

Pathways to peace in Ogaden

Navigating symbolism in early peace talks

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In 2011, Meles Zenawi, the Prime Minister of Ethiopia, asked Kenyan President Mwai Kibaki to facilitate peace negotiations between the federal government and the Ogaden National Liberation Front (ONLF) after nearly 20 years of armed conflict in Ethiopia's Somali region (also known as the Ogaden region). A Kenyan government facilitation team convened the first formal round of talks in Nairobi in September 2012 despite Meles' death the month before.

At the Kenyans' request, Conciliation Resources (CR) provided technical advice to the facilitation team and accompanied the ONLF through peace dialogue with the Ethiopian government, including providing negotiation training, helping to refine positions on substantive issues, advising on process design, supporting consultations with diaspora and refugee communities, and providing inputs on drafting the peace deal.

Talks stopped and started over six years and were beset with difficulties. A window of opportunity opened suddenly in April 2018 after an unexpected and radical change of leadership in Addis Ababa, bringing a raft of rapid reforms including the delisting of the ONLF as a terrorist organisation in June and the removal from power and detention of the powerful Somali regional president, Abdi Mohamud Omer (Abdi 'Iley'), in August. The ONLF declared a unilateral ceasefire in July 2018 and agreed with the Ethiopian government and the new regional president, Mustafe Omer, to open dialogue to resolve core grievances. After several rounds of discussions in Dubai, Ethiopia and Eritrea, the two parties signed a peace declaration

in Asmara, Eritrea, in October 2018. ONLF leaders have since returned to the Somali Regional State (SRS), demobilised their fighters, registered as a political party and are currently in the process of preparing to take part in upcoming Ethiopian elections – which had been due in August 2020, but have been deferred indefinitely.

The path to these breakthroughs was long and steep. This article tracks the ways in which third-party support helped the conflict parties and the Kenya facilitation team to better prepare for and seize opportunities for dialogue. It focuses in particular on how two key sticking points that emerged in the early stages of peace talks in October 2012 and threatened to derail them were successfully navigated. The first was the government's demand that the talks be held within the framework of the constitution – a demand rejected by the ONLF as an affront to their self-determination claims. The second was whether the government negotiation team should include representation from the SRS government, which the ONLF saw as an attempt to characterise the conflict as 'intra-Somali infighting' rather than a self-determination struggle with the federal government.

Background

For more than two decades, the ONLF fought for self-determination for ethnic Somalis in the SRS. The ONLF formed as a secular, nationalist group in 1984. After the overthrow of the Ethiopian military regime in 1991, which brought about an ethnically based federal system, the ONLF won elections for the first SRS regional assembly in 1992. The group turned to armed insurgency in 1994 after the federal state moved against the ONLF-led regional

Map 1: Somali Regional State



The Somali Regional State is often referred to as the Ogaden, after the majority Ogaden clan that inhabits the region.

This map is illustrative and does not imply the expression of an opinion on the part of Conciliation Resources concerning the delimitation of the borders of the countries and territories featured.

executive by removing the regional president and allegedly arresting and killing several ONLF leaders.

From that point, the region was marked by insecurity, rights violations against civilians, including extra-judicial killing, restricted space for civil society, forced displacement and economic restrictions. The conflict has been a major obstacle to development, including of one of the largest oil and gas reserves in the Horn of Africa. The SRS is consequently one of Ethiopia's poorest states, with a high dependency on food aid. Long-running insurgency and insecurity have led to rounds of displacement and the creation of large refugee and diaspora communities across Kenya, Somalia, Yemen, Eritrea, South Africa, Europe and the USA.

Choosing dialogue

Prime Minister Meles had numerous motives for seeking peace negotiations with the ONLF leadership in 2011 – including his desire for a positive legacy after a cancer diagnosis. The government had an image problem; its human rights record was coming under increased international scrutiny, and stability was needed to encourage foreign direct investment from the West and China, including untapped oil and gas resources in the Ogaden basin.

The increasingly apparent military imbalance contributed to ONLF political leadership pursuing negotiations. Arms supplies from Eritrea and Somalia were cut off as a result of UN sanctions and the Ethiopian military presence inside Somalia following their invasion in 2006. The '*Liyu*' (Amharic for 'special') – a local paramilitary police unit within the SRS created in 2009 and drawn largely from the Somali Ogadeen clan, with a policy of capturing and 'turning' ONLF fighters – was highly effective. Previously Addis Ababa had largely controlled major garrison towns while the ONLF maintained their power base in the hinterland. The arrival of the *Liyu* enabled the federal military to take a back seat, providing logistical support to the *Liyu* to pursue the ONLF in the hinterland. The ONLF also now had to fight fellow Somalis. Torture and collective punishments against civilian population were widespread. Many ONLF combatants retreated to southern Somalia and Kenyan refugee camps, while ONLF political leaders also left the region.

