former south African First Lady) (TJRC Final Report, Vol. 1, 2013). In February 2008, the mediation team managed to broker a peace agreement between the two warring parties which led to a power-sharing agreement to form a coalition government, also known as the Government of National Unity (GNU). One of the resolutions of the National Accord (NA) was to establish the Truth Justice and Reconciliation

Commission (TJRC). Eventually, the Commission was established in 2009 by an act of parliament (TJR Act No 6, of 2008) to investigate historical injustices and gross violations of human rights experienced in the country from December 12, 1963 (when Kenyan gained independence) to February 28, 2008 (after the formation of GNU). The main objective of TJRC was to promote peace, justice, healing, and reconciliation among the people of Kenya. Nine commissioners were selected to implement this herculean task. They comprised of six Kenyan nationals and three internationals.

Among the violations it investigated included massacres, ethnic clashes, displacements, gender-based violence, torture, marginalization, and extra-judicial killings, among other forms of injustice. The commission recorded over 40,000 individual statements and received over 1000 memoranda from groups/communities who had suffered in different ways. Out of 40,000 statements, about 1,000 statements were selected as window cases. The commission then held public hearings in various parts of





*TJRC was established in 2008 to address injustices from 1963 to 2008 including ethnic conflicts, marginalization, political violence, and the 2007 post-election violence (Photo Credit: International Court of Transitional)*

the country where witnesses gave testimonies regarding violations under investigation.

The commission completed its work and submitted the Final Report to the President in May 2013, who presented it to parliament for debate and approval as per the TJR Act, 2008. Parliament was then expected to approve the implementation of the report by setting up the implementation committee as recommended by the TJRC Report and act on the reparation bill. The implementation of the report was to commence in six months in November 2013. But as of 2024, at the time of writing this article, the report has not been acted on.

## Challenges

During the implementation of its mandate, the commission encountered numerous hurdles related to the conflict of interest and credibility of its chairman and financial constraints. Immediately after the inauguration of the commission, a section of the civil society organizations (CSO), politicians, and victim networks protested the suitability of the commission's chairman. They cited his negative record as a strong defender of the past regime where he served as an envoy and Permanent Secretary. A regime that was at the center of the violations to be

investigated by TJRC. They also alleged that he was implicated in some of the atrocities the commission was to investigate.

When the chairman resisted their call for him to resign, they staged demonstrations against the commission and advocated against it through the media, press conferences, and by issuing press statements calling upon the chairman to resign due to cases labeled against him (Ringa, 2010). They also petitioned the court to force the chairman to resign or get the commission disbanded. They took a stand of non-corporation with the commission. The commission was unable to focus on its core mandate as its initial work was paralyzed by demonstrations. Many victims, their families, and witnesses refused to participate in the activities of the commission.

According to the Act, the only way a commissioner could be removed from office was through a tribunal. He demanded that his case be investigated by a tribunal based on the TJR Act for fair justice. Since the core work of the commission was being affected by the protests and the stand of the CSO and victims against it, commissioners refocused their efforts from their

core mandate to finding solutions to the credibility and integrity cases against the chairperson. They held a series of internal discussions. The commissioners had to protect the integrity of the institution they were serving, and they explored means of solving the credibility and conflict of interest affecting their leader.

On April 15, 2010, the commissioners filed a petition with the Chief Justice (CJ) requesting a tribunal, under Section 17 of the TJR Act, to be set up to determine whether the commission's chairman had engaged in 'misbehavior or misconduct' that disqualified him from working for the commission. After a month, with no response, the commission again wrote to the CJ on May 14, 2010 inquiring about the status of its petition. Another four months went by before the commission could get any response from the CJ.

Meanwhile, on September 9, 2010 a coalition of CSOs filed a separate petition to the CJ with a similar request. The CSOs wanted a determination if the chairman's presence in the commission violated the newly ratified Constitution of Kenya, 2010. The CJ wrote a letter informing them that a response concerning the petition had already been made to the commission. He copied the commission in his letter to the CSO and included two other letters in it. The first letter dated September 7, 2010 to the Secretary of the Commission in which the CJ noted that he had forwarded a copy of the commission's petition to the Attorney General (AG) on May 3, 2010. The second letter from the CJ to the AG dated May 3, 2010 requesting him *"in his role as the Principal Legal Advisor to the Government of Kenya"*, to advise the CJ if the grounds listed in the commission's petition *"satisfy the requirements of the law precedent to setting up a tribunal as set out in S. 17(1) of the said Act"*. The commission never received the two letters. The commission later established that the two letters were not included in the letters sent to the CSOs.



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It was only after a lot of pressure exerted on the judicial system that finally the tribunal was set up around the beginning of November 2010. The pressure included the commission's Vice Chairperson's resignation and a threat of resignation by one of the international commissioners. The commission was also given a 72-hour ultimatum by the Parliamentary Legal Affairs Committee to either solve the impasse with its chairperson or face disbandment.

The tribunal could not proceed with its mandate. The chairman applied to it challenging its jurisdiction to investigate his conduct both before and after his appointment as chairman of TJRC. When his motion challenging the jurisdiction of the tribunal was rejected, he moved to the High Court for an *ex parte* application requesting a stay of the proceedings of the tribunal while he sought legal review of the rejection of his petition. As his challenge to the jurisdiction of the tribunal proceeded in the High Court, the six months given to the tribunal to complete its work elapsed. The tribunal requested an extension of its life, but the newly appointed CJ refused, terming such a move as a waste of national resources.

The Chairman withdrew his case from the High Court since the tribunal was disbanded. On January 4, 2012, he returned to the commission to resume his work having stepped aside for 18 months to give way for his credibility issues to be investigated and his conflict of interest as the chairman of the commission established. This move was resisted by commissioners to protect victims who had witnessed against him. When he bulldozed his way back and threatened the commission's staff with disciplinary measures, the commissioners took him to court. It filed a case in the High Court on January 10, 2012, requesting an order to restrain the chairman from returning to the commission until and unless his case was determined. It also requested an order requiring the CJ to constitute a tribunal as was petitioned earlier by the commission.

In February 2012, the judge who heard the case dismissed it and ordered the commissioners to pay all the costs in their individual capacity and not as the commission, despite TJRC being a corporate body. In March 2012, the commission filed an appeal against the ruling and asked for an emergency injunction to keep the chairman out of the commission's offices until the legal issues raised by the case had been decided. It was never acted on.

The government, especially the Ministry of Justice, under which TJRC operated, and the judicial system, did little to

intervene to ease the pressure against the commissioners who were left on their own to defend the credibility and integrity of their institution as their work was paralyzed by the CSOs.

## Findings

### Circumstances that led to the formation of TJRC

One of the challenges that affected the process of TJRC is the circumstances under which it was formed. A discussion about circumstances that led to the establishment of TJRC by the Kenya government must be done alongside the investigation, findings, and recommendations of the Commission of Inquiry into Post-election Violence (CIPEV) and its repercussions on the country's record of impunity concerning providing justice to victims of human rights violations (Waki Report, 2008). It was chaired by Justice Philip Waki and was mandated to identify persons who held the greatest responsibility regarding post-election violence. This team carried out its inquiries from May 22, 2008, and submitted the report to the President on October 10, 2008. The report identified a few alleged perpetrators who bore the greatest responsibility for the 2007/2008 post-election violence. The commission produced a sealed envelope containing a list of the alleged perpetrators which was handed over to Kofi Annan who had earlier chaired the mediation team. Together with the sealed list were boxes containing the evidence.

The Waki report set out four preconditions concerning the prosecution of persons identified in the sealed envelope. The two Principals (Kibaki and Raila) who were partners in the GNU were to sign an agreement to establish a Special Tribunal within 60 days of the publication of the report. On December 16, 2008, the two Principals duly signed the agreement and committed to selecting a Cabinet Committee to draft the Special Tribunal bill.

They then had to ensure that the statute to establish the tribunal was adopted after an additional 45 days after the signing of the first agreement. According to this, the deadline for adopting the statute to establish the tribunal fell on January 30, 2009. Failure of the government to act accordingly, Annan would hand over the sealed list of alleged perpetrators with the supporting evidence against them to the Prosecutor of the International Criminal Court (ICC) to take measures on the Kenyan cases.

The grappling by government leaders on how to fulfill their commitment to crafting and passing a bill to establish a Special Tribunal to prosecute perpetrators per the Waki Report divided the Cabinet and later greatly impacted the establishment of TJRC. While members of the coalition government initially welcomed the recommendation of the Special Tribunal to prosecute post-election violence cases, (Musila, 2009), notes that enthusiasm diminished with time, especially when it emerged later that names of some of the high-ranking government leaders were in the sealed list.

The debate on the type of mechanisms to employ to address post-election violence crimes became very acrimonious among leaders of government (Warigi, 2009). A group of reformists and human rights defenders advocated for a mechanism that would be free from manipulation or interference by powerful political elites to advance their interests. This group wanted the alleged perpetrators of post-election violence crimes prosecuted by the ICC, in the Hague. However, most of the leaders preferred a local mechanism that would be under their control.

Two successive Ministers of Justice, Honorable Martha Karua and the late Mutula Kilonzo attempted thrice, without success, to get parliament to pass the bills required for the establishment of the special tribunal. Karua drafted the Constitutional Kenya Amendment Bill of 2009 to amend the constitution to allow for the creation of a Special Tribunal. The Bill was introduced in Parliament on February 12, 2009. It was shot down by a group of parliamentarians led by Hon. Gitobu Imanyara, one of the human rights activists (Wafula, 2009).

In July 2009 another Bill was drafted by the Cabinet Committee, but it was not presented to parliament because there were clear indications that it would not go through. As the government leaders moved back and forth on the Tribunal matters, the December 30, 2009 deadline was drawing near with no concrete decision in place. The president reached out to Kofi Annan and requested more time until September 2009 to establish either the Special Tribunal or other local judicial mechanisms to deal with accountability issues. During the same time, a high-level government delegation visited the Hague and met with the Prosecutor of the ICC and made the same appeal, more time. In the event they were unable to set up the tribunal, then the Kenya government would refer its situation to the ICC per the Rome Statute.



Annan handed over the sealed envelope to the ICC prosecutor on July 9, 2009 a move that got the government of Kenya jittery. The government frantically tried to buy time with the Prosecutor of the ICC to put on hold the Kenyan situation as it tried to find solutions to their dilemma.

