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Hybrid Conflict, Hybrid Peace

How militias and _____
paramilitary groups shape
post-conflict transitions

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Executive Summary

Today's civil wars are becoming more frequent, more harmful to civilians and harder to resolve. Over the past decade, the rate of major civil wars has tripled, driven in part by the growing role of non-State actors, proliferating insurgencies and transnational extremist groups.¹ Modern conflicts also suffer from much higher rates of relapse than earlier eras: nearly 60 per cent of conflicts from the early part of this century's first decade have relapsed, while 90 per cent of today's conflicts take place in a country that has experienced war in the past three decades.² Why are sustainable peace outcomes proving more elusive?

One contributing factor to these trends may be the increasing use of pro-government militias (PGMs) in armed conflict. More than 80 per cent of conflicts over the past 30 years have involved government collaboration with PGMs, while the more recent rise in transnational violent extremist groups has prompted an even greater reliance on PGMs in places like Syria, Afghanistan, Iraq, Somalia and Nigeria.³ Auxiliary forces have played crucial roles in helping governments win back territory, weaken rebel forces or consolidate battlefield strength. They are a quick and cheap means of mobilizing force and may offer unique local knowledge and intelligence, building greater traction among contested communities or constituencies.⁴ In some situations, States may turn to PGMs to outsource the "dirty work" of war while maintaining plausible deniability for human rights violations.⁵

However, the use of PGMs carries significant risks in terms of post-conflict peace and stability. Research has shown that the use of PGMs as counter-insurgents can make conflicts last longer, with higher levels of violence and greater risks of relapse.⁶ PGMs exploit conflict situations

for their own economic and political gain and may become spoilers to any peace process that would curtail those benefits, especially where they are excluded in political talks and integration deals. More broadly, using PGMs may entrench certain forms of violence, corruption and impunity that can last beyond a peace deal, undermining longer-term peacebuilding efforts and contributing to a higher likelihood of relapse into violent conflict. Indeed, the strong links between militias and a range of regional powerbrokers often means that PGMs embroil countries in regional and even international competitions, with far greater risks to stability.

Based on in-depth field research in Nigeria, Somalia and Iraq, this report aims to understand the role of PGMs in conflict and post-conflict settings. Specifically, it investigates how PGMs might help or hurt prospects for sustainable peacebuilding.

It is guided by the following questions:

- How do PGMs play a role in resolving civil wars and what specific value do they provide to governments?
- What social, economic and political stakes do PGMs acquire during conflict and how can they be taken into account to avoid becoming spoilers to peace?
- How do States manage violence committed by PGMs, including accountability for serious human rights abuses?
- What challenges have manifested in terms of efforts to demobilize, integrate or otherwise disband PGMs in post-conflict settings?

- And what are the essential elements of a strategy for dealing with PGMs?

Ultimately, this report looks to provide concrete and actionable recommendations for policymakers and practitioners engaged in some of the most complex conflicts today.

This framework contains four sections: (1) a review of the main scholarship on PGMs, focusing on the ways in which using them undermines longer-term peace and stability; (2) a comparison across the three case studies, drawing lessons for more general applicability; (3) the essential elements of a comprehensive strategy for addressing PGMs in settings with violent extremism; and (4) conclusions and areas of future research.

Conflicts involving PGMs present policymakers and practitioners with a set of strategic and operational choices. While national Governments and international partners often have different and competing rationales for collaborating with militias, they broadly make the decision to do so for four reasons: as inexpensive force multipliers; due to their superior local knowledge; avenues for legitimacy or coercion that are otherwise unavailable in weak or contested States; and where they wish to maintain plausible deniability for human rights violations.

As the case studies in this report detail, reliance on PGMs can be a double-edged sword: in the short-term, they may meet immediate security demands, but over time they can present significant consequences to peace and stability in four areas: undermining the State capacity and authority; the risk to civilians and the rule of law, contributing to further instability; through illicit networks and agents of criminal enterprises; and the polarizing forces in local communities and regions of PGMs.

Taken together, the presence of PGMs may tend to make a conflict last longer, produce increased levels of violence and abuse and make the post-conflict period more volatile.

