



## Araştırmalar ve İncelemeler / Researches and Studies

### A Processual Approach to Political Violence Phenomenon in Somalia: An Assessment of the Political Opportunities and Threats

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#### Abstract

This study investigates the political violence phenomenon in Somalia from 2001 to 2004. We assert that political violence emerges as one of the potential outcomes on the part of an organization in a political struggle. It unfolds in a complex, multifaceted, and contentious political setting. The political struggle may occur within the five confrontational political milieu areas. In this article, however, we limit the scope of our analysis to examine the social and political interactions between national political elites and Islamic courts. We aim to assess whether these political interactions have led to a potentially violent outcome. This article is situated within the theoretical framework of the Contentious Politics Paradigm, initially formulated by Charles Tilly et al. and subsequently refined by Eitan Alimi et al. as a relational radicalization framework.

**Keywords:** Islamic courts, Transitional Federal Government of Somalia, radicalization, political violence, Somalia.

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## Somali'de Siyasal Őiddet Olgusuna Sreçsel Bir Yaklařım: Siyasi Fırsatlar ve Tehditler zerine Bir Deęerlendirme

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Bu alıřma 2001-2004 yılları arasında Somali'de siyasal Őiddet olgusunu incelemektedir. Siyasal Őiddet, karmařık, ok ynl ve ekiřmeli bir siyasi ortamda ortaya ıkmaktadır. Bu erevede arařtırmamız radikalleřmenin siyasi mcadele ierisinde bir sosyal hareketin uęradıęı muhtemel sonulardan biri olarak ortaya ıktıęını iddia etmektedir. Siyasi mcadele beř farklı muhtemel atıřmacı ortamda ortaya ıkabilir. Ancak bu makalede alıřmamızın erevesini sınırlı tutuyoruz. Siyasal Őiddetin ortaya ıkıř ařamalarını devlet ve ulusal siyasi elitler ile eřitli İslam Mahkemeleri arasındaki sosyal ve siyasi etkileřimleri fırsatlar sarmalı baęlıklarında incelemeye tabii tutuyoruz. Bylece sz konusu siyasi etkileřimin Őiddet ieren bir siyasi sonu doęurup doęurmadıęını deęerlendirmeyi amalıyoruz. alıřmamız kavramsal olarak Charles Tilly'nin atıřmacı Siyaset Paradigmasına ve bu paradigma ierisinde Őiddet unsurunu daha kapsamlı Őekilde tartıřan İliřkisel Radikalleřme yaklařımına dayanmaktadır.

**Anahtar Kelimeler:** İslam mahkemeleri, Somali Federal Geiř Hkmeti, radikalleřme, siyasal Őiddet, Somali.

## Introduction

Relational analysis offers a suitable framework to understand and analyze the development of a violent environment in across cases. Relational approach de-exceptionalizes violent repertoires by locating them within a broader perspective comprised of complex processes. The contextualization of violent actions demonstrates itself in three respects: It considers political violence as one of several forms of engagement in a broader repertoire of actions and strategies. Secondly, it acknowledges that militant groups are embedded within the broader field of actors involved in the conflict. Third, its recognition of violent interactions as embedded in the more comprehensive process of political contention.<sup>1</sup>

The development of collective violence is frequently attributed to complex societal circumstances, including economic instability, political oppression, and social inequality, and is not solely driven by individual motivations. These underlying factors influence the formation of group identities and the mobilization of collective action.<sup>2</sup> Establishing an analytical bridge between collective action and political violence is crucial. Therefore, we should ask the following question: When does collective action become a part of contentious politics? Collective action assumes a contentious nature when undertaken by individuals or groups who do not possess routine access to representative institutions, act on behalf of new or overlooked demands, and fundamentally challenge established norms or authorities.<sup>3</sup> According to Tarrow, contentious politics emerges in response to changes in political opportunities and threats when participants respond to a variety of incentives, be they material or ideological, partisan or group-based, long-standing or episodic, but above all, they are triggered by the ebb and flow of political struggle.<sup>4</sup> Furthermore, a contentions action keeps its sustainability even in contact with powerful opponents, contingent upon some factors, including dense social networks and effective connectivity structures, and draws on legitimate action-oriented cultural frames that are social movement base.<sup>5</sup>

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1 Lorenzo Bosi - C. Demetriou – Stefan Malthaner, *Dynamics of Political Violence A Process-Oriented Perspective on Radicalization and the Escalation of Political Conflict*, Routledge Press, 2014, p. 2.

2 Charles Tilly, *The Politics of Collective Violence*, Cambridge, Cambridge University Press, 2003, p. 4.

3 Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd ed. Cambridge, Cambridge University Press, 2011, p. 7.

4 Ibid, p. 16.

5 Ibid, p. 16.

This study follows a mechanism-based research technique and embraces deductive and inductive reasoning. Our conceptual and methodological framework clarifies that this study focuses on examining and analyzing the processes that may or may not lead to political violence through mechanisms rather than the organizational structure or ideological aspects of the organization. Regarding data collection, it relies on comprehensive face-to-face interviews carried out in Mogadishu. Additionally, secondary resources have been used to identify and locate a diverse range of sub-mechanisms that have the potential to contribute to the emergence and escalation phases of the violent political campaign.