The cabinet gave it another trial. Having failed to agree on the bills to set up the Tribunal, members of the cabinet selected a team of four Ministers including the Attorney General and headed by the Minister for Justice to deliberate on options open to them to deal with post-election crimes, especially for the alleged high-level perpetrators. The team presented five options, 1) setting up a special division of the High Court with international participation, 2) referring the suspects to the ICC, 3) trying them in the High Court, 4) withdrawing from the Rome Statute, and 5) forming an Independent Special Tribunal to try the suspects locally.

Two cabinet meetings held to discuss the five options proposed by the sub-committee failed to reach consensus. An expanded committee with an additional four members was asked to go back to the drawing board to analyze the merits and demerits of each proposed option and report back to the Cabinet. Only two options met the external standards according to their expert opinion. Formation of a Special Tribunal and referring matters to the International Criminal Court in The Hague.

On July 30, 2009, the president issued an official communication through a press statement, informing the public about a decision made during the cabinet meeting held to discuss various options for accountability concerning PEV crimes and other historical injustices (Republic of Kenya, Office of Public Communications December 15, 2011). The cabinet had rejected the local tribunal and the government had resolved to withdraw from the Rome Statute and repeal the International



*Justice Philip Waki hands over the envelop containing the names of post election violence inciters to chief mediator Kofi Annan on August 12, 2010 (Photo Credit: The Star)*



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Crimes Act of 2008 through which Kenya implemented the Rome Statute. Instead, the government chose the TJRC as a mechanism to deal with historical injustices and post-election violence crimes. The government argued that the country needed national healing and reconciliation among warring ethnic groups more than trials.

To address the injustices committed during post-election violence, the government had resolved to first undertake key reforms for the police, judiciary, and other investigative arms of government to strengthen them to carry out the investigation and prosecution of perpetrators of post-election violence.

The choices of TJRC and the local criminal courts to address, especially post-election violence crimes enraged Kenyans, particularly the civil society and religious leaders, as well as the international community. This was seen as a perpetuation of impunity. The General Secretary of the National Council of Churches of Kenya (NCCK), for instance, called on the Prime Minister and the President to resign and dissolve the government immediately to save the country from degenerating into a failed state. The Council termed the government's decision an act of subverting justice for victims of post-election violence.

The deadline of December 30, 2009 was reached without the Special Tribunal in place. Then, the ICC prosecutor Louis Moreno Ocampo sought leave from the Court to investigate crimes against humanity in Kenya and was granted on March 31, 2010 (Human Rights Watch, November 26, 2009). In December 2010, the Prosecutor announced summons against six principal suspects of various crimes related to post-election violence.

### The political context under which TJRC operated

Kenya's transitional moments have been evolving since the opening of space for multiparty political competition

in 1991 which led to the Kenya African National Union (KANU) being dislodged from power in 2002. It was replaced by the National Rainbow Coalition (NARC) whose members were perceived to be progressive and liberal (KHRC, ICTJ, ICPC, 2010). At the time of the signing of the Peace Agreement in 2008, therefore, Kenya had already transitioned from a dictator regime to a young democracy. The NARC Government initiated reforms in 2003 among them vetting of the judicial officials and the police force as well as the investigation into corruption cases. Through the Makau Task Force on Truth Justice and Reconciliation Commission, the country had already set in motion a transitional justice mechanism for dealing with historical injustices (Makau Report, 2003). The constitutional review process had been ongoing for at least a decade.

Parliament had been in the process of reforming electoral laws after each electioneering period to ensure free, fair, and credible elections although not to the desired level. The country had already an established Kenya National Commission of Human Rights that was calling out on human rights violations perpetuated in the country. Kenya had put in place organizations to check and hold institutions and persons accountable for human rights violations and corruption although it may not have been to the expected standards.

To check corruption cases, there was the Ethics and Anti-Corruption Commission (EACC) which replaced the Kenya Anti-Corruption Commission (KACC) in April 2003. Equally transitioning and evolving in Kenya have been the changes in the political leadership in the post-one-party governments after KANU was dislodged from power in the multi-party general election that took place in 2002, it was replaced by NARC. Some of the political leaders in the NARC regime also belonged to the KANU regime. Implementing truth commission reports implies an end to historical injustices and prevention of the same happening in the future. This happens when there is a clear break with the past at the time of transition. As discussed above, Kenya did not have

a clear break with the past in 2008 when the TJRC was set up. The problem was that Kenya had slipped into a resurgence of ethnic clashes that threatened the nation's existence and needed the mediation process to end the armed conflicts.

## Naming of perpetrators

According to (Hayner, 2001), although most of the truth commissions have much in common, they differ when it comes to the investigatory mandates and the powers. Some commissions' investigatory mandates have focused on the structures, institutions, laws, and policies. Whereas some commissions included in their investigations a mandate to identify and name individual perpetrators of violations. She adds that there is a tendency for power to name perpetrators in truth commission reports to be explicitly spelled out by drafters of the most recent truth commissions.

The Kenyan mandate was very clear about individual responsibility, to determine the persons responsible for the violations and the context and circumstances under which violations took place. The commission was then mandated to compile a comprehensive report of findings and recommendations. The mandate was specific to the commission recommending prosecution of perpetrators of violations. The Report is structured into four volumes out of which one of them, the fourth volume provides a catalogue of the findings and recommendations of the commission. It also gives recommendations relating to the implementation mechanism and the reparation framework.

The commission included in its report a list of names of over 480 adversely mentioned persons. Among them

ministers, members of parliament, district commissioners, top military officials, chief registrar of the judiciary, solicitor general, faith-based leaders, commissioner of police, provincial security committee members, district security committee members, officers, and national intelligence officers, just to name a few. For these high-level adversely mentioned persons, the recommendation included prosecution or further investigations leading to prosecution. Others were recommended not just for further investigations but also barred from holding public offices.

At the time of the TJRC process and the completion of its investigation, most of the above adversely named persons held big positions either in the cabinet, in parliament, in parastatals, or other government institutions. If they were not in positions of power, they had their networks, family members, or friends in influential positions to defend them. Coupled with naming in Kenya's TJRC mandate, was the strong justice component. Hayner (*Ibid*) notes that while justice is the first to be demanded by victims and human rights groups in countries in a transition it is rarely attained. She observes that this is the case especially when victims are involved in the negotiation process. History, she notes, has shown that attempts to hold accountable high-level people responsible for severe abuses under a previous regime have been met with obstacles. This is best illustrated by the El Salvador, South Africa, and Chile cases. Leaders always shielded themselves from any accountability for their crimes. Kenyan leaders rejected the ICC option because they did not want to hold themselves accountable for human rights violations that took place during post-election violence (Sly, 2018).

## The broad Mandate of the Kenya TJRC

The commission was mandated to inquire about bodily human rights violations thus: extra-judicial killings, murder, torture, abductions, disappearances, detentions, sexual violations, etc. It was also mandated to investigate violations of socio-economic rights, perceived economic marginalization, expropriation of property, grand corruption, economic crimes, and exploitation of natural resources. Others included economic marginalization, misuse of public institutions for political objectives, irregular and illegal acquisition of public land, and cruel or degrading treatment committed by the state for political objectives, and ethnic tensions. The mandate period spanned 45 years from December 1963 to February 2008.

Kenya's transitional moments have been evolving since the opening of space for multiparty political competition in 1991 which led to the Kenya African National Union (KANU) being dislodged from power in 2002



*International Criminal Court (ICC) at the Hague settled on charging four Kenyans for orchestrating Post Election Violence (PVE) in 2007 (Photo Credits: Aljazeera)*

The TJRC was also mandated to analyze over thirty (30) past commissions of inquiry reports and make recommendations on them. One report that was sensitive to most leaders who served under the two KANU regimes was the Land Report also known as the Ndung'u Report. The commission recommended the implementation of the recommendations contained in the Ndung'u Land Report, the Kiliku Report, the Akiwumi Report, and the KNCHR Report (KNCHR Report, 2008). All these reports implicated high government officials. The TJRC broad mandate targeted so many people of interest, it touched on so many interests, it created so many problems and enemies for the process. The broad mandate cast the net so wide that it threatened so many fish in the ocean. It affected virtually all leaders in the country. Almost every one of the influences was affected, thus it left virtually no one to advocate for the implementation of its recommendations.

## Conclusion

The government of Kenya rejected the International Tribunal, and the ICC process, and instead opted for TJRC to address injustices because it wanted to protect the vested interests of the government leaders who were implicated in the gross violation of human rights,

especially during the PEV. It wanted a mechanism that political elites would manage, and perhaps manipulate, at home instead of the ICC process.

Implementing truth commission reports implies an end to historical injustices and prevention of the same happening in the future. This happens when there is a clear break with the past at the time of transition. As discussed earlier, Kenya did not have a clear break with the past in 2008 when the TJRC was set up.

The lack of political will by government leaders to solve challenges that affected the TJRC during its implementation process was because some top government leaders on both sides of the coalition government were among those to be investigated by the TJRC for historical injustice and gross violation of human rights. Such leaders feared effective implementation and completion of the TJRC process and its Report because they were directly affected by the recommendations. That is why the TJRC report has never been implemented, 11 years down the line. It remains a pill too bitter to swallow. It will only take a very bold and patriotic leader to implement it, someday.

## Recommendations

Armed conflicts, historical injustices, and other gross violations of human rights have been witnessed in many African countries. Most of them have often contemplated forming truth commissions to investigate the past. Given what happened in Kenya's TJRC case, this paper suggests the following:

- (i) Let the truth commissions be what they were originally meant to be: unveil the truth and foster national healing and reconciliation.
- (ii) Minimize the criminal justice component and be more about restorative justice. As a restorative justice mechanism, truth commissions should emphasize healing wounds and rebuilding relationships in societies emerging from the troubled past. Restorative justice as an approach focuses on holding offenders accountable, repairing the damage done, and offering restitution.
- (iii) Furthermore, it is important to note that the African traditional justice system is based on the restorative justice approach that does not differentiate between criminal and civil laws in handling disputes among its people. This calls on truth commissions to change their approaches.



- (iv) The Truth Commission should be more victim-centered instead of focusing on punishing the offenders. It should address more the needs of the victims as well as the deeds of the perpetrators.
- (v) In most African countries, there is very minimal if any clear-cut political transition from one regime to another. This makes it difficult to investigate and possibly prosecute people who are still powerful in government. Thus, going for criminal culpability may not yield the desired results.
- (vi) The Transitional Justices Mechanism should employ the justice pillar separately to meet the demands of international criminal laws but with proper sequencing with the other pillar.