Kenyan facilitation

Kenya has a long history of supporting peace processes in the region, including the Sudan Comprehensive Peace Agreement and Somalia Mbagathi peace process. Kenya was regarded by both sides as sufficiently neutral to play a facilitation role: it maintained a defence pact with Ethiopia, dating back to the 1960s when both states faced irredentist movements backed by Somalia. It also hosted refugees from the SRS, including ONLF leaders, and had been comparatively successful in integrating its ethnic Somalis.

Kenyan President Mwai Kibaki appointed a four-person (all male) facilitation team comprising members of parliament and senior government officials, led by the Defence Minister, Mohamed Yusuf Haji, an ethnic Somali. Reporting directly to the president, it was structured to sit outside the national government's institutional framework as officials from key line ministries – foreign affairs, defence, interior and the office of the president – attended the talks as 'observers'. This formulation mitigated Addis Ababa's fears of internationalising the peace process, and the Kenyan government provided security and logistical support to the delegations.

Accompaniment, inclusion and diplomacy

In early 2012 the Kenyan government asked CR to provide technical support for the peace talks. CR provided training and advice to the Kenyan facilitators and helped set up a secretariat, including a dedicated stand-by team of Kenyan and international advisers with expertise in both mediation and the region. A separate team of experts was engaged to support the ONLF to avoid potential conflict of interest. Ahead of the first round of talks, the Kenyan team managed to successfully broker a 'Declaration of Principles' setting out the framework for the talks, and an agenda of substantive issues. The team created sufficient space for the delegations to build rapport in the early days of the talks, leading to good personal chemistry between the head of the Ethiopian delegation, Siraj Fegessa, and the Chair of the ONLF negotiation team, Abdirahman Mahdi. CR also provided research and analysis and organised expert sessions, for example linking Horn of Africa and Ethiopia experts with the Kenyan team to explore difficult issues.

Accompanying the ONLF

CR brought together a core group of senior ONLF leaders in London in June 2012 to discuss positions, needs and interests and reach consensus on the negotiation process. This included a simulation exercise designed to anticipate and work through challenges likely to arise in negotiations, as well as activities to share knowledge and experience. Negotiations training aimed to help redress the imbalance in experience between the ONLF and government delegations. The ONLF team were exposed to the vocabulary of negotiation, including how to articulate their interests and reframe maximal demands. A series of workshops organised by CR helped the ONLF refine positions on key issues as part of their negotiation strategy, for example by drawing on experience from Nepal, Sudan, Mindanao, Sri Lanka and elsewhere on negotiating security arrangements and exploring options for ceasefire and cessation of hostilities. Practical assistance included helping to organise logistical support to get the ONLF delegation to and from talks in Nairobi.

Expanding participation – engaging the diaspora and refugees
Access to the SRS was severely restricted. Efforts to broaden participation in the peace process in practice focused on helping to convene meetings among diaspora and refugee communities in the USA, UK and Kenya. The ONLF leaders also organised consultations in Nairobi, London, Berlin, Minneapolis, San Diego and Johannesburg with their cadres and supporters to update them on the status of negotiations and reassure them that they were committed to pursuing their core aim of self-determination through the talks. The message was intended to assuage fears of capitulation and defection, as had occurred in past talks when ‘breakaway’ groups had joined the government.

Many in the diaspora had suffered the consequences of conflict and favoured a peaceful resolution. They included professionals and exiled former government officials, including the current SRS president, Mustafe Omer, who were critical of both the government and the ONLF and saw poor governance and weak rule of law as the root of the conflict. CR was able to update the diaspora communities on progress in the talks and gather their reflections on the impact of the conflict and ideas for resolution. Engagement with the diaspora helped build confidence in the talks, evidenced by positive media reports in diaspora and Horn of Africa news outlets. CR was also

able to reach out to communities that the ONLF negotiation team could not access due to security concerns, such as the Dadaab refugee camp in Kenya, and help feed their views and perspectives into the negotiations.

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International funding and diplomatic support
CR helped to mobilise financial and diplomatic support for peace efforts at a time when resolving the protracted conflict was not an international priority. The UK and Swiss governments provided early funding and other support. CR and the Kenyan facilitation team also met with other states with an interest in peace in the region – Norway, the USA, Finland, Sweden, Denmark and South Africa – to raise diplomatic and financial assistance for the peace process.