### Conceptual Framework

The study of political violence has made significant theoretical progress through the social movement perspective, particularly with the formulation of the contentious politics paradigm formulated by Charles Tilly et al..<sup>6</sup> This theoretical framework was utilized to explain the complex web of social interactions that underpin consequential societal phenomena, including social unrest, protest activism, and contentious political frameworks. The ongoing discourse surrounding the relationship between the contentious political phenomenon and social movement studies remains unsettled. However, some studies argue that it relates to or concerns the sphere of interaction among collective actors, encompassing various forms of civil unrest such as riots, civil wars, revolutions, and protest activities.<sup>7</sup> In their essential work on contentious politics, Tilly et al. reject the expansion of the term “social movement” to encompass most or all contentious politics, its social bases, and its cultural context. The authors are thoroughly addressing the inquiry of defining the concept of a social movement. According to Tilly et al., a social movement is described as:

“Sustained campaigns of claim-making, an array of public performances including marches, rallies, public meetings, and statements, repeated public displays of worthiness, unity, numbers, and commitment by such means they draw on the organizations, networks, traditions, and solidarities that sustain these activities, meaning social movement bases.”<sup>8</sup>

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6 Lorenzo Bosi - C. Demetriou – Stefan Malhaner, *Dynamics of Political Violence: A Process-Oriented Perspective on Radicalization and the Escalation of Political Conflict*, Routledge Press, 2014, p. 1.

7 Charles Tilly - Sidney G. Tarrow, *Contentious Politics*, Boulder, Paradigm Publishers, 2006, p. 2.

8 Ibid, p. 11.

The quote highlights that sustained campaigns are a crucial component of social movements, enabling the movement to assert its demands and bring about transformative social change. They include a variety of public performances, including marches, rallies, and public meetings, as well as repeated demonstrations of worthiness, unity, and dedication. These political campaigns are rooted in social movements comprising interconnected networks, organized groups, tradition, and unity. Social movements intend to challenge the status quo through these campaigns by presenting alternative viewpoints and gaining public support. The success of these initiatives is contingent on the movement's capacity to keep up the routine, forge alliances with other organizations, and keep the public engaged over the long haul. Successful social movements have led to significant social, political, and economic changes, demonstrating the effectiveness of sustained collective action. The concept encompasses various conflictual phenomena, including strike waves, civil wars, revolutions and insurgencies, and social movements. The emphasis is placed on the relational mechanisms within the subject matter of contention rather than on the objects of analysis.<sup>9</sup>

In other words, the emphasis is placed on the mechanisms and processes that link the parties involved in making claims rather than solely on the input and output of the conflict situation or the interdependence between different variables. This is referred to as *contentious politics*. It is important to note that this line of research focuses primarily on the mechanisms and processes that connect challengers with their targets, such as the state and its apparatus, as well as third parties like the media and the public, in interaction sequences. It does not, however, exclude the involvement of social movement bases.<sup>10</sup> Contentious politics occurs when ordinary people- often in alliance with more influential figures and changes in public mood- confront elites, authorities, and opponents. Collective violence holds a precarious yet cohesive position within contentious politics. It emerges from the ebb and flow of collective claim-making and struggles for power on the part of a social movement among contending actors at play.<sup>11</sup>

The contentious politics paradigm proposes that a set of mechanisms or processes are generative forces, which provide causal analogies for a variety of political phenomena ranging from cycles of protest, social movements, riots, protests, and civil war and thus offer the key in understanding and explaining the

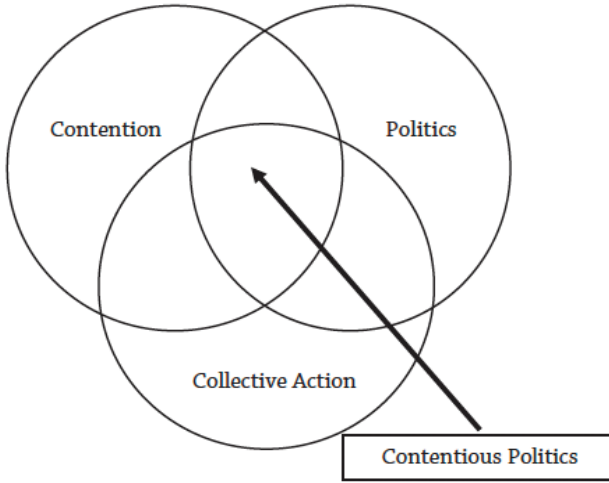
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9 Ibid, p. 13.