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# The Untold Crisis: Understanding the Epidemic of Gender-Based Violence on Women and Girls in Sudan's Conflict

By Mariah Faridah Muli

## Abstract

Sudan's protracted history of conflict has engendered a climate where women and girls are disproportionately targeted as victims of GBV. The scourge of gender-based violence (GBV) in Sudan remains a harrowing yet overlooked crisis, disproportionately impacting women and girls who endure unimaginable suffering amidst the turmoil of war. This article utilizes secondary data to conduct a critical analysis of the pervasive issue of Gender-Based Violence (GBV) within Sudan's conflict-ridden territories. Focusing on historical legacies, systemic inequalities, and the weaponization of violence, it examines the intricate relationship between these key issues and their profound impact on women and girls. Despite concerted efforts, GBV remains rampant, with an estimated 4.2 million individuals, primarily women and girls, at risk according to UN estimates. The analysis sheds light on the underreporting of GBV, exacerbated by conflict-induced chaos and communication disruptions enforced by local authorities, alongside the persistent stigma faced by survivors. Through a nuanced exploration of the historical context and the deliberate use of GBV as a tactic of war, the article underscores the urgent need for comprehensive action. It argues for legal reforms, preventive measures, improved access to services, and inclusive women's participation in peacebuilding processes, strengthened accountability mechanisms, and heightened international support. At its core, the article grapples with the hard question of how to effectively address GBV within Sudan's conflict zones, proposing a multifaceted approach that tackles its root causes while providing support and justice for survivors. By unraveling the complexities surrounding GBV and advocating for holistic solutions, the article aims to contribute to ongoing efforts to mitigate this harrowing crisis and foster sustainable peace and stability in Sudan.

## Introduction

Sudan's post-independence narrative is marked by enduring turmoil, plagued by continuous conflicts stemming from its colonial legacy and exacerbated by ethnic, religious, and socio-political tensions. (Assal 2022; Sørnbø and Ahmed 2013) Colonial governance under British-Egyptian authority fomented internal discord through arbitrarily drawn boundaries and preferential treatment of specific factions, setting the stage for successive civil wars. The First and Second Sudanese Civil Wars, fueled by struggles for power, economic inequalities, and ethnic grievances, saw the predominance of the Arab-led government in the north against marginalized ethnic groups in the south and peripheral areas. During the period spanning from 1956 to 2019, Sudan experienced three brief democratic administrations and lengthy periods of military dictatorships. Apart from the initial military takeover led by General Ibrahim Abboud from 1958 to 1964, subsequent military regimes adopted ideological stances.

General Numeiri, ruling from 1969 to 1985, oscillated between leftist and rightist ideologies, while the al-Bashir regime, reigning from 1989 to 2019, embraced a militant, Islamist political doctrine that tightened state control and deepened existing societal divisions along ethnic and regional lines. Supported by Islamist factions and lacking legitimacy, the al-Bashir administration utilized violence (Young 2020) as a cornerstone of both domestic and foreign policy endeavors. Much of Sudan's current predicament can be attributed to the legacy of al-Bashir's regime, characterized by rampant human rights abuses, peripheral warfare, and institutionalized inequality, corruption, and embezzlement. Despite the cessation of the second civil war through the Comprehensive Peace Agreement in 2005, conflicts persisted in regions like Darfur, South Kordofan, and Blue Nile. The pinnacle of these upheavals arrived in 2011 with South Sudan's overwhelming vote for secession, yet internal power struggles endured, perpetuating unrest. Al-Bashir's



*Sudan's Freedom and Change Alliance leader Ahmad al-Rabiah (third from right) and Sudan's General and Vice President of Sudanese Transitional Military Council, Mohamed Hamdan Dagalo (second from right) sign power sharing agreement, in Khartoum, Sudan, on August 17, 2019. (Photo Credits:IC\ChinaDaily)*

ousting on April 11, 2019, witnessed the aspirations of young activists for civilian governance obstructed by the entrenched military establishment, which had wielded power for decades. Contentious negotiations ensued between civilian representatives, led by the Forces for Freedom and Change (FFC), and the military, represented by the Transitional Military Council (TMC). The period from April to August 2019 witnessed the brutal suppression of protests, notably the violent dispersal of a sit-in on June 3, resulting in numerous casualties. A breakthrough was achieved in August 2019 with the Constitutional Declaration, aiming to facilitate a civilianmilitary partnership. Subsequent events unfolded in a tumultuous manner, marked by a military coup in 2021 and the onset of war in April 2023.

Amid Sudan's prolonged conflicts, a disturbing reality emerges, the Gender-Based Violence (GBV) disproportionately targets women and girls. Sudan has witnessed an alarming increase in incidents of sexual and gender-based violence (SGBV) following the commencement of hostilities between the Sudan Armed Forces (SAF) and the Rapid Support Forces (RSF) on April 15 2023. The African Centre for Justice and Peace Studies elaborates on the utilization of SGBV as a tool of conflict

and underscores the significance of women in fostering the peace efforts within the strife-torn nation. GBV takes various forms, such as sexual assault, domestic abuse, and forced displacement, perpetuated by armed factions, government forces, and societal norms. This widespread violence not only inflicts physical and psychological harm but also perpetuates cycles of trauma and reinforces gender disparities. Tackling GBV is crucial within Sudan's conflict context due to its profound and complex repercussions. Beyond immediate survivor suffering, GBV erodes social cohesion, worsens displacement, and hampers post-conflict recovery endeavors. Moreover, GBV sustains cycles of violence, undermining prospects for lasting peace and stability in the region. Given the pervasive nature of GBV and its detrimental impacts on Sudanese society, comprehensive action is urgently required. This involves not only immediate steps to safeguard and assist survivors but also addressing the underlying causes of GBV, such as systemic inequities, impunity for perpetrators, and the instrumentalization of violence. Only through coordinated efforts at local, national, and global levels can Sudan dismantle the structures perpetuating GBV and forge a path towards a future marked by peace and gender equality.

## Conflict induced Gender based violence in Sudan

On April 15, 2023, clashes erupted between the Sudanese Armed Forces (SAF) and Rapid Support Forces (RSF) in Khartoum, leading to intense combat. The violence is primarily centered in urban areas, particularly affecting Khartoum and regions spanning from Kassala to West Darfur. Despite a ceasefire declared on April 24, 2023, the conflict continued to intensify. According to the Federal Ministry of Health (FMOH), from April 15 2023 to 27, 589 individuals have lost their lives, and 4,599 have sustained injuries as a result of the unrest. As of May 6, 2023 an estimated 334,000 civilians, predominantly women and children, were displaced internally, seeking safety within Sudan, while 120,000 have fled the country, with many seeking refuge in Central African Republic, Chad, Ethiopia, Egypt, the Kingdom of Saudi Arabia, and South Sudan. Vulnerable groups, including female-headed households, persons with disabilities, the urban poor, pregnant and nursing women, children, and internally displaced persons (IDPs) who were already at risk before the onset of this conflict, face heightened vulnerabilities.

A recent publication from the African Centre for Justice and Peace Studies (ACJPS) unveils a consistent trend of detrimental behaviors directed at Sudanese individuals due to gender, with women's groups recording over 120 confirmed instances of rape as of October 2023, amid concerns that the actual figure might surpass this tally. ACJPS characterized SGBV as "a variety of harmful conducts and attitudes directed at individuals based on their gender, inflicting physical, sexual, psychological, and socio-economic harm." It encompasses a broad spectrum of behaviors, "which can range from sexual assault, rape, and domestic abuse to human trafficking and sexual exploitation." Since the war started in Sudan, disturbing instances of conflict-related sexual violence targeting women and girls have been documented. Women and girls have borne the greatest burden of the conflict's repercussions. According to the Gender-based Violence (GBV) AoR in Sudan, by October 15, 2023, the number of individuals requiring GBV services had surged to 4.2 million (OCHA, 2023). The Office of the High Commissioner for Human Rights (OHCHR) has expressed deep concern over reports indicating that in Sudan, women and girls are being abducted, shackled, and subjected to "inhuman, degrading slave-like conditions" in regions under the control of the Rapid Support Forces (RSF) in Darfur (UNHCR, 2023). "We are at a loss for words to convey the horror of the situation unfolding in Sudan"



Much of Sudan's current predicament can be attributed to the legacy of al-Bashir's regime, characterized by rampant human rights abuses, peripheral warfare, and institutionalized inequality, corruption, and embezzlement

(Reliefweb, 2023). The conflict has resulted in widespread displacement of families. Impoverished households, including women and girls, are taking refuge in schools, makeshift structures, and unsanitary living conditions, heightening the risk of gender-based violence. Reduced livelihood opportunities have also left women and girls vulnerable to exploitation, with incidents of abuse on record. While the demand for assistance has surged significantly, limited access in conflict-affected regions, shortages of supplies, and a lack of specialized GBV services pose three major obstacles to service delivery. Access to services in conflict-affected areas is severely restricted due to ongoing hostilities, property damage, and the looting of medical supplies and facilities, including health clinics and hospitals. (UNHCR, 2023)

According to the UN, prior to the outbreak of hostilities on April 15, more than 3 million women and girls in Sudan were deemed vulnerable to gender-based violence, including instances of intimate-partner violence, as per UN assessments. This figure has since escalated to an estimated 4.2 million individuals. Since the onset of this conflict, the UN Human Rights Office in Sudan has received credible accounts of 21 cases of conflict-related sexual violence involving at least 57 women and girls, with at least 10 of them being minors. In a particular incident, up to 20 women were reportedly subjected to rape in a single assault. The Unit for Combatting Violence against Women, operating under Sudan's Ministry of Social Development, continues to register reports of conflict-related sexual violence. It has documented a minimum of 42 alleged instances in the capital, Khartoum, and 46 in the Darfur region. Considering the significant underreporting of gender-based violence, the actual number of cases is undoubtedly much higher. Many survivors face obstacles in reporting sexual violence due to feelings of shame, stigma, and fear of retaliation. Additionally, the lack of electricity and connectivity, along with restricted humanitarian access due to the volatile



security environment, further complicates the process of reporting violations and accessing support services. Attacks on and occupation of healthcare facilities also hinder survivors from seeking and receiving emergency medical assistance.

As of December 4, 2023, conflict-induced displacement within Sudan has affected 2.6 million individuals, including 195,059 refugees and asylum seekers from diverse nationalities such as South Sudanese, Ethiopians, and Eritreans. A combined total of 1.3 million refugees, asylum seekers in Sudan, and returnees have sought refuge in Egypt, Chad, the Central African Republic, South Sudan, and Ethiopia. While approximately half of the refugees are women and girls in general, in countries like Chad and the Central African Republic, the current proportion of women and children is estimated to be around 85%. The African Center for Justice and Peace Studies (ACJPS) has been tirelessly advocating for the voices of Sudanese women amidst the ongoing armed conflict, particularly shedding light on the prevalent issues of rape and sexual slavery. (ACJPS, 2023) Through the testimonies of survivors, it's evident that sexual violence, perpetrated mainly by the paramilitary Rapid Support Forces (RSF) and allied militias, has become a systematic practice in conflict-ridden areas, with victims facing unimaginable horrors. Despite the harrowing accounts, underreporting remains a significant challenge due to various factors, including the fear of stigma and limited access to essential services. The testimonies of survivors like Ms. Fatima, Ms. Marwa, Ms. Muna, and Ms. Amina underscore the urgent need for action to address these atrocities.