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While each country is unique — in both the nature of its conflict and the ways in which PGMs have been brought into play — they share common themes. A comparison across the three case studies reveals a number of important considerations for policymakers and practitioners in nine cross-cutting ways:

- A. Increasing fragmentation, and lack of control;
- B. Blurred lines of State and non-State;
- C. The competition to govern;
- D. Economic incentives;
- E. Diversity and division in PGMs;
- F. Human rights abuses and accountability;
- G. Foreign support;
- H. International recognition and funding cul-de-sacs;
- I. Few good options for DDR.

PGMs cannot be considered flash-in-the-pan responses to insecurity; instead, they are an increasingly permanent feature of the landscapes of twenty-first century conflicts. Their utility allows them to become indispensable actors, tied to the main sources of power in the capital and the broader region. Resilient in the face of efforts at demobilization and integration, PGMs appear to be most comfortable in the penumbra of the State, drawing resources and cover from weak governments, while being subject to none of the usual constraints on their behaviour.

This raises questions and points of consideration for policymakers to consider in relation to PGMs:

- **Setting a clear goal related to PGMs:** What role will PGMs play in the post-conflict period? What incentives and points of leverage exist to shape PGM behaviour (including related to human rights)? What role might PGMs play in a peace process to ensure they do not become spoilers?
 - **Know your enemy and your friend:** What are the main motivations for a PGM to align itself with the State? Are there competing interests or loyalties within a militia and how will they affect the group's readiness to follow demands from the State? What role do interreligious conflicts and other cleavages play in driving militia formation and operations? What ties do militias have to outside or foreign powerbrokers, and how will this drive their decision-making?
 - **Condition recognition by the State:** Has the government put in place measures to withhold recognition of, funding or other support in the case of human rights violations for PGMs? Are these measures enforced? Do they include basic mechanisms that would allow independent monitoring and sanctioning of unwanted behaviour?
 - **Integration as one of several options:** Integration — typically thought of as a process to incorporate soldiers into an army — should be thought of broadly, allowing for movement into State police forces, national intelligence or even non-security branches of the government. If integration is taken forward, how will it affect both the State security services and the rump PGM (given that wholesale integration of all forces seldom takes place)?
 - **Bespoke DDR processes:** The cases in this report do not support a generalizable finding when it comes to
- DDR. Instead, they point more towards the need for highly tailored, context-specific processes for dealing with PGMs. Do DDR programme in relation to PGM members needs to be located within a broader strategy that includes some combination of human rights vetting, the reduction of predatory behaviour and intercommunal reconciliation?
- **Gain leverage through payroll:** One aim of paying PGMs is to limit the likelihood that they engage in predatory behaviour towards local communities. As with State recognition, can payments be viewed as a bargain between the State and the PGM, where resources are made conditional? And, if so, on exactly what conditions?
 - **Human rights due diligence:** Human rights due diligence is of particular importance during the integration phase of a PGM, in which it becomes formally part of the State security services. But how can human rights vetting be considered across all relationships?
 - **Accountability:** Rather than think in terms of counter-insurgency, can policymakers consider PGMs as part of an accountability process that will eventually build the basis for deeper reconciliation across polarized communities?
 - **Regional engagement:** What is the role for multilateral institutions (such as the United Nations and the European Union) to push for a less fraught regional environment or attempt to gain greater oversight over the roles of militias in these settings?
 - **Beyond counter-insurgency:** How would a comprehensive strategy for addressing the risks posed, by both insurgent forces and the militias that fight against them, combine possible inclusion in the peace process, conflict resolution and positive peace that builds long-term sustainable resolutions?

The case studies in this project have made a clear case for the need to grapple with the complexity of PGMs, to think of them as part of the socioeconomic fabric of a given setting, and to design interventions based on both the risks they pose as well as the value they bring. Two key areas warrant further consideration:

1. Funding modalities: Policymakers need to grip the funding modalities for PGMs. As of today, discussions among international donors and national governments are scattered and ad hoc; these discussions reluctantly search for ways to maintain the impact that militias offer without a broader strategic sense of how resources can help shape behaviour, reduce risks of violence and ultimately undermine violent extremism. Whether to funnel funds through government coffers to PGMs is one question; how to resource PGMs in a way that constrains their worst impulses and improves State–society relations is a much deeper one.

2. Integration and Human Rights Due Diligence: The choice to rely on a PGM carries a significant risk that a range of human rights violations will be dropped on or near a government's doorstep. Integration should be one tool among many in designing a comprehensive strategy for PGMs in a post-conflict setting. Any strategy for dealing with PGMs would need to account for and look to engage the many nerve centres involved in the work against violent extremist groups, from major-power counter-terrorism operations to highly localized intercommunal reconciliation.