10 Ibid, p. 14.

11 Charles Tilly, *The Politics of Collective Violence, Cambridge Studies in Contentious Politics*, Cambridge, Cambridge University Press, 2003, p. 114.

unfolding process. Accordingly, Alimi et al. argue that the contentious political context in which social movements interact provides a promising starting point for analysis, especially since it allows for relational analysis.<sup>12</sup>



**Figure 1.** Components of Contentious Politics (Tilly & Tarrow, 2015)

According to Demetriou, Tilly’s understanding of social movements is associated with contentious politics that exhibit three distinct features: a campaign, a repertoire, and a performance.<sup>13</sup> The term “campaign” refers to a series of coordinated and repetitive assertions instead of a singular act or occurrence. The term “repertoire,” as used by the author, pertains to the cumulative presentations executed in support of the contentions derived from pre-established performance modes. The term “performance” in this context pertains to the public exhibitions that showcase the assertions made within collective performances.<sup>14</sup> Tilly’s research has made significant contributions to the field of collective violence, including its various forms and the appropriate analytical methodologies for its examination. In his work titled “The Politics of Collective Violence,” the author compares collective violence and weather, highlighting their shared

12 Eitan Y. Alimi – Chares Demetriou – Lorenzo Bosi, *The Dynamics of Radicalization: A Relational and Comparative Perspective*, New York, Oxford University Press, 2015, p. 14.

13 Sidney Tarrow, “Charles Tilly and the Practice of Contentious Politics: From France to England and [Not quite] Back Again”, *Histoire@Politique Politique, culture, société*, N°10, janvier-avril 2010.

14 H. Kriesi, “Charles Tilly: Contentious Performances, Campaigns and Social Movements”, *Swiss Political Science Review*, 15, 2009, p. 341-349; <https://doi.org/10.1002/j.1662-6370.2009.tb00134.x>

characteristics of complexity and unpredictability in certain instances. However, he posits that collective violence is a consequence of diverse causes combined in varying ways across different historical and spatial contexts. In addition, he asserts that organizing the causes, combinations, and contexts is instrumental in explaining group aggression and its diverse manifestations.<sup>15</sup> Tilly's conceptualization of violence can be broadly categorized into two distinct forms: individual and collective. He refutes the notion that various forms of violence are manifestations of inherent human impulses to cause harm to other humans.<sup>16</sup> Tilly posits that collective violence cannot be solely attributed to heightened incidents of individual aggression. According to Tilly's argument, collective violence is a complex phenomenon encompassing a range of social and political factors rather than just another manifestation of individual aggression.<sup>17</sup>

### **Upward Spirals of Political Opportunities: Social Movements and the Political Environment Arena**

Political opportunity structure is one of the relational mechanisms that refers to consistent but not necessarily permanent changes that a movement organization faces in the political environment. It alters a movement's goal attainment and strategy formation in the presence of constraints, possibilities, and threats. This arena consists of the movement's multiple, sequential relations with state and inter-state institutions, non-state elite centers of power, and symbolic configurations.<sup>18</sup> This form of engagement is characterized by mutual interaction, rendering it a dynamic and processual phenomenon rather than a static one. This suggests that the tactics employed by social movements can impact the approaches taken by governing bodies, resulting in a vicious cycle. Frequently, it arises from a clash of divergent perspectives promoted by supporters with opposing viewpoints, culminating in the emergence of a prevailing interpretation.

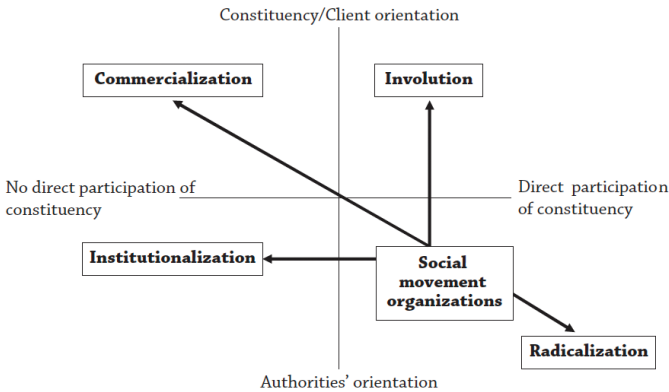
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15 Charles Tilly, *The Politics of Collective Violence*, Cambridge, Cambridge University Press, 2003, p. 7; doi:10.1017/CBO9780511819131.001

16 Ibid

17 Ibid

18 Eitan Y. Alimi – Chares Demetriou – Lorenzo Bosi, *The Dynamics of Radicalization: A Relational and Comparative Perspective*, NY, Oxford University Press, 2015, p. 42.



**Figure 2.** The Classic SMA for Explaining Contentious Politics  
(McAdam et al. (2001))

It is essential in shaping the ebb and flow of a movement's activity in its relations with the state and intra-state actors. Regarding social movement mobilization, POS collectively decides the tactics used by the various actors within the political system and by political authorities. As a result, actions may choose moderation in their claim by, for instance, participating in institutional politics or radicalizing in response, as in the case of al-Shabaab.<sup>19</sup> For instance, Tarrow underlines the significance of the current political climate and the short-term fluctuations in political opportunities that may spark political unrest and lead to its demise. The factors of the political situation that may face alterations in the near term include the opening up of access to participation, shifts in ruling alignments, the availability of important allies, and cleavages both within and among elites.<sup>20</sup> It provides incentives for collective action by affecting expectations for the success or failure of the movement.<sup>21</sup> Rather than seeing "opportunities and threats" as objective structural forces, we view them as subject to attribution. Even if a window of opportunity exists, it won't inspire action unless it's both a) obvious to potential opponents and b) viewed as an opportunity.