In a recent update, ACJPS provided further insight into a case involving ten abducted women, including minors, who were subjected to sexual slavery. The perpetrators, initially identified as robbers from a local neighborhood, later joined the RSF, highlighting the alarming collaboration between criminal elements and armed forces. Negotiations for their release involved exorbitant ransom demands, illustrating the exploitation of vulnerable individuals for financial gain. The survivors' testimonies offer a glimpse into the horrors they endured, including confinement, threats, and sexual exploitation. Tragically, the violence extends beyond sexual assault, as evidenced by the recent discovery of the bodies of Ms. Janah Ageed and Ms. Suhair Musa, who were abducted and brutally murdered. Their deaths serve as a grim reminder of the widespread impunity and brutality faced by women in conflict zones, where justice remains elusive.

The accounts shared by ACJPS underscore the urgent need for concerted efforts to protect women's rights and hold perpetrators accountable. It's imperative for the international community to heed these cries for justice and take decisive action to end the cycle of violence against women in Sudan. Only through collective action can we hope to bring about meaningful change and ensure a future where women are free from fear and oppression.

Additionally, since the onset of this conflict, the UN Human Rights Office in Sudan has received credible accounts of 21 instances of conflict-related sexual violence affecting at least 57 women and girls, with 10 of them being minors. In one particularly harrowing case, up to 20 women were reportedly subjected to rape during a single attack. Meanwhile, the Unit for Combating Violence against Women under Sudan's Ministry of Social Development has recorded 42 alleged cases in Khartoum and 46 in the Darfur region. However, due to significant underreporting, the actual number of cases is likely much higher, with many survivors hesitating to report due to feelings of shame, stigma, and fear of retaliation. The lack of electricity, connectivity, and humanitarian access further complicates the reporting process. Despite these challenges, health-care providers, social workers, counselors, and community-based protection networks within Sudan have observed a notable increase in reports of gender-based violence as conflict persists. Women, including refugees residing in Sudan before the conflict, have recounted experiences of genderbased violence while fleeing to safer areas. As the risk of sexual violence escalates for women and girls on the move, urgent action is needed to enhance assistance at reception sites for internally displaced persons in conflict-affected regions of Sudan and neighboring countries.

Despite the pervasive violence, UN agencies are actively working to support survivors, with UNFPA offering gender-based violence case management, reproductive health care, and safe spaces, while WHO ensures faster access to emergency health supplies. UNHCR provides medical and psychosocial support, and UNICEF focuses on procurement of post-rape kits and prevention interventions. However, meeting the needs of survivors at scale requires substantial donor support, with the revised Humanitarian Response Plan for Sudan and the Regional Refugee Response Plan collectively seeking nearly \$126 million to fund prevention and response services for survivors of gender-based violence. (UNICEF, 2023)

## Gender Inequities in Sudan

Sudanese culture is deeply ingrained in patriarchal traditions and customary gender roles, perpetuating disparities between males and females. Inequities based on gender are evident across various domains, encompassing educational opportunities, job access, healthcare services, and political engagement. Females in Sudan frequently encounter restricted entry to resources and decision-making authority, relegating them to inferior positions within both familial and societal structures (El-Bushra, 2010). Intersectionality and Aggravation of GBV the interplay of gender with other societal facets such as ethnicity, race, faith, and economic status intensifies the prevalence of gender-based violence (GBV) in Sudan. Women belonging to marginalized groups, like ethnic minorities or rural dwellers, face compounded forms of bias and abuse. For instance, females from non-Arab ethnic communities in Darfur might undergo heightened levels of GBV due to the amalgamation of their gender and ethnic identity, evident in the targeted assaults witnessed during the Darfur crisis (De Waal, 2017). Legal

and Institutional Shortcomings Despite the existence of legal frameworks ostensibly condemning GBV, the execution and application of these regulations remain inadequate in Sudan. Deficiencies within legal and institutional structures, including corruption, resource scarcity, and insufficient training of law enforcement personnel, obstruct survivors' access to justice. Additionally, the legal system frequently overlooks or downplays GBV cases, resulting in impunity for offenders and further alienation of survivors (Badri, 2018).

## Weaponization of Violence

The militarization of violence in Sudan's conflict areas is apparent through the intentional use of Gender-Based Violence (GBV) as a method to enforce control and supremacy over populations. Perpetrators strategically employ various forms of GBV, including sexual assault, coerced marriages, and intimidation strategies, to instill fear, weaken resistance, and establish dominance within communities (Tayeb, 2015). By singling out women and



School-age boys and girls in Sudan are currently out of school due to low enrolment rate and the war between Sudanese Armed Forces (SAF) and Rapid Support Forces (RSF), with girls being the most affected (Photo Credits: EU/LM International)

## Gender-Based Violence (GBV) not only inflicts immediate suffering and trauma on individual victims but also corrodes societal cohesion, impeding the advancement of gender parity and sustainable peace

girls, armed factions aim to disrupt societal structures and diminish the determination of opposing factions, exploiting their susceptibility to maintain authority and influence.

Armed factions and paramilitary groups hold a pivotal role in perpetrating GBV within Sudan's conflict zones. These non-state entities frequently operate without repercussions, taking advantage of the disintegration of legal systems to execute severe acts of violence against women and girls. Research conducted by (De Waal, 2017) highlights the exploitation of GBV by armed groups as a means of coercion, retribution, and territorial command. By instilling terror among civilian populations, these factions strive to assert superiority, weaken opposition forces, and progress their political and military agendas.

The militarization of violence against women carries significant ramifications for both women's rights and endeavors for peacebuilding in Sudan. GBV not only inflicts immediate suffering and trauma on individual victims but also corrodes societal cohesion, impeding the advancement of gender parity and sustainable peace. As advocated by (True and Mintrom, 2013), confronting GBV is indispensable for attaining enduring peace and stability, as violence against women perpetuates cycles of conflict and obstructs efforts toward reconciliation and communal harmony.

### Underreporting and Stigma of Documenting GBV in Sudan

Documenting Gender-Based Violence (GBV) in Sudan's conflict zones encounters significant barriers that impede accurate reporting. Challenges such as restricted entry to affected regions, security apprehensions, and the absence of dependable reporting systems contribute to underreporting. Furthermore, societal norms and cultural taboos surrounding GBV dissuade survivors from stepping forward, fearing both stigma and potential retaliation. (Johnson et al., 2019) have extensively studied these hurdles, emphasizing the necessity of inventive methodologies and survivor-centered approaches to surmount these obstacles. The tumult and

unpredictability engendered by conflict exacerbate the complexities associated with documenting and tackling GBV. Displacement, infrastructural destruction, and the collapse of social services further obstruct survivors' access to assistance and channels for reporting. The prevalence of armed groups and the absence of legal order foster an environment of impunity, allowing perpetrators to evade accountability. (Stark and Ager, 2011) have shed light on the intersection between conflict-induced chaos and GBV, stressing the need for customized interventions tailored to address the distinct challenges encountered by survivors amidst conflict settings. Survivors of GBV often confront pervasive stigma and societal exclusion, intensifying the hurdles in reporting and seeking aid. Cultural norms that assign blame and disgrace to survivors perpetuate a culture of silence and impunity. The psychological and emotional ramifications of stigma can be profound, exacerbating survivors' trauma and impeding their path to recovery. Research conducted by (Jewkes et al. (2017) underscores the detrimental impact of stigma on survivors' mental well-being, emphasizing the imperative for targeted interventions aimed at combatting survivor stigma and supporting their journey toward healing.

### Current Efforts and Challenges

**Ongoing Initiatives** Numerous endeavors have been initiated to tackle Gender-Based Violence (GBV) within the conflict-ridden territories of Sudan. Noteworthy among these initiatives is the holistic program spearheaded by UN Women Sudan. UN Women Sudan actively engages in advancing gender equality and women's empowerment through a variety of endeavors, encompassing advocacy endeavors, capacity-building workshops, and services aiding survivors (UN Women Sudan, n.d.). Another significant initiative is championed by the Sudanese Women's Union (SWU), a grassroots organization committed to propelling women's rights and combatting GBV at the community level (Sudanese Women's Union, n.d.). SWU conducts outreach initiatives, educational seminars, and empowerment programs aimed at bolstering the status of women and girls while challenging detrimental gender stereotypes.



**Hurdles in Implementation** Despite the existence of initiatives, the effective execution of GBV prevention and response programs encounters formidable challenges. Constrained financial resources, logistical intricacies, and persistent insecurity pose impediments to the effective delivery of services and outreach efforts, particularly in remote and strife-affected regions. Additionally, bureaucratic intricacies and inadequate collaboration among stakeholders exacerbate the endeavor to comprehensively address GBV (Bradshaw, 2019). Moreover, cultural barriers and societal prejudices surrounding GBV impede the efficacy of interventions (UNFPA, 2023).

Global Assistance International backing assumes a pivotal role in bolstering endeavors to combat GBV in Sudan's conflict zones. Entities like UN Women and UNFPA provide indispensable financial aid, specialized expertise, and political advocacy to fortify local initiatives and lobby for policy reforms (UNFPA, n.d.). Furthermore, diplomatic channels and multilateral institutions contribute to holding governments and armed factions accountable for addressing GBV and upholding fundamental human rights principles (United Nations, 2023).

### **Proposed solution, legal reforms, preventive measures and inclusive peace**

The implementation of legal reforms is essential to effectively address Gender-Based Violence (GBV) in the conflict-stricken regions of Sudan. This necessitates the enhancement of existing laws, enactment of new legislation, and guaranteeing their enforcement to hold perpetrators accountable and safeguard survivors. Entities such as Amnesty International and Human Rights Watch advocate for legal reforms to strengthen protections against GBV and ensure justice for survivors (Amnesty International, 2023; Human Rights Watch, 2023). Preventive measures play a pivotal role in reducing the occurrence of GBV and tackling its underlying causes. This encompasses comprehensive educational initiatives and awareness campaigns aimed at challenging detrimental gender norms, advocating for gender equality, and fostering harmonious relationships. Non-governmental organizations (NGOs) like CARE International and Oxfam carry out community-based programs and advocacy campaigns to prevent GBV and advocate for gender equality (CARE International, 2023; Oxfam, 2023). Improving support services for GBV survivors is crucial to ensure their holistic recovery and empowerment. This entails expanding access to

medical assistance, psychological support, legal aid, and economic opportunities for survivors. Entities such as UNFPA and Médecins Sans Frontières (Doctors Without Borders) provide essential support services to GBV survivors in Sudan's conflict zones (UNFPA, 2023; Médecins Sans Frontières, 2023).