In sum, and as the case studies in this report make clear, when trying to understand hybrid security actors, it is essential to consider how they interact with already hybrid States.

The Risks and Rewards of PGMs



UN Photo/Tobin Jones

This section briefly outlines the key terms and findings in the scholarship on the role of PGMs in civil wars and other counter-insurgency or counter-terrorism operations. It provides a contextual basis for the case study findings and for the framework developed in the latter portion of this paper.

The term “militia” can refer to a wide range of armed actors within and outside conflict and is often applied to rebel groups, paramilitaries, civil defence forces and even organized criminal

groups.⁷ For the purpose of this report, we define a PGM as an organized group that is: (1) armed; (2) identified as not being part of regular security forces; and (3) is either pro-government or sponsored by the government.⁸ This definition covers groups that are officially recognized by the government or included within the structure of the security services, as well as those that only have a loose link to the government. We exclude private sector security firms, given the unique issues that arise when governments contract security functions.⁹

While governments and international partners often have different and competing rationales for collaborating with militias, they broadly make the decision to do so for four reasons.

A. Inexpensive force multipliers

First, PGMs are a relatively inexpensive force multiplier across a range of conflict situations and operations.¹⁰ During the United States invasion of Afghanistan in 2001, the US relied almost exclusively on PGMs under the Northern Alliance as, effectively, its ground forces as it was already present and could mobilize immediately.¹¹ International and national forces have continued to rely on PGMs throughout the conflicts in Afghanistan and in Iraq, either as auxiliaries enabling smaller counter-terrorism operations, or in the tens of thousands as the “hold” forces that enabled “surge” strategies to succeed.¹² Hiring auxiliaries tends to be less costly and more rapid than mobilizing more regular forces; in many cases, they come with their own arms and equipment, require less in terms of salary and do not receive the same training or institutional support as regular forces, given that they may exist fully or partially outside the government’s chain of command. Especially in settings where a government has had to do large-scale purges in the military, or where a grinding civil war has eroded the fighting strength of the national army, PGMs can provide a quick cheap boost to State forces.¹³

B. Superior local intelligence

A second reason that governments and international actors turn to PGMs is that the groups can provide crucial knowledge and intelligence collection.¹⁴ Often, PGMs are recruited from the same communities as insurgent or rebel forces, which makes them better able than State actors to understand rebel groups’ underlying grievances and social dynamics.¹⁵ Such PGMs are well placed to identify rebel leaders and more likely to understand what might be needed to separate them from

the population.¹⁶ In many cases, national armies are purged of potential insurgents or sympathizers, leaving the military lacking crucial local knowledge; PGMs are often brought in to supply that intelligence without triggering a risk of defection from the army itself.¹⁷

C. Legitimacy and coercion

Third, governments turn to PGMs to provide avenues for legitimacy or coercion that are otherwise unavailable in weak or contested States.¹⁸ For States lacking a full monopoly on legitimate violence, PGMs can offer a way to harness some of the authority outside of State institutions, or to further consolidate a hold on power.¹⁹ Some PGMs have significant independent political, military, economic or social strength, and sometimes also a degree of formal status and legitimacy. They are often referred to as “hybrid” armed actors, because they blend formal and informal authority and power bases, or alternately as para-statal, para-institutional or State-parallel forces.²⁰ Cooperating with such hybrid actors may not only be a useful way to exert State control and influence but may also be unavoidable given these actors’ ability to compete with and undermine the State, and in some settings their greater strength than State authorities.²¹

Even small, very local PGMs may bring an important degree of legitimacy or credibility, either because they have provided services and security where the State has not, or because they share a common geographic, ethnic, sectarian or communal base with a certain part of the population. States frequently try to mobilize and co-opt PGMs whose members are drawn from

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the same area or constituency as the insurgency, attempting to borrow some of their local legitimacy and send a signal that the government has local support.²² This theory of leveraging other sources of legitimacy or power works not only for the sovereign State in question but also for other actors seeking to exert security control in that territory. International forces in Afghanistan and Iraq sought to work with “indigenous forces” as a way to build constructive relations with local populations and work against the narrative of foreign occupation.²³ In a similar vein, but below the level of the State, the Shia-dominated Popular Mobilization Units (PMU) of Iraq took care to incorporate Sunni tribal forces and other minority brigades in areas where those demographics are more dominant to reduce the impression of predominantly southern Iraqi and Shia forces acting as an external or occupying force.²⁴