19 Doug McAdam - Sidney Tarrow - Charles Tilly, *Dynamics of Contention*, Cambridge, Cambridge University Press, 2001, p. 66.

20 Sidney Tarrow, "Social Movements in Contentious Politics: A Review Article", *The American Political Science Review*, vol. 90, no. 4, 1996, p. 874-83.

21 David S. Meyer - Suzanne Staggenborg, "Movements, Counter-movements, and the Structure of Political Opportunity", *American Journal of Sociology*, 101, no. 6, 1996, p. 1628-1660.



Attributing opportunity or threat is a process that helps mobilize populations that may otherwise be inactive or immobile. This process, therefore, consists of the attribution of opportunity or threat, the availability of potential allies, the formation of coalitions, both on the margins of and within the polity, and the framing of entire episodes of contention.<sup>22</sup> Krisei et al. have developed a framework for analyzing the Political Opportunity Structure (POS), outlined in their study titled “The New Social Movements in Western Europe.” This framework divides the POS into four distinct components: national cleavage structures, institutional structures, dominant strategies, and alliance structures. He further states that the political divisions within a country, which are rooted in its social and cultural divisions, play a crucial role in determining the ability of social movements to rally the population. However, it is essential to note that this explanation alone is insufficient to understand resource mobilization fully. Additional mechanisms must be considered to gain a comprehensive understanding.

In the context of Somalia, the political opportunity structure (POS) played a crucial role in the social mobilization of the UIC. Fragmentation, the absence of viable national institutions, and a complex web of national and regional cleavages have long marked the Somali political landscape. For instance, the UIC emerged as a response to Somalia’s lack of state authority and governance. The political divisions within the country, which originated from personal ambitions and greed as well as previous historical grievances, provided an opportunity, but not limited to, for the emergence of the UIC, which enjoyed significant popular backing. The UIC initially aimed to restore law and order by implementing a mixture of customary and Islamic law, which resonated with large segments of the Somali population.<sup>23</sup> Al-Shabab, in its very beginning, originated as one of the military components of the UIC, went through a gradual radicalization process, and took advantage of the comparable, but not limited to, and not precisely the same circumstances, political opportunity structure that had enabled the UIC’s ascent. Additionally, as this research argues, the occupational context provided fertile ground for the growth of militant groups such as al-Shabaab, which took advantage of the prevailing instability and disorder to pursue their economic and political objectives.<sup>24</sup>

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22 Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd ed., Cambridge Studies in Comparative Politics, Cambridge University Press, 2011, p. 163.

23 Interview with a member of Somali Religious Affairs in Mogadishu in September 2022.

24 Interview with a Somali academician in Mogadishu in October 2022.

The political opportunity structure in Somalia was significantly influenced by external influences, which had immense consequences for the overall transformation of the conflict trends and the balance of power in the country at large. The instability and deterioration in the country were further intensified by the active involvement of international actors and the power play of regional powers, which included Ethiopia and Eritrea. These external pressures hindered efforts to achieve national unity and contributed to the proliferation of violence and the growth of insurgency groups.

### **National Political Dynamics: Threat Attribution in Local Contexts**

It is important to highlight that this study makes a clear distinction between two different sets of threat attribution mechanisms under examination. The first one was closely related to Somalia's environmental and moral deterioration, which facilitated the mobilization of Islamic courts. It was extremely consequential in the initial mobilization stage of the movement. It tied to some extent to the abduction process at the hands of militia leaders in an indirect way. The latter was mainly formed and gained salience in the context of Ethiopia's military presence in Somalia and was consequential in the radicalization of the al-Shabaab network. The former is superior and has more explanatory power over the latter in explaining the early stage of the mobilization process of the courts across Mogadishu. We will address the relevant arguments covering both mechanisms in the literature on this subject.

We must stress that the formation of the threat attribution sub-mechanism was influenced by a series of interconnected events. This mechanism initially demonstrated its influence when Ethiopia initiated a political alliance known as the Somalia Reconciliation and Restoration Council (SRRC), which turned into the Transitional Federal Government of Somalia (TFG) after two-year-long discussions in Kenya. Former faction leader Abdullahi Yusuf, a close ally of Ethiopia, became president of the newly installed government. In the Capital, these political developments were considered a sign of Ethiopian meddling in Somalia's internal affairs. For the Islamists, it was clear that he was not in favor of Islamist groups, given that the former launched a military campaign at Yusuf's forces in Bosaso in the early '90s.<sup>25</sup> These significant developments did not impact the movement's mobilization significantly. The threat attribution mechanism exerted its influence mainly in the context of the deployment of Ethiopian troops in Somalia, which was seen by many as a clear indication of foreign occupation.

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25 Interview with a religious leader in Mogadishu in September 2022.

As discussed in the following chapter, several Islamic factions intensified their collaboration amid increasing pressure from faction leaders. Around this time, the brokerage sub-mechanism gained influence in the context of threat attribution. Hassan Dahir Awes became the advisory leader of the newly formed group, while al-Shabaab constituted the executive military wing of the UIC.<sup>26</sup> It is noteworthy that clans also contributed fighters to the courts. Moreover, following the war with the warlords, some members of al-Shabaab secured a seat in the supreme council. In short, the increasing external threat (Ethiopian and warlord pressure) brought these factions closer to each other in an organizational sense.