Participants bearing the Ogaden flag at a conference organised by the Ogaden National Liberation Front (ONLF) to discuss its peace deal with the Ethiopian government and transition from an armed group to a political party, April 2019. © Conciliation Resources



Careful management is needed in the early pre-talks stage of a peace process, to navigate tensions between the requirements for secrecy and flexibility, and the constraints of formal diplomatic channels. Challenges in this instance included that some donor governments engaged Ethiopian foreign ministry officials who were not even aware of the process, as it was run by the office of the Prime Minister and by the Ministry of Defence.

CR faced difficulties working with the ONLF, which until 2018 was designated by the Ethiopian government as a terrorist group. CR staff experienced significant risks travelling to Ethiopia and limitations were experienced with support for some ONLF activities. For example, a 2014 ONLF leadership meeting, which, as discussed below, was critical for building consensus on breaking the deadlock on the constitution, was regarded by donors as unsuitable for external support due to diplomatic sensitivities.

Formal talks and sticking points

Formal talks between the Ethiopian government and the ONLF began in September 2012. A second round took place in October 2012, and then a third in February 2015. The Declaration of Principles agreed before the first round of talks set out a four-point agenda focused on: political; security; human rights and humanitarian concerns; and wealth sharing and economic issues.

Problems arose from the start, relating to the status of the Kenyan team and the name of the region. These were successfully navigated, with the Kenyans operating as 'facilitators' rather than 'mediators', and the region being referred to as the 'Ogaden *in* Ethiopia' rather than the 'Ogaden *of* Ethiopia' – although surprisingly the government delegation did not suggest the constitutional name, the Somali Regional State.

Talks faced other hurdles, delays and misunderstandings. Ingrained mistrust between the parties was an ongoing impediment to progress. The death of Meles, the architect of the talks, was a severe blow. His successor, Hailemariam Desalegn, lacked the authority and mandate to build cross-government consensus to push through a deal or finish a process started by his powerful predecessor.

Other difficulties included an impasse over modalities, the kidnapping from Kenya of two ONLF senior officials, including a member of the negotiation team, and Kenyan elections in 2013 which distracted the facilitation team. The contrasting composition of the two delegations further invited clashes of negotiation styles and priorities: the Ethiopian government delegation comprised exclusively military and security personnel, headed by the Defence Minister – a civilian, Siraj Fegessa; with the exception

of one member, the ONLF delegation was drawn entirely from the diaspora-based political leadership.

Two key sticking points arose around the time of the second round of peace talks in October 2012: the status of the Ethiopian constitution in relation to the talks; and the composition of the Ethiopian government delegation. These apparently symbolic issues in fact had major implications for the ONLF's core claim to self-determination and caused serious impediment to the progress of the peace talks. In both cases the Kenyan facilitation team, through creative thinking, long-term engagement and powers of persuasion were instrumental in eventually overcoming these obstacles and moving the process forward.

Constitutional compromise

A major stumbling block in the talks was the Ethiopian government's demand that the ONLF accept the 1994 Ethiopian Constitution as the basis for negotiations. This issue became the focus of the second round of talks, which the Kenyan facilitators had expected to concentrate on security issues. While this was not a surprise for the ONLF, who had prior experience with the government's use of this language and rhetoric, they had yet to find a creative solution to the problem.

“ ‘Constructive ambiguity’ allowed each side to interpret the meaning of the compromise language in their own ways. ”

The Ethiopian constitution provides a robust right to self-determination (article 39) and sets out a process for the realisation of that right. However, for a long time the ONLF had refused to recognise or negotiate within the parameters of the constitution, arguing that the region's right to self-determination had colonial roots that predated the 1994 constitution. The ONLF leaders had also tried, unsuccessfully, to use constitutional means to get a vote for secession in 1994. Despite provisions for secession in the transitional charter (the provisional constitution from 1991–1994) and draft constitution (approved in December 1994 and officially announced in 1995), as well as the precedent of Eritrea seceding in 1993, the ONLF's demand for secession in 1994 was an 'autonomous step too far' for the new rulers in Addis Ababa, sparking the conflict.

Little trust and confidence had been established between the parties when the issue came up in the early stages of the talks in 2012. The Kenyan team attempted to reformulate Addis Ababa's demand and steer the talks

towards other, less contentious issues. This failed, however, and the next two years were spent trying to resolve the ensuing impasse. The issue was not only of symbolic importance but also had serious substantive implications. The ONLF leadership was concerned that any compromise would be viewed as capitulation. Equally, the government feared that this issue would be viewed as a second attempt to break up the country after Eritrea's secession, and wanted to avoid sending the wrong signal to other ethnic armed groups with self-determination claims.