Governments often turn to a particular subset of PGM — referred to as local or community forces, self-defence units, village guards or local citizen watch groups — that have unique roles and capabilities.²⁵ While these local or community forces may not have the same tactical or military capacities as State forces, or even of other types of PGMs, their local roots and community grounding are presumed to make them more convincing and credible counters to locally based insurgent groups.²⁶ Jason Lyall’s study of the conflict in Chechnya, for example, suggests that co-ethnic local militias were a far more effective at countering the insurgency than were regular Russian troops.²⁷ During the 2007 surge of US troops in Iraq, the intelligence on the insurgency provided by the so-called Awakening Groups proved crucial for the short-term reduction of violence.²⁸ Local community-driven militias aligned with the government have provided vital counter-insurgency resources in Afghanistan, Syria, Yemen, Nigeria and Somalia.²⁹

D. Plausible deniability for violations

Finally, in some cases, governments turn to PGMs when they judge that more severe forms of violence may be necessary and where they

wish to maintain plausible deniability for human rights violations.³⁰ PGMs have frequently been implicated in repression and serious human rights abuses in conflict, including in mass killings, genocide, sexual violence, torture and targeting of civilians.³¹ This does not mean that PGMs necessarily have a worse human rights track record than States; to the contrary, several studies suggest that States tend to be responsible for the worst violations in conflict, that the degree of PGM violence varies with regards to the abuses of their State sponsor and that in some situations PGMs may act as a restraint on certain types of abuses.³² However, outsourcing to PGMs may provide an attractive alternative for States hoping for a “gloves off” approach but wishing to retain public distance from such violence. In a survey including more than 200 State–PGM relationships, the researchers Sabine Carey, Michael Colaresi and Neil Mitchell found that weak democracies and those that received financial aid from democracies were more likely to outsource human rights violations to PGMs, suggesting that democratic and international accountability mechanisms might perversely incentivize such outsourcing.³³

E. States eroded, civilians at risk

Reliance on PGMs can be a double-edged sword: in the short-term, they may meet immediate security demands, but over time they can present significant consequences to peace and stability, four of which recur in the literature. First, while they are mobilized to support the State, they often undermine State capacity and authority. PGMs are frequently not fully integrated into the State and retain their own command structures, interests or agendas, which can further erode State control and authority. PGMs that act as hybrid actors may both cooperate

In the short-term, they may meet immediate security demands, but over time they can present significant consequences to peace and stability.

and compete with the State and may exercise a degree of coercive power and legitimacy that is equivalent to that of State forces in some regions or localities.³⁴ In such cases, PGMs may emerge as the private armed forces of powerful warlords who compete with the State for governance authority well beyond the period of the conflict itself.³⁵ For all these reasons, the mobilization of PGMs tends to result in a greater proliferation of armed groups, a more divided and often internally competing security sector and significant issues relating to State legitimacy and control. This may be even more true where PGMs get backing from regional or international powers engaged in proxy meddling.

Second, as noted, PGMs have a reputation for misconduct, which can carry immediate risks to civilians, undermine the overall rule of law environment and contribute to instability. Irregular groups tend to have weaker chains of command and organization, less training, weaker accountability mechanisms and fewer reputational constraints; in some cases, they may join the fight in pursuit of revenge or retaliation or be recruited because they are willing to carry out more extreme forms of violence.³⁶ All of these factors can contribute to misconduct and unruly behaviour, including the grave human rights abuses and mass killings

PGMs can lengthen the duration or levels of violence within such conflicts, and complicate peace negotiations.

noted above.³⁷ The unclear chains of command and often limited actual government control of these groups can make it difficult to hold them to account. Where States are outsourcing to PGMs in part to avoid culpability for wartime violence, accountability is even less likely.³⁸

Such unconstrained and unaccountable misconduct and rights violations not only have consequences for the civilians in an area but can contribute to a weaker rule of law environment.³⁹ This itself can dilute the legitimacy and authority of the State and make it more prone to collapse

and rebellion.⁴⁰ PGMs often take advantage of weak State capacity to build large criminal enterprises during the conflict, which can increase illicit networks and trafficking, and contribute to the emergence of a war economy.⁴¹ Dismantling this network in a post-conflict setting can be difficult for weakened governments and can even provoke new hostilities.