### **Threat Attribution in National Context**

The Transitional National Government (TNG) was succeeded by the Somali Reconciliation and Restoration Council (SRRC), a coalition of alliances that received support from Ethiopia and eventually transformed into the TFG following the conclusion of the Mgahabati Peace and Reconciliation process in October 2002. The Intergovernmental Authority facilitated this process of Development (IGAD). It adopted the “Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process.”<sup>27</sup> This development also emphasized the ongoing competition for regional influence between Djibouti and Arab governments vis Ethiopia.

#### **Argumentation I**

It indicates that Ethiopia had a significant role in the formation of the TFG. Following their exclusion from the new government, some Islamists and business elites sought their interests through the Islamic Courts to counteract what they perceived to be a threat to the lucrative business interests in which they were involved. As a result of the new government’s decision to remove Sharif Hassan Sheikh Aden from his position as speaker of the TFG parliament, the Mogadishu leadership was enraged. On the other hand, international concerns concerning Iraq, Palestine, and Afghanistan encouraged the perception that Islam was under attack and needed defensive Jihad. However, Ethiopia’s growing influence and meddling in Somalia’s affairs and local developments rather than emerging global developments, posed the most acute and immediate threat.

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26 Hassan Dahir Aweys, “Africa Confidential”, n.d.; <https://www.africa-confidential.com/profile/id/4708/page/4>.

27 Umberto Tivolato, “Somalia: Djibouti to Mbagathi: Making or Breaking the Peace”, Nairobi, 12 January 2004.

The TFG, inaugurated in 2004, has excluded numerous individuals with Islamist views from its formation. Therefore, sub-mechanism *marginalization* seemed to be at play, given the TFG's exclusionary approach. However, the major challenge for this attempt rests not in tribal politics or Islamic connections. Ethiopia's leading role in establishing the SSDF and Addis Ababa's proximity to the SSDF leadership was threatening enough to trigger a backlash from specific leadership in Mogadishu and Islamic groups. Some Somalis believed Ethiopia was influencing the TFG to control Mogadishu. Additionally, there was a perception that clan interests might also be at play and affect the power dynamics in the country.<sup>28</sup> Moreover, it included the commercial and economic interests between competing groups and the confrontations during the civil war in the early 1990s. While the sub-mechanism of marginalization was operational during the process, it was first and foremost the threat attribution sub-mechanism that exerted its influence in the face of Ethiopia's growing interest in Somalia. This was not essentially a cognitive implication on the part of movement leaders. Still, it represented a process that would acquire a relational character about the deployment of Ethiopian troops in Somalia. This development, in other words, triggered the *attribution of threat*—a cognitive sub-mechanism defined as the construction of a shared definition concerning the likely negative consequences of possible actions, or failure to act, undertaken by a political actor.<sup>29</sup>

“The two occurrences mentioned above are potentially indirectly associated with each other if not a direct one. The Warlords have handed over captured Islamists to the Ethiopian authorities. The objective of Ethiopia was to establish a Somali state that would be subject to its authority—Hence, they assisted in the consolidation of warlords. The Islamic Courts perceived this as a potential threat. In response, they approached each other.”<sup>30</sup>

As per the statements of the interviewed local leader, the optimal approach toward establishing a unified court system was contingent upon the local security architecture, and a significant causality exists between the two. The situation also indirectly connected with Ethiopia's involvement in Somali affairs by utilizing faction leaders as proxies. The unification effort attempted to address Mogadishu's state disorder and lawlessness, which would later diffuse to the surrounding provinces.<sup>31</sup>

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28 Interview with a local leader in Mogadishu in September 2022.

29 McAdam, et al, 2001, p. 95.

30 Interview with a local leader in Mogadishu in September 2022.

31 Interview with a former member of the UIC in Mogadishu in October 2022.

It was closely attached to local security concerns rather than an externally driven collective security initiative. In any case, these developments demonstrated that the sub-mechanism *brokerage* was in operation. The election of Abdullahi Yusuf as president by the transitional parliament in October 2004 was unexpected. Yusuf, a close ally of Ethiopia, secured 189 of the 270 votes cast, while Abdiqassim Salad Hassan and Mohamed Addow divided the Hawiye clan vote. President Abdullahi Yusuf Ahmed was seen as a puppet of Ethiopia and a trojan horse of Darood-clan interest in this configuration.<sup>32</sup> His proximity to Somalia's historical rival Ethiopia and long-standing enmity towards particular Islamist groups<sup>33</sup> were among the salient factors that undermined Abdullahi Yusuf's legitimacy from the outset.<sup>34</sup> The planned deployment of foreign forces, notably Ethiopians, to 'pacify' Mogadishu and the proposed relocation of the seat of government to a temporary capital, Baidoa or Jowhar, because Mogadishu was too unstable caused instant division in parliament. The opposition in Mogadishu angrily opposed President Yusuf's plans. Without protection from his Ethiopian backers, Yusuf would be severely outgunned in Mogadishu and could only reign as the opposition's "guest."<sup>35</sup> The Mogadishu Group refused to relinquish this influence. For them, the notion of Mogadishu's 'pacification' by the TFG and Ethiopian soldiers seemed more like a declaration of war than an endeavor to establish the rule of law. In March 2005, the discussion about peacekeeping and the site of a temporary capital culminated in a televised chair-throwing riot in parliament.