Inclusive peacebuilding efforts must prioritize the meaningful involvement of women and girls to address the fundamental drivers of GBV and foster sustainable peace. This involves guaranteeing the representation of women in peace negotiations, decision-making processes, and conflict resolution mechanisms. Organizations such as the International Rescue Committee (IRC) and Peace Direct advocate for inclusive peacebuilding approaches that prioritize the voices and experiences of women (International Rescue Committee, 2023; Peace Direct, 2023). Strengthening accountability mechanisms is vital in combating impunity for GBV perpetrators and ensuring justice for survivors. This encompasses the establishment of specialized judicial bodies, training of law enforcement personnel, and empowering survivors to report incidents without fear of retaliation. The International Criminal Court (ICC) and local human rights organizations play a pivotal role in holding perpetrators of GBV accountable for their actions (International Criminal Court, n.d.).

### **Key Gender-based Violence risks**

Multiple instances of conflict-related sexual violence have been documented by women and girls in Sudan, arising from both conflicting factions and the rise in intercommunal clashes amidst the breakdown of law and order. Particularly vulnerable are Ethiopian and Eritrean refugees, as well as migrant women and girls residing in areas like Khartoum-North and Omdurman. Despite the reported cases, the actual number of individuals impacted by conflict-related sexual violence is likely higher due to underreporting fueled by ongoing conflict, limited access to relevant survivor services, disruptions in telecommunications, and the fear of community stigma. Humanitarian organizations have received concerning feedback indicating a significant prevalence of conflict-related sexual violence (CRSV) in affected regions. Women and girls fleeing Sudan and seeking asylum in neighboring countries continue to recount harrowing experiences of violence endured during their escape, including harassment at checkpoints, abduction, rape, sexual assault, sexual exploitation, and various forms of physical and psychological abuse by both conflicting parties and criminal elements operating within Sudan.



Instances of combatants looting civilian residences and specifically targeting women and girls have been recorded in Chad, Ethiopia, and South Sudan. Disturbing reports include systematic rape of women and even minors as young as 8 years old by conflict groups along the Karasana border. One elderly woman likened her journey to South Sudan as “equally perilous as the war itself.” Upon arrival in asylum countries, women and girls often find themselves in dire circumstances with limited or no resources, further exposing them to risks of gender-based violence (GBV) during transit, temporary sheltering, and border crossings. Delays at border checkpoints leave vulnerable households susceptible to exploitation and mistreatment by criminal smugglers. The living conditions in Chad and Ethiopia are dire due to significant underfunding across refugee response sectors, resulting in gaps in aid provision and service delivery, including inadequate access to food, clean water, suitable shelter, sanitation facilities, street lighting, and energy sources for cooking. Shortages of natural resources, deficient infrastructure, essential services, livelihood opportunities, and inflation in South Sudan, Egypt, Ethiopia, and Chad have exacerbated the vulnerability of women and girls, driving families towards detrimental coping mechanisms such as asset liquidation, reduced meal quality, begging, involvement in the sex trade, forced and child marriages, accumulation of debt, and withdrawal of children from education for exploitative labor. Instances of resource deprivation, intimate partner violence, and sexual exploitation by community members are also on the rise. Despite concerted efforts, GBV remains significantly underreported, with women and girls encountering barriers in accessing support services due to ongoing hostilities and apprehensions regarding stigma and retaliation.


## Women's Role in Peace

In the context of women's empowerment deficits, the African Centre for Justice and Peace Studies (ACJPS) underscores the crucial role of local women's groups in advancing peace efforts in Sudan. Supported by the United Nations Women Sudan Country Office, the Peace for Sudan Platform comprises over 49 initiatives and organizations led by women. These endeavors prioritize the protection and provision of psychological support to survivors of Sexual and Gender-Based Violence (SGBV) while also aiming to amplify women's participation in fostering lasting peace (ACJPS, 2023). As detailed in ACJPS reports, the UN Women Sudan Country Office has established situation rooms dedicated to documenting,

monitoring, and raising awareness about conflict-related sexual violence. These efforts include implementing a comprehensive referral system and providing a spectrum of services ranging from clinical to legal aid to ensure vital support amid the ongoing crisis (UN Women Sudan Country Office, 2022). Christine Kirabo, a legal program officer at ACJPS, underscores the necessity of a holistic approach to ensure meaningful involvement of women in shaping Sudan's future and fostering inclusive peace. This approach advocates for granting women substantial roles in decision-making processes and affording them substantive representation in peace negotiations (Kirabo, 2021). Kirabo emphasizes the urgency of legal reforms, including ratifying the Maputo Protocol and domesticating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), aligning Sudanese legislation with global standards to provide comprehensive legal protections for women (Kirabo, 2021). Collaboration with international organizations is highlighted as crucial to sustaining efforts in promoting women's rights, including the implementation of capacity-building programs (ACJPS, 2023). Increasing public awareness is deemed essential for challenging stereotypes and biases hindering women's active engagement in peace processes (ACJPS, 2023). Lastly, investment in capacity-building initiatives is advocated to empower women in leadership and advocacy roles, equipping them with the necessary skills and resources to drive meaningful change (ACJPS, 2023).

## Conclusion

In conclusion, Gender-Based Violence (GBV) within Sudan's conflict zones highlights the distressing realities experienced by women and girls amidst prolonged conflict unrest. Throughout this examination, the article delved into the widespread prevalence of GBV, stemming from historical legacies, systemic inequalities, and the



Multiple instances of conflict-related sexual violence have been documented by women and girls in Sudan, arising from both conflicting factions and the rise in inter-communal clashes amidst the breakdown of law and order



*Gender inequality in Sudan is at least in part responsible for muted economic growth and a contributing factor to a declining birth rate. Males dominate society in which most opportunities for escaping poverty are reserved for men (Photo Credit: Flickr/The Borgen Project)*

intentional weaponization of violence. Despite existing initiatives, challenges persist, ranging from underreporting and stigma to implementation obstacles and insufficient support services. Nonetheless, within these challenges lies an unmistakable urgency for comprehensive action to address GBV and cultivate enduring peace and stability in Sudan. The imperative of taking action cannot be overstressed. With an estimated 4.2 million individuals, primarily women and girls, vulnerable to GBV, the necessity for immediate and concerted endeavors is clear. GBV not only inflicts physical and psychological harm on survivors but also perpetuates cycles of violence, impeding efforts towards reconciliation and social unity. Each day of inactivity prolongs the anguish of numerous individuals and undermines the prospects for peace and prosperity in Sudan. This necessitates an unwavering commitment from all stakeholders. Governments, civil society entities, international organizations, and communities must prioritize GBV prevention, protection, and response initiatives. Legal reforms must be enacted to fortify safeguards against GBV and ensure justice for survivors. Preventive measures, including educational campaigns and awareness-raising efforts, are crucial to challenge detrimental gender norms and advocate for gender equality. Enhanced support services must be extended to ensure the comprehensive recovery and empowerment of GBV survivors. Vision for a GBV-Free Sudan Our aspiration for Sudan envisions a realm

where GBV is eradicated, and the rights and dignity of all individuals, irrespective of gender, are upheld and revered. It is a Sudan where women and girls flourish devoid of the fear of violence, where survivors receive comprehensive assistance, and where perpetrators are held accountable for their actions. Realizing this vision demands steadfast commitment, collective action, and resolute determination to construct a society founded on principles of equality, justice, and tranquility. Addressing the GBV epidemic in Sudan's conflict zones is not merely a moral obligation but also an essential prerequisite for sustainable peace and development. Let us seize this opportune moment to stand in solidarity with survivors, to amplify their voices, and to labor ceaselessly towards a future where GBV is a relic of the past in the vibrant mosaic of Sudanese society. The moment for action is now.

## Recommendations

The following recommendations are proposed, firstly, there is dire need to push for legal reforms and the reinforcement of existing laws to bolster safeguards against Gender-Based Violence (GBV) in the conflicted regions of Sudan. This involves improving legal frameworks, introducing fresh legislation, and ensuring that those responsible for GBV are held accountable to ensure justice for survivors. Secondly, community-driven preventive measures and awareness campaigns

need to be rolled out to challenge harmful gender norms, advocate for gender parity, and deter GBV occurrences. Teaming up with grassroots NGOs and civil society groups can enhance the effectiveness of these endeavors. Thirdly, broadening access to vital support services for GBV survivors, including medical aid, mental health support, legal assistance, and economic opportunities, is vital for their comprehensive recovery and empowerment. This necessitates bolstered collaboration with international organizations to deliver comprehensive aid in areas affected by conflict. Thirdly, inclusive peacebuilding initiatives must give priority to the meaningful participation of women and girls in peace talks, decision-making processes, and conflict resolution mechanisms. Backing efforts that amplify women's voices in peacebuilding and GBV prevention is crucial for fostering sustainable peace. Additionally, establishing specialized judicial bodies and offering training for law enforcement personnel are fundamental steps to enhance accountability for GBV perpetrators and secure justice for survivors. Teaming up with international

human rights groups and local stakeholders is essential for monitoring and reporting instances of GBV. Fourthly, efforts should focus on addressing key GBV risks, such as conflict-related sexual violence and the vulnerabilities faced by refugees and asylum seekers. Strengthening documentation, monitoring, and response systems will ensure timely assistance and protection for survivors. Empowering local women's groups and initiatives actively engaged in GBV prevention, survivor support, and advocacy for policy reforms is another crucial step. Lastly, intensifying efforts to raise awareness about GBV, challenge stereotypes and prejudices, and advocate for policy reforms and legal protections is imperative. Engaging in capacity-building programs to empower women and girls to advocate for their rights and access support services will contribute to a comprehensive approach to tackling GBV in Sudan's conflict zones. Through coordinated action and collaboration among stakeholders, strides can be made toward achieving lasting peace, stability, and gender equality.