PGMs, thus, present challenges to longer-term peace. Present in more than 60 per cent of civil wars, PGMs can lengthen the duration or levels of violence within such conflicts, and complicate peace negotiations.⁴² In many civil conflicts, PGMs are polarizing forces and their mobilization or behaviour can be a conflict trigger. PGMs are frequently recruited from particular ethnicities, sects, political or other constituent groups, sparking mistrust and contributing to inequalities across divided societies. This is all the more so where PGMs use their position and military power to enact revenge against rival groups, increasing the prevalence of tit-for-tat violence and adding local feuds to larger conflict grievances.⁴³ Such acts deepen intercommunal cleavages and can undermine peace processes.⁴⁴

Taken together, the presence of PGMs may tend to make a conflict last longer, produce increased levels of violence and abuse and make the post-conflict period more volatile.⁴⁵ These problems can be even more acute when PGMs emerge with the support of outside actors: external intervention via militias has been cited as a key factor contributing to the intractability of today's wars.⁴⁶ In addition, once entrenched, PGMs can develop stakes in a conflict. If they face a loss of power and access to resources at the end of a conflict, they may act as spoilers.⁴⁷ PGMs tend to be difficult to disband and, thus, present a risk of instigating further violence even if peace is concluded.

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II

Case Studies



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This report builds upon original field research on three PGMs used in government-led counter-insurgency and counter-terrorism strategies: Nigeria's Civilian Joint Task Force (CJTF), Iraq's Popular Mobilization Units (PMU) and Somalia's *darwish* forces, amongst others. It also draws from earlier commissioned fieldwork for a project titled *The Limits of Punishment*, involving the same three countries.⁴⁸

In all three cases, PGMs provided crucial capacities to State-led operations against insurgent groups. In Somalia, the poorly equipped and disorganized Somali National Army has proven itself unable to combat al-Shabaab without significant support from militias, many of which are also fighting to secure their community interests. When the Iraqi army and State nearly collapsed in the face of the threat posed by the Islamic State (IS) in 2014,

militias that eventually cohered into the PMU were among the first to respond and were critical in pushing back IS forces and also in holding territory after the Iraqi security forces had withdrawn. The Nigerian Government's inability to extend its security forces into Boko Haram-affected areas has required it to rely heavily on the CJTF, which is often the primary security actor in parts of Borno State.

For each of these PGMs, there are differences in the surrounding institutional framework and in the way they interact with local and national political, community and conflict dynamics. The PMU in Iraq was quickly legalized as a State institution in November 2014, when a series of parliamentary legislation and executive orders granted the group equivalent status and privileges to Iraqi security forces.⁴⁹ The PMU has its own cabinet seat, reports to the Iraqi Prime Minister and, although it administers pay to its forces itself, the vast majority of associated forces (some 125,000) are paid through the Iraqi budget.⁵⁰ By contrast, the CJTF in Nigeria has largely not been formalized. Only a portion of its perhaps 25,000 forces are paid by the Borno government; the remainder are either informally paid or operate fully outside the State's structures, and none of the forces are legislatively part of the State. A middle ground is the *darwish* groups in Somalia, which are not legally part of the State, though some receive an official salary, are issued official police uniforms and are treated as the "special police" with responsibilities combining those of counter-insurgency forces and traditional police.

All three of these PGM examples demonstrate high degrees of diversity and fluidity, interacting with local and national dynamics in varying manners. In fact, the major PGM groups in Iraq and Nigeria are better considered umbrella organizations for dozens of subgroups with widely varying ideological leanings, origins and status within their communities. In Iraq, the PMU comprises some 50 or more distinct groups. The predominant forces are a number of Iranian-linked Shia militias that formed before the 2014 conflict but the PMU also includes Sunni tribal forces and minority brigades as well as very small localized forces that emerged from

territory that IS threatened. Likewise, the CJTF covers a range of distinct forces drawn from the heterogeneous communities of northern Nigeria. In Somalia, while the State has singled out some of the militias as a quasi-State entity (those that this project refers to as *darwish*), there also exist a range of clan militias and paramilitary forces, alongside warlord-affiliated fighters, mercenaries and foreign-backed armed forces. There is a long tradition of these non-State forces taking part in what might be considered State security functions, alongside or in lieu of State police or military.⁵¹

While each country is unique — in both the nature of its conflict and the ways in which PGMs have been brought into play — they share common themes. A comparison across the three case studies reveals a number of important considerations for policymakers and practitioners.

