



# The Heritage Institute for Policy Studies

## Comment

### **The Jubba Agreement: Imperfect Progress**

[The Agreement](#) between the Somali Federal Government (SFG) and the leaders of the Jubba regions in Addis Ababa on 27 August is a much-needed break from a protracted stalemate between the two sides following the needless death and injury of hundreds of innocent Somalis. That the parties have acknowledged the limits of their powers and the potential for mutual destruction is encouraging. But as ever with such agreements in contemporary Somali politics, the devil is in the details, or lack thereof.

Presumably by design, the Agreement is crafted in worryingly vague terms, falls short on key specifics, and imposes cumbersome obligations to the parties. Crucially, important benchmarks have been delayed indefinitely. This approach is unnecessarily risky. As they have throughout the crisis, conflicting parties may interpret vague agreements to suit their respective political agendas ensuring implementation remains elusive. Sustained progress in Somalia depends upon the commitments of both parties to the underlying objectives of the agreement.

### **Strengths of the Agreement**

The plethora of armed groups remains a potent threat to the stabilization of the region. Article Three of the Jubba Agreement, which deals with management of security forces and reintegration of militias into the Somali National Army (SNA), is an important development. The commitment to establish a joint technical committee to assess the current situation and offer guidelines in this regard is sensible. Equally sensible is the attempt to reach out to al-Shabaab foot soldiers and wean them back into society with full amnesty.

### **Ambiguity and delay**

A key provision of the Jubba Agreement is the establishment of the Interim Jubba Administration (IJA). Article One calls for a deliberative body, to be called the 'Regional Assembly', which would act as the IJA's parliament. Clause 8 requires that the Regional Assembly be a "representative body of all clans and constituencies and selected by the traditional elders with seats been [sic] distributed proportionally among the districts of the three regions in full consideration of inclusivity, balance and in [a] reconciliatory manner."

In the absence of reliable population data and a recent census, the accurate distribution of seats "proportionally among the districts" and clans is not possible. Representation lies at the heart of Somalia's political conflict. Use of this language threatens to incite

further conflict. Like other parts of the Agreement, sustainable implementation of Article One will rely heavily upon the commitment of the signatories to see it succeed.

Clause 12 of Article Two stipulates that the IJA transfer management of air and sea ports to the SFG in six months, after which the SFG is mandated to appoint a “competent” management body in consultation with the IJA but with funds raised exclusively dedicated to the development of the Jubba regions. This unnecessary delay stalls progress and increases the possibility of the collapse of the Agreement. The signatories could have established a simple and effective management scheme with fewer strings attached and with immediate effect.

Of particular concern is Clause 15 of Article Two which stipulates that the *interim* agreement will remain in force until “there is a final agreement on revenue sharing in the country”. Considering the pace of progress on the intricate matters of federalism and natural resources, the *interim* agreement is likely to remain in place for the foreseeable future. The indefinite delay of a *final* agreement calls into question the commitment of the signatories to its objectives.

### **Unrealistic obligations**

The call for a Reconciliation Conference in Mogadishu within two weeks of signing the Agreement is too ambitious. It is almost inconceivable that a conference of such importance can be organized effectively with such short notice. The *laissez-faire* approach to reconciliation conferences as a destination rather than a means to an end is alarming.

Clause 22 of Article Four stipulates that during the Reconciliation Conference, the two sides will agree upon “modalities of development of the roadmap for the establishment federal member state.” While it would be encouraging for such an agreement to be reached in the next fortnight, it is neither likely given the depth and breadth of conflict in the Jubba regions, nor legal according to either side's constitutional prerogatives. The Provisional Constitution assigns the responsibility of formulating national policies on federalism to the Somali Federal Parliament (SFP) and the yet-to-be-established Independent Boundaries and Federation Commission.

### **Reflections**

In June, HIPS offered options for compromise on [the Kismaayo crisis](#). It is encouraging that the outline of the Jubba Agreement in Addis Ababa broadly corresponds with HIPS' recommendations. The next step in the process is to draft an implementation roadmap with clear timelines to ensure progress is sustained and an independent body tasked with monitoring how both parties honor and implement the agreement. Having hosted the dialogue, Ethiopia secured this role, but it would have been wise to make it broadly representative of the international community.

It is disappointing that the Agreement makes no reference to the ultimate goal of a regional leadership elected by and accountable to its citizens. Nonetheless, following the

debacle witnessed in the selection process of the Federal Parliament the establishment of the Regional Assembly offers an opportunity to refine the process of enlisting broadly legitimate and representative traditional elders to support political developments in the country.

A deal on the crisis in the Jubba regions was long overdue. The SFG and leaders of the Jubba region are courageous to have taken this important step sketching a path out of the prolonged stalemate. Negotiations were extraordinarily arduous. Both sides deserve credit for demonstrating the ability to compromise for the sake of the nation. The objectives of the Agreement, despite its flaws, are positive. The commitment to addressing the problems associated with a multitude of armed groups operating in the region is particularly positive.

The Agreement, however, makes several references to a federal system of governance that currently does not exist and is not likely to be fully consolidated for some years. This may render aspects of the Agreement practically untenable for the foreseeable future increasing the likelihood of its collapse. That articles of the Agreement may not correspond with the Provisional Constitution is also a cause for concern – two contradictory legal documents will further complicate an already complex situation. Goodwill and the commitment to the robust implementation of the Agreement are critical. 'Spoilers' will attempt to undermine progress and an inherently weak political system exposes the Agreement to numerous threats. Failure to implement the agreement, for the population of the region, however, is not an option.