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# Diverting Attention from Domestic Challenges: Las Anod Crisis and Ethiopia-Somaliland Memorandum of Understanding in Somaliland's Relations with Federal Somalia

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## Abstract

Somaliland leaders declared unilateral independence from Somalia in 1991. While projecting a level of security and stability as an empirical state, Somaliland has pursued an independent foreign policy and its external partnerships along with instability in its eastern borderlands have undermined its relationship with the Somali federal government. Somaliland's aspiration for international recognition has featured among its foreign policy objectives and included Hargeisa's unofficial diplomatic efforts to persuade external partners and its dominant Isaaq-clans' attempt to project power and secure the colonial-era borders in its eastern territory. At the same time, internal political dynamics in Somaliland have propelled a sentiment of marginalization, grievances, and irredentism in the largely Dhulbahante-inhabited eastern borderlands. This paper discusses Somaliland's relations with federal Somalia in light of the Las Anod crisis and the tension created by the recent Ethiopia-Somaliland Memorandum of Understanding. It argues that the two issues are inextricably linked to structural aspects of power in Somaliland's political system and competition in the context of its approaching presidential election. As a result, Somaliland's internal political dynamics largely determine its foreign policy focus, especially toward federal Somalia.

## Introduction

Since the early 1990s, Somaliland has maintained variably troubled relations with Somalia. The declaration of independence soon after the collapse of the Siad Barre regime set the stage for the building of a separate state from the formerly Italian-colonized Somalia, but also for a persisting confrontation with central governments in Mogadishu. Following the "state-building war" in which President Mohamed Haji Ibrahim Egal emerged victorious, Somaliland continued developing as an effectively politically and economically independent polity from Somalia.

In Somaliland's eastern borderlands, the ongoing political strife and armed conflict have long roots. These go back to colonial wars and the establishment of the boundaries of the British colonial entity of Somaliland with the Italian Somaliland and Ethiopia. These colonial origins set the stage for the present contention in the borderlands between Somaliland and the Puntland federal state. In

the current situation, Somaliland's approach to subdue political resistance and secure territorial borders inherited from colonialism is at loggerheads with the clan-based vision where clan homelands transcending the demarcated borders have their own boundaries and political status. Linked to these considerations, the recent escalation in Las Anod since December 2022 is to an extent a result of the Somaliland administration's insistence of controlling the full territorial extension of the constitutionally established former colonial territory through which it can justify its claim for international recognition, but simultaneously failing to address the persisting marginalization of local clans. Although also more immediately connected to the two-year postponement of the presidential election in October 2022, the escalation owes largely to insecurity, Hargeisa's territorial control, and marginalization of the local non-Isaaq clans with identity linkages to federal Somalia.

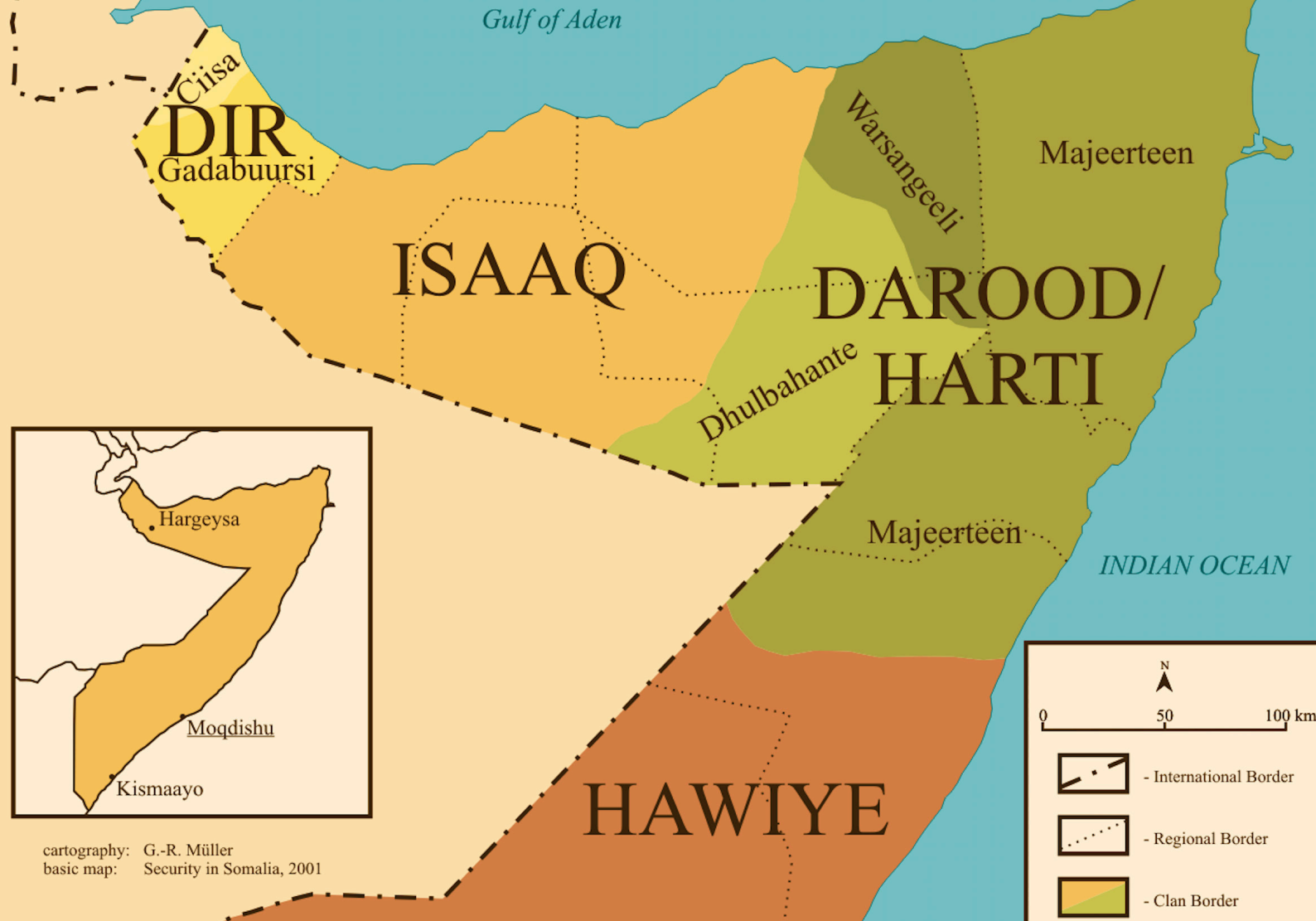


Figure 1. Border dispute areas Las Anod, Somaliland (Photo Credit: Markus Hoehne)

Source: Max Planck Institute

In early January 2024, Somaliland's incumbent President Muse Bihi traveled to Addis Ababa and signed a Memorandum of Understanding (MoU) between Somaliland and Ethiopia. The signing came promptly after Bihi had met with the President of Somalia, Hassan Sheikh Mohamud, under the auspices of President Ismael Omar Guelleh in Djibouti to agree on the resumption of the stalled talks between Somaliland and Somalia about their future relationship. For the Somaliland administration, as well as the Ethiopian government, the move served to draw attention away from domestic issues, including political and armed conflicts. While the MoU also served Prime Minister Abiy to propel forward Ethiopia's long aspiration for sea access, which he had recently highlighted, for President Bihi it was an opportunity to move the spotlight from the humiliating military defeat in eastern Somaliland and show a glimpse of progress in Somaliland administration's key foreign policy issue, the achievement of international recognition.

This article discusses the Las Anod crisis and the Ethiopia-Somaliland MoU as key developments in the context of Somaliland's internal political dynamics and its relations with Somalia. It argues that both are inextricably

linked to the executive's use of power in the Somaliland political system in the context of the competition related to the upcoming presidential election. These developments also relate to the administration's separatist agenda and its key foreign policy aspiration, attaining international recognition. The article proceeds by providing a brief overview of Somaliland-Somalia relations and then discusses the Las Anod crisis and the Ethiopia-Somaliland MoU's connection to Somaliland's internal political dynamics. The article points out how the Somaliland president diverted attention from domestic challenges through a controversial foreign policy move that emphasizes the weakness of the Somali federal government.

### Brief Overview of the Somaliland-Somalia Relations

On 18 May 1991, Somaliland leaders declared unilateral independence from Somalia claiming sovereignty of the people and territory of the former British Somaliland colony. The empirical independence followed a devastating civil war and the collapse of the central government in Somalia in which the Isaaq clan-based

Somali National Movement (SNM) had come to advocate for independence. In the process, the SNM-associated leaders and sultans of minority groups in the Somaliland region put aside their wartime differences and selected SNM Chairman Abdirahman Tuur as the first president of the newly established state. As a result, the leaders involved came to form the core of the political elite which was guided by the SNM. Although from 1994 Tuur moderated his position from outright independence of Somaliland and, together with his constituents began advocating a reconciliatory approach toward Somalia, he had already been sidelined and made the deputy of the second President of Somaliland, Mohamed Haji Ibrahim Egal. Somaliland's ensuing "state-building war" which Egal skillfully manipulated, enabled him to play the strongest factions, the Garhajis and Calan Caas SNM hardliner militias, against each other to eventually consolidate his position as the head of the political system of the new state.

At the same time, while the regime collapse had provided an opportunity for Somaliland leaders to declare independence, reconciliation efforts were taking place to reinstate central authority in Mogadishu. These, however, failed to bear fruit and several factional movements plunged into a struggle for the effective control of Mogadishu as well as several distinct clan territories. It was in 2000, in Arta, Djibouti, when the first major step towards the reestablishment of the central government was made in exile through the inauguration of the Transitional National Government. Another milestone was reached with the forming of the Transitional Federal Government over four years later to reinstate central authority. The efforts from the 1990s to early 2010s were aimed at re-establishing the presence of central government in Somalia, which allowed less attention to empirically independent Somaliland that made great strides in peace- and state-building, especially after overwhelming acceptance of its proposed constitution in a referendum in 2001.

In 2007 the Transitional Federal Government established itself in Mogadishu following the defeat of the Islamic Courts Union (ICU), but new opposition emerged as the Alliance for the Re-liberation of Somalia (ARS) was formed in exile in Eritrea and Al-Shabaab emerged from remnants of the ICU. Although the TFG and ARS reconciled in the following year and the ARS leader Sheikh Sharif Ahmed became the president of Somalia in 2009, the defeat of armed opposition and stabilizing

Mogadishu and southcentral Somalia became the main objectives of the newly established government.