A. Increasing fragmentation, and lack of control

While PGMs have proved an immediate stop-gap to security threats, the mobilization of these groups has contributed to fragmentation in the security sector, which can exacerbate existing State weaknesses. Support to PGMs may fuel the mobilization of additional armed groups in States that already struggle to exert full security authority. In Iraq, the mobilization against IS resulted in the formation of more than 50 different groups and a conservative estimate of 160,000 forces (including the PMU and other sub-State mobilization). The existence of so many groups in Iraq and the proliferation of armed actors has challenged law enforcement and makes a cohesive security response more challenging.⁵²

Beyond the number of groups, the loose unconsolidated chains of command mean that these PGMs are highly unpredictable and difficult for States to control. For example, although the PMU is formally under State authority, its command and control system is organized

under a supra-PMU leadership body, the Popular Mobilization Commission, which technically reports to the Prime Minister's office but in practice operates with significant autonomy. PMU forces frequently disregard orders by Iraqi authorities, both at the national and local level, at times triggering direct clashes between PMU members and Iraqi security forces.

The Nigerian CJTF presents a different command and control challenge. Originally formed as citizen vigilantes, the various CJTF units lack cohesion or command and control, with no formal top leader (though they do have sectoral leaders), and operations typically coordinated on an individual personality-based level. Nominally operating under the supervision of Attorneys General in the six states of Nigeria's North-East Zone, and formally meant to fall within the command of the Nigerian military, the CJTF sometimes acts on its own orders and is not well tracked by the Government. The creation of a range of CJTF subgroups — along with affiliates such as the “hunters’ groups,” *kesh-kesh*, and the Vigilante Group of Nigeria — complicates any formal command and control, and makes it essentially impossible to track the overall number of CJTF members.

These control challenges are even more problematic because PGMs have security responsibilities for significant territory. In Iraq, the PMU has effective control over a number of governorates or districts. It also controls key checkpoints, transit routes, border areas and other strategic assets in other parts of the country that give it substantial countrywide influence over security matters. In Somalia, *darwish* forces have become indispensable not just in fights against al-Shabaab but also in maintaining basic law and order and policing at the local level. In Nigeria, the lack of available national law enforcement forces in the states of Borno and Yobe means that the CJTF frequently acts as the *de facto* security force. It is also called upon by state governments to conduct ordinary as well as specialized policing functions. Across all three examples, the fact that these non-State or quasi-State forces have such substantial control and influence underlines the weakness

of State institutions and, at times, reinforces that weakness.

B. Blurred lines between State and non-State

Another issue that contributes to State fragmentation and fragility is the way that PGMs tend to blur State and non-State distinctions. In Somalia and Nigeria, PGMs receive state salaries, act as the *de facto* law enforcement or security force in certain areas and, in the case of some *darwish* forces, even wear State-issued police uniforms without being formally part of the State. In Iraq, the PMU is fully legalized, not just in terms of legislative inclusion in security structures, but also in that it has won substantial parliamentary seats and Government positions in national elections. Yet, in practice, PMU units frequently behave like irregular militias, disregarding Iraqi orders, participating in illicit economic activities and pursuing their own parochial agendas rather than supporting the Iraqi State.

Part of this blurring concerns the State forces themselves. The fragmented nature of the national armies in these countries means that formal State security actors themselves often act outside of their chains of command and respond more directly to communal or personal interests. The Somalia case study calls the Somali National Army a “conglomeration of militias,” drawn along clan lines rather than operating within a functional national structure. PGMs are often used as an extension of these personalized, parochial or otherwise *ultra vires* actions by State officials; for example, in all three case studies, State-affiliated forces are used as praetorian guards, providing personal military support to powerbrokers. Thus, it is not just that PGMs in some places function as State forces, but that many State forces function as militias. Underlining this fluidity, the Iraq case study refers to the PMU as “a hybrid organization in a hybrid State,” describing the fragmentation and competing interests within the Iraqi State.