The failure of the TFG and the prominence of external forces in its politics led directly to the resurgence of the Islamic courts' movement after 2004 in a more militant incarnation. The Courts were reinforced by capable and well-equipped militias by 2006. Militias were deemed necessary to maintain authority in Mogadishu's more fraught and factionalized politics after 2005. Still, it also represented a greater militarization of Somalia's local politics in response to external influence. Moreover, it is argued that the newly established military wing - al-Shabaab was considered a counterweight to the power of the other clan-based coalitions, which were believed to have Ethiopia's backing.<sup>36</sup> It was argued that among those supporting the Courts at this time were several warring

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32 Interview with a former member of the UIC in Mogadishu in October 2022.

33 Interview with a former MP in Mogadishu in October 2022.

34 J. Peter Pham, "Clan and Islamic Identities in Somali Society", *Defense R&D Canada Contract Report*, DRDC Toronto CR 2011-080 November 2011.

35 Interview with a former MP in Mogadishu in October 2022.

36 Stig Jarle Hansen, *Al-Shabaab in Somalia: The History and Ideology of a Militant Islamist Group*, London, Hurst and Company, 2015.

Islamist groups alienated from other politics and keen to use the Courts as a political platform.<sup>37</sup> However, as the present study argues, the introduction of the brokerage mechanism has more to do with local security dynamics than with regional political competition at play.<sup>38</sup> Thus, by 2006, the perceived external threat to Somali independence, as shown in the upcoming chapters, had become more significant in determining political affiliation than either clan or religion. It is, therefore, the first and foremost sub-mechanism *threat attribution* that demonstrated its influence in the political process arena on the part of some Islamist groups and business interests vis-a-vis the TFG certificated by Ethiopia.

### **Threat Attribution in Local Context**

#### **Argumentation II**

The collapse of the central national institutions of Somalia in 1991 gave birth to regional administrations such as Somaliland and Puntland in the North and South. It led to the formation of clan-based sharia court systems in Mogadishu. The Sharia courts in Somalia first appeared shortly after the disintegration of political order associated with the state breakdown; hence, disruptions of the “quotidian” –the taken-for-granted routines and attitudes of everyday life – in the social environment. Islamic *Sharia* law is not a new phenomenon in Somalia and was officially incorporated into the Somali governance system through the colonial period and the post-independence era until the fall of the Siad Barre government. The faction leaders, nevertheless, weren’t concerned with the well-being of the communities and often their fellow kinsmen, who lived in the areas they controlled. Instead, they viewed the areas they held and the people residing in them as their racketeering fiefdoms from which income would be generated. Checkpoints were established in various locations within the city to generate revenue from individuals who passed through between neighborhoods for purposes such as trade, business, or daily activities. Furthermore, the local populace experienced a sense of insecurity and fear due to the prevalence of criminal acts such as abductions, sexual assault, and money extortion. The quality of life for the inhabitants of Mogadishu progressively deteriorated, presenting a multitude of challenges and complications.

The Sharia courts of Mogadishu first appeared in this context and response to these problems. Specifically, Sharia courts operated within the societal and political context at the neighborhood level and were characterized by the

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37 See ICG 2005b; Marchal 2007, 2009; and Menkhaus 2007a.

38 Interview with a former member of UIC in Mogadishu in September 2022.

distinct clan-led response to severe disruption of everyday activities, which were facilitated and exaggerated by *mooryaans* criminal activities. Constant fighting paved the way for the routinization of violence and increased criminal activities committed by *mooryaans* and faction leaders. Routinization and the diffusion of criminal activities have deeply affected communities' everyday lives both behaviorally and cognitively. It posed a face-to-face threat to the citizens in such a way that they committed to delivering their grievances through institutional channels. Communities led by religious scholars *ulama* and with the blessings of their clan elders along with ordinary people mobilized within clan structure led to the facilitation of an indigenous collective action in the form of Islamic *sharia* courts across Mogadishu. Some of the business elites also supported this initiative. The communities that established and ran the Sharia courts were also close kinsmen, which explains why the Sharia courts were known as “clan courts.” Somali citizen explains the rationale behind the establishment of Sharia courts:

“Faced with the challenges of the new urban environment, the traditional system failed to solve the political and security problems that the armed gangs associated with the clans presented. In desperation, the elders turned to the only available other system – religion. They established Sharia courts to control the gangs, which had started to present a danger even to their clans.”<sup>39</sup>

In response to our question regarding the factors that facilitated the formation of the Union of Islamic Courts in 2004 at the local and regional levels, the informant identified three primary catalysts: local and regional. He stated that:

“The country experienced a notable shortfall in political stability and public trust. The courts gathered to prevent abductions, hostage-taking, unjustifiable homicides, and illegal seizure of assets. The courts were originally instituted at a regional level. They gathered to improve the consolidation of security.”<sup>40</sup>

Islam, according to M. Lewis, was the only credible institution left on which people relied after the outbreak of the civil war. Clan identity, regulations, and the traditional Islamic faith have been the most common denominators through which the Sharia court system was formulated. It was as much a communal collective self-defense mechanism to deliver justice in daily life activities. In addition to

39 Nikolaus Grubeck, “Civilian Harm in Somalia: Creating an Appropriate Response, Campaign for Innocent Victims in Conflict,” (*CIVIC*) UNHCR, 10 Nov. 2011.