Analysis of past agreements with armed groups, including breakaway factions of the ONLF, showed that the government had successfully insisted on this constitutional line before. To break the deadlock, CR commissioned an expert legal opinion which concluded there was a legal difference between *accepting* the constitution, and *accepting to negotiate within the frame* of the constitution. The government side had used the two phrases interchangeably, causing confusion. Acceptance of the constitution by the ONLF would reciprocally require Ethiopia's acceptance of the right to self-determination. But it would also require that the outcome on any substantive issue (eg wealth-sharing) would have to be in line with the constitution. Defining the constitution as *a framework* while seemingly symbolic, in fact would also allow for negotiation of extra-constitutional issues.

'Constructive ambiguity' allowed each side to interpret the meaning of the compromise language in their own ways and provided more room to bring along their constituencies in their efforts to navigate a constitutional compromise. The ONLF leadership convened a meeting of the ONLF central committee, a 34-member strategic decision-making body, and organised a series of consultations with cadres and the wider membership. After a series of shuttle meetings between Addis and Nairobi in late 2014, the diplomatic and political skills of the Kenyan team, combined with CR's technical support, succeeded in breaking the impasse on the constitution and brought the two parties to formal face-to-face talks in February 2015.

Regional representation

The talks faced another major hurdle that also came to the fore in the second round of talks in October 2012, when the federal government delegation unexpectedly included Moulid Hayir, a SRS government representative. The parties again sought to use another seemingly symbolic issue to gain the upper hand in the talks ahead of the substantive discussions.

The ONLF objected vociferously to the presence of the regional representative on the grounds that the Kenyan-led talks were between the federal government of Ethiopia and

the ONLF, as agreed in the Declaration of Principles signed by the two parties in September 2012, and as stipulated in the ONLF's letter to Kenyan government agreeing to participate in the talks in 2011. The ONLF feared the conflict being portrayed as in-fighting among Somalis in Ethiopia, instead of as a self-determination dispute, and also resisted conferring legitimacy on the SRS administration that they saw as a 'puppet' of the federal government. The ONLF also cited precedent, saying the government delegation in the first rounds of talks did not include an SRS delegate.

The government delegation defended their decision to include Moulid Hayir on the grounds that the Ethiopian state was organised on a federal basis, that each side had the right to choose its delegates, and that the SRS leaders were well placed to speak on the security and political realities in the region. Addis Ababa saw the inclusion of the SRS as legitimate recognition of their representative in the region, and as a justified challenge to the ONLF positioning themselves as the sole representatives of the Somali people in the SRS.

The Kenyan facilitators were able to cleverly navigate around the issue, temporarily defusing the situation by persuading *both* parties to reduce their respective delegations from six to three members, which allowed the SRS representative to be quietly dropped. Progress was short-lived, however, and the issue resurfaced in 2015. After extensive discussions, the parties were unable to find a solution and the talks ended without an agreement.

“ Sticking points over the constitution and representation appeared symbolic but were in fact highly consequential. ”

A more sustainable solution to the problem emerged from a re-examination of the political settlement in the SRS. Political dynamics in the SRS had been changing following the death of Meles. Multiple centres of power had begun to emerge at the federal level, which allowed for an increase in the power and influence of the Somali regional president, Abdi Iley, who at that time was allied to the Ethiopian military. Politics in the SRS had for many years involved successive regional presidents and governments that were largely maintained and controlled by the federal government and its agencies, albeit with the help of local political actors.

Iley's rise to the SRS presidency in 2010 and his longevity signalled a shift in the region's relationship with the central government from dependence to symbiosis. Research

commissioned by CR in late 2015 showed that, compared to previous regional executives, Iley had been adept at making himself indispensable to Addis Ababa, reinforcing both his own power and the region's relative autonomy. Questions remained over the sustainability of this arrangement however. The system was largely personalised and presidentially-led, had weak institutional roots and was reliant on heavy-handed security measures, including the *Liyu*. These factors contributed to the ease with which Iley was removed from power in August 2018; at the time of writing he remains on trial in Addis Ababa.