It was not until 2012 when Hassan Sheikh Mohamud became president for the first time, that the federal government's attention was turned to reconciliation with Somaliland. During the early years of the Somalia-Somaliland talks, Ankara played an important role as a facilitator. In April 2013, the Turkish Ministry of Foreign Affairs released a communique stating that the parties were committed to dialogue and security cooperation while agreeing to encourage and facilitate international aid and development in Somaliland (Republic of Türkiye, 2013). Following the agreement, Mogadishu allowed a special arrangement (2013-2016) for a direct foreign aid delivery to Hargeisa and President Hassan Sheikh embarked on reconciliation with federal states which culminated in a meeting with the presidents of Puntland, Jubaland, and South West State in February 2015. At the same time, however, the Hargeisa administration was intensifying its unilateral foreign relations with the United Arab Emirates (UAE) which eyed a logistical base and military presence in Somaliland in the context of the unfolding war in Yemen. In early 2015, the Dubai Ports World (DP World) expressed interest in Somaliland's Berbera Port (Africa Intelligence, 2015), and in June President Ahmed Mohamed Mohamoud "Silanyo" visited the UAE and agreed on both the military base and DP World's aspiration to develop and manage the Berbera Port. The deal followed Djibouti's expulsion of the UAE following a personal confrontation between officials in the context of the Djibouti administration's reluctance to allow Abu Dhabi to use the country as a base for its bombing campaign in Yemen.

Somaliland's unilateral dealings with the UAE infuriated Mogadishu. In 2015 the Somalia-Somaliland talks collapsed, but although DP World came public with its agreement with Somaliland late in the following year, it generated little reaction among the outgoing Hassan

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## The declaration of independence soon after the collapse of the Siad Barre regime set the stage for the building of a separate state from the formerly Italian-colonized Somalia, but also for a persisting confrontation with central governments in Mogadishu

Sheikh administration in Mogadishu. In February 2017, shortly before the Mohamed Abdullahi Mohamed “Farmaajo” government took office, the Somaliland parliament approved the UAE military base agreement (Osman, 2017). This was followed by the Qatar diplomatic crisis triggered in June 2017 by the Riyadh and Abu Dhabi-led embargo of Doha. The confrontation among the leading Gulf Cooperation Countries led the Farmaajo administration to align closer with Qatar along with Türkiye and alienated the Somali federal government from the UAE. When the Ethiopian government announced in March 2018 that it would join the Berbera Port consortium by acquiring a 19 percent stake (Aljazeera, 2018), the Somali federal parliament declared the deal “null and void” and a violation of “the independence and unity of Somalia” (Reuters, 2018). In the context of increasing Gulf interest and intensifying competition between Riyadh/Abu Dhabi and Ankara/Doha for influence in Somalia, Hargeisa and Mogadishu drifted further apart.

Amidst deteriorating relations, Mogadishu rejected the renewal of the Somaliland special arrangement for direct foreign aid delivery to Hargeisa which could weaken President Farmaajo’s drive for propelling national unity and pride, while consolidating federalism. Mogadishu also withdrew from a previous agreement in which Somalia’s air space would be managed from Hargeisa and took over (International Crisis Group, 2019, pp. 5-6). In subsequent developments in 2019, Mogadishu responded to Hargeisa’s efforts to gain support in Africa by condemning Guinea and Kenya receiving Somaliland delegations as a violation of its “sovereignty, unity and territorial integrity” (Capital News, 2019).

Meanwhile, Prime Minister Abiy Ahmed Ali’s ascent to power in 2018 in Ethiopia led to improving ties between Addis Ababa and Mogadishu. Although this initially generated hope for Somaliland-Somalia reconciliation, President Farmaajo’s efforts towards consolidation of the federal government and subjecting Somalia’s regions under its power hindered the prospect of building a better relationship. This was because dealings of the

intervening states, such as Kenya and Ethiopia, and powerful regional countries, particularly the UAE, appeared to empower the federal states and Somaliland in their autonomous positions toward Mogadishu.

In 2020, political disputes related to the upcoming presidential election and Somali recruits’ role in the war in Ethiopia’s Tigray caught most of the attention in Somalia. The presidential election scheduled for the following year was postponed and prolonged the Farmaajo presidency beyond the term limit. But the highly contested election which took place in May 2022 led to a change of leadership with the return of Hassan Sheikh Mohamud to the helm of power. Meanwhile, Somaliland conducted parliamentary and local district elections in 2021 in which opposition parties won a resounding victory in the lower house (Reuters, 2021). Yet, in Somaliland, amidst suspicion that the presidential election scheduled for November 2022 would be postponed due to President Bihi seeking to prolong his term, bloody demonstrations took place during which opposition presidential candidate Abdirahman Mohamed Abdullahi “Cirro” called for the need for “full democratic space and freedom from dictatorship and bad leadership” (Sheikh & Yussuf, 2022). However, despite the earlier demonstrations, the National Electoral Commission officially announced the postponement due to “technical and financial constraints” (Reuters, 2022). Another decision by the House of Elders, the upper house of the Somaliland parliament, postponed the election to November 2024, extending Muse Bihi’s presidential term by two years (Faruk, 2022). Finally, amidst political wrangling in late 2022, the Las Anod crisis flared up and inflamed Hargeisa’s relations with neighboring Puntland state and the Federal Government of Somalia. It was followed by the controversial Ethiopia-Somaliland Memorandum of Understanding. Both will be discussed below.

### Las Anod Crisis

Recently, two political issues, the crisis in Las Anod and the Ethiopia-Somaliland Memorandum of Understanding



(MoU), have emerged into the spotlight in Somaliland's relationship with the Somali federal government. The first, which can be considered internal, since it involves political dynamics within the territorial extension of Somaliland, has long roots that go back to the colonial boundaries that were demarcated during the Anglo-Italian détente (Stafford & Collenette, 1931). They were recognized as official borders upon British Somaliland's independence in 1960 and again in Article 2 of the current Constitution of the Republic of Somaliland.

These colonial origins, and the longstanding Dhulbahante resistance to perceived British and subsequently Isaaqled domination, set the stage for the current contention in the borderlands between the breakaway Somaliland and the Puntland federal state. In the current situation, the territorial approach that defines Somaliland's borders according to colonial treaties is at loggerheads with the clan-based vision of homelands transcending these boundaries. This challenge, emanating from colonialism, has served to justify armed conflict and war and represents also a wider reality of borderlands in today's Somalia. It also legitimized marginalization of non-Isaaq groups, such as Dhulbahante who had formed part of

SNM but had been marginalized politically. Since its 1991 declaration of independence, Somaliland, led by the SNM and associated clan leaders, has sought to build the state of Somaliland based on the territorial boundaries inherited from colonialism. Borders of the British Somaliland both east and west were drawn beyond the central Isaaq clan-inhabited territories and in the east encompassed principally Dhulbahante, Warsangali, and Dashiishe-populated lands. However, in 1998 when the autonomous regional state of Puntland was formed, Harti Darod leaders in its capital Garowe claimed all Darod clan-inhabited areas in Somalia's northeast, including Somaliland borderlands inhabited by the Dhulbahante and Warsangeli, and sub-clans, as part of Puntland. These contradictory approaches and overlapping claims brought the strategic, resource-rich, and majority Harti Darod-inhabited eastern Sool and Sanaag, under dispute between Hargeisa and Garowe.

The Harti Darod groups have identity linkages to the Majerteen in the Puntland federal region and beyond and generally perceive fewer connections to the Isaaqled Somaliland. As a result, the Somaliland state-building project centering on, and driven by, the Isaaq clan



SSC-Khatumo (Sool, Sanaag and Ceyn) forces take control of two key military bases in the Las Anod region from the Somaliland army on August 27, 2023 (Photo Credit: Kulan Post)

leadership has suffered variable identity-based resistance from local Harti Darod groups who often see themselves as marginal in Somaliland politics. In this context, the eastern territories have been subject to intractable political tension and recurrent armed conflict. Control of the Sool region's designated administrative capital, Las Anod, has been particularly contested, involving the interests of various clan-based actors.

As a result, Las Anod has repeatedly exchanged hands. In 2003 Puntland occupied the town but four years later, following a local dispute that led to the withdrawal of Puntland troops, the Somaliland military took control. Many local elders were forced to flee while the Somaliland administration sought to expand its control in the Sool region toward the colonial border. But at the same time, Hargeisa was seen to favor mainly Isaaqinhabited western districts of Sool and Sanaag, especially the petroleum-rich Aynabo and Garadag. Disenchanted with both Puntland and Somaliland, in 2009 sections of Dhulbahante leaders formed the SSC (Sool, Sanaag, and Cayn) movement which sought to defend the Harti clanbased area.

In the following years, the SSC engaged in armed resistance against the Somaliland military. In 2012, the Dhulbahante established the autonomous Khatumo regional state under the Somali Transitional Federal Government, which, however, subsequently succumbed to factionalism and ceased to operate three years later. This was due to an internal split between its elected president Ali Khalif Galaydh, whose group agreed to integrate into the Somaliland government, and vice-president Abdulle Mohamud Agalule, whose constituency endorsed Puntland's aspiration to claim control of the Sool region. The SSC militia survived the split and continued to resist Somaliland forces in eastern Sool and advocate for the re-establishment of the collapsed Khatumo federal state.

In 2016-2017 Galaydh, engaged in peace talks with Somaliland president Silanyo which led to the signing of the Aynabo Agreement. It included a commitment to constitutional review, to "secure an equal distribution of political power in all government institutions such the legislative, judicial branch and state-owned agencies", and to "continue to work together to diverse a working solution which guarantees an inclusive and fair of the distribution of wealth and power" (Is afgaradka Somaliland iyo Khatumo, 2017). In practice, this aimed at increased political integration of the Dhulbahante through the provision of positions for eastern clan leaders

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at the national and regional level as well as ensuring development funding for the eastern territories.

However, the incoming Somaliland President Muse Bihi did not support his predecessor's agreement and instead accelerated the effort to subdue local resistance in eastern Somaliland. In 2018, severe clashes took place in Tuqarak and Las Anod which were quelled after Ethiopian Prime Minister Abiy persuaded President Farmaajo to seek a negotiated solution (Ylönen, 2022, p. 263). Bihi, however, showed disinterest which is likely explained by him hailing from a group of separatist hardliner SNM Isaaq leaders (calan kaas). His administration's approach to Sool, which is inhabited mainly by non-Isaaq clans, has been the insistence on expanding the government's territorial control toward the constitutionally established border to help justify international recognition of Somaliland. The SNM Isaaq hardliners worry that because the Harti are connected to federal Somalia through clan linkages, incorporating them into the Somaliland political system could compromise the aspiration for de jure separation from federal Somalia through international recognition, the main pillar of its administration's foreign policy.