40 Interview with a public leader in Mogadishu in September 2022.

court activities, Islamic charities that returned to Siyad's time became widespread in Mogadishu, where national educational institutions no longer existed.

However, social mobilization of the courts can not solely be explained by the protest activities of the citizens, religious groups, or clan elites who were fed up with the environmental and moral deterioration of their respective neighborhoods. A second explanation comes from the role of business elites in social mobilization. The business community grew increasingly frustrated with the skyrocketing costs and high level of interest in their business transactions. They began to invest in an Islamist alternative to the costly warlords, hoping to increase their profit margins. Aisha Ahmad's work deeply analyzed the motives of the business community's support of the Islamic Courts. She states that neither religious nor tribal sentiments provided a clear explanation as to why the business community decided to support the UIC. She concluded that security & cost balance rather than ideology played a crucial role in shaping the preferences of the business class at a critical juncture.<sup>41</sup>

The popularity of the courts soon after diffused across southern Mogadishu and was copied in the same way by other sub-clans. As stated earlier, it was because, during the 90s, Sharia courts succeeded in providing a degree of law and order in daily life activities in northern and southern parts of Mogadishu. Karaan courts, for instance, were established to deal with the criminal activities of mooryaans within the limitation of a given district. Its opening was permitted by Ali Mahdi, who found the courts to be useful mechanisms to prevent internal divisions and the spread of conflict with the neighboring clans, as well as to maintain public support, given that local security conditions did not improve. This initiative was backed by sub-clan elders and supported by the business community operating in the same area. However, it was dissolved by Ali Mahdi himself when he felt threatened by the growing popularity of its leader, Sheikh Ali Dheere, in 1997.<sup>42</sup>

In 2000, these dispersed courts of the south Mogadishu formed "the Joint Islamic Courts Council" and were represented as a social movement at the Arta Conference in Djibouti.<sup>43</sup> The authority of the Sharia judges and militia diminished

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41 Aisha Ahmad, *Jihad & Co.: Black Markets and Islamist Power*, New York, Oxford University Press, 2017, p. 139.

42 Interviewed with a Sufi leader who closely witnessed that event in Mogadishu in October 2022.

43 Somalia: IRIN Interview with Islamic Courts Chairman Hassan Sheik Mohamed Abdi; <https://reliefweb.int/report/somalia/somalia-irin-interview-islamic-courts-chairman-hassan-sheik-mohamed-abdi>



following the establishment of the TFG, as a significant number of them were integrated into the TNG's judicial framework. The Somalia Reconciliation and Restoration Council (SRRC) opposed the TNG political movement. The assemblage comprised leaders of clan-based militias hailing from diverse regions of the nation and was supported by Ethiopia right from its inception. The Ethiopian government and the SRRC alliance have alleged that the TNG was providing shelter to extremist elements (terrorists) within its institutional framework and promoting the Islamization of Somalia.<sup>44</sup> On the other hand, Andre le Sage argued that the TNG attempted to undermine the Sharia courts to eliminate organized challengers to their legal supremacy by hiring Sharia judges and a percentage of their militia that were integrated into a cross-clan force. The TNG, afterward, convinced businessmen to withdraw their armed 'technical' battlewagons from the courts and sell them to the TNG. As a result, the Sharia courts lost their implementation.<sup>45</sup> TNG's rule was limited to a few blocks in the Capital, and most of the city was under the authority of faction leaders and warlords. Despite the formation of TNG, fighting between faction leaders continued to consolidate their strength to become their respective clans' sole representative at the table before the Nairobi peace talks in 2002.<sup>46</sup> Sharia courts in Mogadishu regained their prominence following the fall of TNG, and a primary reason is attributed to the fact that abduction and crime rates increased dramatically after TNG's dissolution.<sup>47</sup>

The beginning of the threat mechanism on the part of the political elites in Mogadishu, the business community, and the Islamists in particular vis a vis their political environment dates to the waning power of the TNG government and the installation of the Ethiopian-backed government in its place in 2004, and even a little before that. It is, therefore, quite noteworthy and intriguing that, as Menkhaus stated, the formation of the Union of Islamic Courts coincided with the official establishment of the TFG in 2004. However, a former executive member of the UIC stated that the two events are not interconnected, and the local context was searching for a peace settlement in Mogadishu that led to the formation of the court's union.<sup>48</sup> Ethiopia's significant support for the TFG

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44 Interview with a religious leader in Mogadishu in September 2022.