“ ONLF engagement with constituencies helped identify agenda priorities for talks and potential solutions, and maintain internal cohesion. ”

CR shared its research findings in a series of dissemination meetings with ONLF leaders, the Kenyan facilitation team, community leaders and intellectuals. A CR-facilitated conference in February 2016 was attended by members of the diaspora and representatives from the Somali region, including civic leaders close to the ONLF. In January 2016 the Kenya facilitation team visited the SRS to assess the situation and consult with the regional president on his views about peace and dialogue in the region. These activities were influential in encouraging a rethink of the ONLF policy of non-engagement with the regional government. Following an overture from the government, the two parties held confidential talks in Dubai in November 2017 attended by the president of the SRS, Abdi Iley.

Conclusion

Third-party support was critical to sustain progress over six years of stop-start talks between the ONLF and the Ethiopian government. Sticking points over the constitution and representation appeared symbolic but were in fact highly consequential. Both parties understood the symbolism – acceptance or rejection of the constitutional status quo, or the categorisation of the conflict as either intra-Somali infighting or self-determination – which touched on the heart of the dispute and affected the outcome of negotiations.

With the support of the Kenyan team, the parties were able to agree the substantive agenda early on. Ways around the sticking points were eventually found, but not before significant momentum and opportunities to build trust between the conflict parties had been lost. Careful framing of the issues and use of language and

‘constructive ambiguity’ allowing parties to sell the process to their constituencies were integral to this process. Indeed, the 2018 Asmara peace declaration almost unravelled over whether or not to include explicit reference to self-determination, with both sides agreeing at the last minute on language that committed to tackle the ‘root causes’ of the conflict in implementing the deal as an acceptable allusion to this symbolic issue.

The Kenyan facilitation team were instrumental in overcoming these challenges. They invested significant effort in convincing the ONLF to take a long-term view of self-determination, focusing on enhancing regional autonomy that could provide a platform to strengthen and reform regional institutions. They also negotiated the return of kidnapped ONLF officials, and provided sufficient security and facilities for ONLF delegates during the talks.

For CR, perhaps one of the most important mediation support roles was to facilitate internal debate within the ONLF as they sought to build agreement around dialogue. Support for the development of pro-peace strategies and consensus within the ONLF helped to sustain momentum for talks through hurdles and setbacks. A series of informal reflection and brainstorming sessions with the chair of the negotiation team on possible solutions to the sticking points helped CR to better understand the interests behind the positions, and to help craft and test compromise language ahead of discussions with the wider ONLF negotiation team, or with the Kenyans or the Ethiopians. Trust and relationships built through sustained engagement allowed CR to act as a ‘critical friend’ to guide ONLF involvement in the peace process. As the dialogue evolved gradually from 2012, the process of accompanying, listening and relationship building meant that CR could provide space and expert feedback for ONLF critical reflection on contentious issues such as the constitution and self-determination. The investment of time, technical assistance and trust building meant that the ONLF were more open to challenges, counter-views, and learning from other contexts, all of which were essential for the movement to engage in the process more constructively.

ONLF engagement with constituencies helped identify agenda priorities for talks and potential solutions, and maintain internal cohesion and impetus for the ONLF to stick with the process through difficult stumbling blocks. The thinking, discussion and relationship-building processes forged during parallel peace talks within the ONLF have since formed an essential basis to support peace implementation following the Asmara peace declaration, not least as the ONLF leadership and many diaspora communities have returned to the SRS.

CR provision of timely and trusted analysis helped the mediation strategy to adapt to changes in the political economy, facilitating the involvement of the SRS administration. The influence of the Somali regional government and its president, Abdi Iley, had grown as the peace talks inched forward. It was hard for the ONLF to acknowledge the significance of these developments, not least as the ONLF political leadership and negotiation team lived outside the country, while the Kenyan team also struggled to overcome political and protocol sensitivities to engaging the SRS administration, which was not part of its mandate. CR's political analysis eventually facilitated a change of course to bring the SRS administration into the talks, but more structured, recurrent and rapid analysis could have informed smarter and faster adaptation of the peace support strategy had more dedicated resources been available.

Like most governments dealing with internal conflicts, Addis Ababa was sensitive to internationalising the peace process and refused external diplomatic, political, and financial support. The SRS conflict was low priority internationally, including for the relevant regional body, the Intergovernmental Authority on Development, and many regional states deferred to Ethiopia's insistence on national sovereignty and non-interference. Western donors may also have been driven by geopolitical interests that favoured closer ties with Ethiopia – a key military ally in the fight against Al Shabaab. The proscription of the ONLF as a terrorist group was also a significant deterrent. But external partners, with the Ethiopian government's tacit approval, were able to provide discreet backing for the Kenyan facilitation team and CR's work, creating enough momentum to sustain the process and establish an enabling environment to seize peace opportunities when they arose.