On the other hand, the persisting perception of marginalization in the Somaliland political system and lack of economic benefits continue to be the main structural cause for armed resistance among the Dhulbahante and their Harti clan associates. Although Somaliland's opposition parties UCID (Justice and Welfare Party) and Waddani (The Somaliland National Party), and particularly the UCID leader Faisal Ali Warabe who was involved in the negotiations, support the Aynabo Agreement, the Somaliland government has been less enthusiastic due to the fear that the incorporation of Harti clan elements compromises its independence from federal Somalia. In 2018, Warabe accused the Bihi administration of nonimplementation of the agreement (Horn Diplomat, 2018), but this did not change its approach.

In the second half of 2022 news emerged that President Bihi's term would be extended. This caused street protests by the opposition parties leading to police violence, injuries, deaths, and detentions (The East African, 2023a). Official declaration by the House of Elders, the upper house of the Somaliland parliament, in October, eventually resulted in a two-year postponement of the presidential election and a five-year extension of its own mandate (Freedom House, 2024). This promised further perpetuation of the political marginalization of the Dhulbahante.

In this context, the latest escalation in Las Anod came with the killing of a local politician, Abdifatah Abdullahi Abdi "Hadrawi", affiliated with the Waddani party, on December 26, 2022 (Lemkin Institute, 2023). Somaliland credited the murder, and other frequent assassinations of notables in Las Anod in recent years, as an attempt by al-Shabaab, and al-Qaeda and ISIS affiliates, to escalate the situation and identified Las Anod "as the new stronghold for terrorism, including for the influential radical Islamic group Al-Ictisaam, a faction of Al-Itixaad Al-Islam, a former extremist group" (Lemkin Institute, 2023).

However, despite the Somaliland government's condemnation, the murders triggered protests in the Sool region against the administration. They were fueled by the sentiment of political marginalization and calls for unity with federal Somalia (Kulkami, 2023). After protests spread to the capital Las Anod, the Somaliland military sought to put it down by force which left at least 20 people dead (Dhaysane, 2023). In February 2023, seeking to de-escalate the situation, Somaliland troops pulled out of Las Anod to their bases west of the city and allowed a local committee of 33 Dhulbahante clan elders, including the supreme community leader Garad Jama Garad Ali who returned from exile in Somalia, to take over and find a way forward (Lemkin Institute, 2023). Local leaders, clan elders, and prominent individuals met

in Las Anod to discuss a resolution and issued a 13-point declaration in which they reinstated the administration of the SSC-Khatumo region, denounced Somaliland as separatist, and reaffirmed their commitment to form part of federal Somalia (Hiraan Online, 2023). This led to violent clashes, including militia attacks on Somaliland forces, and the Somaliland military's retaliatory shelling of Las Anod which continued in the months that followed.

Notably, on April 1, Somaliland positions were attacked leading to the capture of former Puntland MP Farah Dalmar which Hargeisa authorities claimed to be evidence of Puntland's leadership in the coalition waging violence against Somaliland (Somali Guardian, 2023). Their claim was supported by information pointing to wounded Puntland Special Forces and militia members being brought to the Garowe hospital. However, while "The Dhulbahante are indeed receiving money, equipment and fighters primarily from allied Darod/Harti clans in Somalia" (International Crisis Group, 2023), Puntland has avoided official involvement in the conflict. Also, despite the Somaliland administration's claims, there has not been substantial evidence of the Somali federal government's direct involvement in the conflict. On August 25, SSC-Khatumo militias attacked Somaliland forces in their positions outside Las Anod which resulted in the fall of Gojacade and Maraaga bases and the subsequent withdrawal of Somaliland forces from much of Dhulbahante-inhabited areas of western Sool and Cayn (eastern extension of Somaliland's Togdheer region). On October 19, the Somali federal government recognized the SSC-Khatumo interim administration, which Somaliland vehemently condemned as "a deliberate attack on Somaliland's sovereignty and territorial integrity within its 26 June 1960 borders (The Republic of Somaliland, 2023). Since then, both sides have reinforced their positions but wider clashes have not occurred.

### Ethiopia-Somaliland MoU

On October 13, 2023, only days before Somalia recognized the SSC-Khatumo administration, Ethiopian Prime Minister Abiy Ahmed stated the importance of sea access for his country in a televised address to the House of People's Representatives. His remarks about the importance of securing access to the Red Sea being "vital for Ethiopia's survival" and that "Ethiopia, indeed, has every right to pursue access to the Red Sea and the Indian Ocean" were interpreted to mean that the Ethiopian government would be willing to risk deterioration of

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relations with Eritrea to realize its objective (Ethiopia Observer, 2023). Ethiopian leadership subsequently approached Eritrea, its ally in recent years, and inquired about the possibility of a stake or lease agreement to open Eritrean ports to Ethiopian trade in exchange for a share of its large companies or infrastructure, such as Ethiopian Airlines, EthioTelecom, or the Grand Ethiopia Renaissance Dam (GERD). Eritrean leadership showed no interest so Ethiopian authorities turned to Somaliland as the second option.

In late December, President of Djibouti, Ismael Omar Guelleh, hosted the heads of state Hassan Sheikh and Muse Bihi to discuss the relationship between Somalia and Somaliland. The presidents agreed on resuming the talks which Ethiopia had unsuccessfully sought to revive in 2020 (The East African, 2023b). Immediately after the meeting, Bihi traveled to Addis Ababa where on January 1, 2024, he and Prime Minister Abiy signed a Memorandum of Understanding (MoU) which subsequently generated

substantial international controversy (Yibeltal, 2023). Although there is a shroud of secrecy surrounding the MoU because it has not been published, according to Abiy Ahmed's National Security Advisor Redwan Hussien it secures Ethiopia's commercial access to the sea and a leased naval base (Ali, 2024a), from which Ethiopia will operate for 50 years with a possibility of renewal. In return, Addis Ababa promised an in-depth assessment of the possibility of officially recognizing Somaliland as an independent state which would also receive a share either in Ethiopian Airlines or EthioTelecom (Addis Standard, 2023). It was later confirmed that Ethiopia would lease the space for the naval base at Bulhar, approximately 50 kilometers from Berbera where Dubai Ports World has upgraded and operates the port in consortium with the Somaliland Government and Ethiopia. The Ethiopian government is to increase its 19 per cent share in the consortium which it acquired in March 2018 and engage in an increased use of the port as an alternative to Djibouti through which an overwhelming majority of its trade has



*The President of the self-declared Somaliland Republic, Muse Bihi (left) sign an MoU with Ethiopian Prime Minister Abiy Ahmed where Ethiopia officially recognizes the Republic of Somaliland while Somaliland grants naval and commercial sea access on lease to Ethiopia on January 1, 2024 (Photo Credit: The Somali Digest)*



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passed since the late 1990s. Along with the promise of recognition, Somaliland appears to have opted for a share in Ethiopia's electricity sector which points to a possible deal on the GERD.

Somalia's reaction to the MoU was outright condemnation. Prominent politicians and officials immediately rejected it (Ali, 2024b). Somalia's Prime Minister Hamza Abdi Barre called it "an act of aggression against Somalia's sovereignty and territorial integrity" (Nor & Tadesse, 2024), and the Somali Federal Parliament described it as a "naked aggression" and "null and void" and Somalia's ambassador to Ethiopia was withdrawn for consultations (Abdisamad & Yibeltal, 2024). On January 6, the President of Somalia, Hassan Sheikh Mohamud, signed a law nullifying the agreement (Ali, 2024c). Since then, Somaliland-Somalia relations have been tense and include a recent dispute over air space control (Horn Observer, 2024).

### Diverting Attention from Domestic Political Challenges

In recent years, Somaliland's democratic credentials have been repeatedly tested. Although the 2021 parliamentary and local council elections showed that the opposition has a real chance of winning at the lower parliamentary and local level, in the Somaliland political system the executive commands significant power which is contextually amplified and overshadows the legislative and judicial institutions. The power of the presidency is often used to influence the legislature and critical state offices. This may have been the case when news emerged that the executive was seeking to delay the November 13, 2022, presidential election. On September 24, the NEC announced that the presidential election scheduled for November would be postponed because of time, technical, and financial constraints, which the opposition claimed was due to the president deliberately disrupting the NEC's work (Freedom House, 2023). Subsequently, in the following month, the House of Elders voted to postpone the election by two years to November 2024

and extend its own mandate by five years (Somaliland Chronicle, 2022a). This appeared as democratic backsliding due to the extension of the presidential term.

Leaders of Somaliland's two opposition parties rejected the presidential term extension and would no longer recognize Muse Bihi as the president after the expiration of the original term on November 13, 2022 (Somaliland Chronicle, 2022b). Although President Bihi responded to the criticism by stating that he had no power over the House of Elders (Mustaqbal Media, 2023a), others point to the executive's influence over the legislature and a record of past accusations of harassment and bribing of opposition lawmakers (Somali Dispatch, 2021).

The extension of the presidential term came only months before the escalation in the Sool region which culminated in the Las Anod crisis. In December 2022, the assassination of a local notable belonging to the Waddani opposition party triggered demonstrations and a violent response that led to an armed conflict. Somaliland army's subsequent defeat in late August 2023 and subsequent withdrawal caused criticism among the opposition of the handling of the situation (Mustaqbal Media, 2023b). The crisis was precipitated by the Bihi administration's ignorance of the Aynabo Agreement, reluctance to politically engage the Dhulbahante leadership, the widespread sentiment of marginalization, and the rise of violence and insecurity.

The extension of President Bihi's term and the defeat of the SSC-Khatumo generated criticism. Among Somaliland's international partners, its administration and separatist project were seen to have weakened. Increasingly challenged, the Bihi administration decided to divert the public attention elsewhere and took the opportunity to engage Addis Ababa in talks about sea access after the Eritrean government had turned down Ethiopia's proposal. Bihi first gave an impression in a meeting with Somali President Hassan Sheikh in Djibouti that seemingly weakened Hargeisa would agree

to continue the stalled negotiations with Mogadishu. However, he then immediately proceeded to Addis Ababa and signed the MoU with Ethiopia. By generating controversy through a push for Somaliland's international recognition, Bihi was able to divert attention away

from domestic political challenges and demonstrate the weakness of the Somali federal government. This shows how domestic political dynamics are inextricably linked to Somaliland's foreign policy and relations with federal Somalia.

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## Editor's Note

Dear Reader,

We are excited to release our 36<sup>th</sup> bi-monthly issue of *The HORN Bulletin* (Vol. VII, Iss. II, 2024). We bring to you well-researched articles and analysis of topical issues and developments affecting the Horn of Africa. We welcome contributions from readers who wish to have their articles included in the HORN Bulletin. At HORN, we believe ideas are the currency of progress. Feel free to contact the Editor-in-Chief for more details at [communications@horninstitute.org](mailto:communications@horninstitute.org).

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