45 Andre Le Sage, *Stateless Justice in Somalia: Formal and Informal Rule of Law Initiatives*, Geneva, Centre for Humanitarian Dialogue, 2005, p. 46.

46 Somalia: Fresh fighting in Mogadishu ahead of peace talks; <https://reliefweb.int/report/somalia/somalia-fresh-fighting-mogadishu-ahead-peace-talks>

47 Interview with a former member of UIC in Mogadishu in September 2022.

48 Interview with a former member of UIC in Mogadishu in September 2022.

from the beginning, particularly for reasons related to, most notably, the security environment and business and commercial interests, was highly threat-inducing by Mogadishu elites. To begin with, as stated above, Abdiqasim Hassan was replaced by Abdullahi Yusuf, which gave rise to concerns over the possibility that the Mogadishu residents might be evicted from their homes in Mogadishu if and when the new administration arrived there.<sup>49</sup> This anxiety was partly fueled by the competition between some genealogical groups in Mogadishu, dating back to the 80s and early 90s. There was a genuine worry on the part of some of Hawiye's constituents that Abdullahi Yusuf's TFG might serve as a vehicle for Darood's interest. The TFG's backing from the Ethiopian government, widely regarded as the most powerful foreign player in Somalia, was the second but more threat-inducing factor that caused alarm among the elements of the UIC and many others in Mogadishu. The TFG had a reasonable prospect of escaping purgatory in Kenya thanks to Addis Ababa's support because it would have the military support to establish itself in Somalia.<sup>50</sup> This contrasted with previous internationally backed governments created after Barre's ouster, which were supported by other countries. This fact became apparent in June of 2005 when the TFG returned to Somalia and re-established itself in Baidoa under the protection of the Ethiopian army. Since Ethiopia was adamantly opposed to Islamism in Somalia and planned to use the TFG to fight against these elements, the ever-more-powerful alliance between the TFG and Ethiopia posed a real threat to the other constituent units of the UIC. The Ethiopian connection to the TFG was primarily established due to the close relationship between Abdullahi Yusuf, the leader of Puntland, and Ethiopia. Abdullahi Yusuf, who openly opposed certain activities of al-Ittihad, had a longstanding alliance with Ethiopia dating back to his time as chairman of the Somali Democratic Security Forces. (SDSF).<sup>51</sup> It is also important to stress that another point of contention between parties concerned Somalia's territorial and administrative structure. Ethiopia, and hence some of the senior members of TFG, favored a federal governance model, whereas Mogadishu elites opposed this model and advocated for a more centralized administration. Therefore, many Mogadishu Hawiye elites were at the forefront of political resistance to "Ethiopian-backed" federalism, a position wrapped up in terms of Somali nationalism and a heavy dosage of anti-Ethiopian animus.<sup>52</sup>

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49 Interview with a member of civil society group in Mogadishu in September 2022.

50 Michael Woldemariam, "The Long War in Somalia", *Insurgent Fragmentation in the Horn of Africa: Rebellion and Its Discontents*, Cambridge University Press, 2018, p. 240-241.

51 Interview with a former MP in Mogadishu in September 2022.

52 Michael Woldemariam, *The Long War in Somalia*, p. 240-241.

## Conclusion

Regarding the first arena of interaction, it is important to clearly describe the political environment to make sense of the mobilization processes of Sharia courts and the Shabaab network. This episode unfolded at the national level of engagement to a greater extent but did not exclude the role of outside interference. Upward spirals of political opportunities have been instrumental in the mobilization process of Islamist groups, business elites, and clan elders in response to the social disorder and unrest that unfolded with the breakdown of state institutions. It was more of an activation of threat mechanisms than a response to opportunity mechanisms in the absence of state authority since local conditions have been considered highly threat-inducing. The emergence of Islamic Sharia courts can be attributed to the conditions of the civil war, as they were established to address everyday issues at the neighborhood level. During that era, owing to the lack of functional state institutions to regulate violence and practically enforce justice, the courts assumed the lead role at the local level. The issue's central point relates to the governance model's structural framework.

On the one hand, the TFG garnered international support yet faced limitations in expanding its reach and impact domestically. On the other hand, warlords held significant military and economic influence within the country but were met with dissatisfaction and criticism from the local population, including the Islamists. These two factions thus represented opposing poles. However, it is essential to acknowledge that this partition was not distinctly demarcated. In addition, it is worth noting that specific individuals who held positions of power within the government also had ties to various armed factions and were represented in the parliament.

What factors contributed to consolidating the dispersed network of clan-oriented Sharia courts into a unified system in 2004 as an umbrella organization? First and foremost, it is worth considering the challenges and obstacles related to local governance rather than prioritizing regional or international developments that may have influenced the Islamic courts' move towards a unified stance. Hence, it is possible to deliberate upon two distinct categories of brokerage mechanisms within this phase. The foremost and essential mechanism, as perceived from our standpoint, is the formation of the Union of Islamic Courts. This umbrella organization was formed to enhance the efficacy of the several community-oriented Islamic court systems, as previously demonstrated.

Following a detailed assessment, this study has shown that social and political interactions between state and national political elites vis-à-vis various Islamist groups did not result in a potentially violent outcome from 2001 to 2004.

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