C. The competition to govern

Across the cases, militias have taken on critical governance functions and service delivery, or have the ability to disrupt governance activities. In Iraq, in addition to providing basic security control, the PMU has a growing economic and political profile; in southern governorates they have long been engaged in local governance and officially or unofficially control large swaths of economic activity. In many areas recently liberated from or threatened by IS, the PMU has become a powerbroker in communities, playing central roles in the provision of security, distribution of goods and participating in Iraq's highly networked power structures. Even in areas it does not control, the PMU's significant military power and control of strategic areas and transit corridors means that it can disrupt governance, development and other activities. In some cases, the PMU has been accused of blocking the return of people who had been displaced by IS, and their cooperation (or lack thereof) has affected other humanitarian or development activities.⁵³

Both the *darwish* forces in Somalia and the CJTF in Nigeria have also taken on a broader role than purely driving out insurgent forces. Though they fall outside of the State's formal police structure, the *darwish* are expected to conduct a range of public administration tasks common of traditional police (such as patrolling, conducting arrests and investigations). In Borno, the CJTF has developed an elaborate governance system that provides a range of public services to the population and competes with local government officials and traditional leaders.⁵⁴

The range of activities and functions these groups take on further chips away at State authority and legitimacy and also may pose barriers to future efforts to transition or demobilize these groups (discussed in greater detail below). Groups providing much-needed public services may be harder to disband, both because such services may earn them public support and because dismantling them may require substitutes for those critical services.

D. Economic incentives

PGMs quickly become deeply enmeshed in the economies of conflict, often benefiting greatly from their role as a largely unsupervised powerbroker in highly volatile settings. The reports of extortion, corruption, illicit trade, predatory behaviour and illegal taxation are widespread across the cases. In fact, PGMs are often best placed to profit from the interconnected realms of organized crime, tribal affiliation and political party, making them some of the most entrenched actors in black markets.

In the case of Iraq, elements of the PMU are described as actively engaged in a "shadow economy." In some governorates, PMU groups dominate local businesses and industries or plunder local infrastructure. PMU checkpoints along transit routes and in border areas enable a lucrative smuggling network in and out of Iraq. In Somalia, a range of militias regularly resell weapons for personal profit, control influential ports along the coast, and engage in a range of licit and illicit taxation schemes. In Nigeria, CJTF units and other militias have reportedly perpetrated widespread extortion of local communities and market monopolization; they also participate in the trafficking of goods and weapons across Nigeria's porous borders.

PGMs' economic aggrandizement and illicit activities are important because they can reinforce perceptions of impunity, drive exclusionary political and economic processes and, thus, create new grievances and marginalization. This, in turn, can undercut efforts to reform these groups through pay conditionality and can affect the degree to which they might be willing to disband or to cooperate with peace processes. In short, PGMs that profit from continued conflict are more likely to become spoilers to peace.

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E. Diversity and division embedded in PGMs

A persistent challenge across the cases reviewed in this project is the way that PGMs actively participate in broader sectarian, ethnic, tribal or other intercommunal tensions. The strong Shia character and ambitions of many of the leading PMU groups in Iraq has made them a controversial “liberating” force, particularly in Sunni and mixed areas. In Somalia, tribal and religious motivations underlying mobilization against al-Shabaab have driven recruitment into a variety of PGMs (for example, with the Sufi group Ahlu Sunna Wal Jama’a fighting against al-Shabaab). In Nigeria, the CJTF, composed almost entirely of local Muslims, was mobilized significantly as a response to Boko Haram’s brutality. Such identities may also intersect with larger regional or international fault lines or conflicts, as with many of the stronger Shia PMU groups’ perceived alignment and support by Iran (see below).

Where PGMs are mobilized from one group in divided communities, it can increase the risk that they will engage in abuses, retaliation or trigger local conflict in other ways. Their involvement in intercommunal dynamics can also create issues of democratic legitimacy and a perception of bias, for example, in the way that the Shia domination of the PMU and the preferential treatment of the PMU worsen Sunni perceptions of marginalization and exclusion by the Government. Ethnic, political or sectarian identities within these groups may also complicate efforts to either regularize or disband these forces as part of security sector reform or a peace process. Any attempt to disband or rationalize these forces may trigger objections on the basis of solidarity lines and increase resistance.

F. Human rights abuses and accountability

Many of the PGMs have been involved in serious violations of human rights and laws of

war. During the operations against IS, the PMU repeatedly committed gross human rights violations, including running illegal prisons, torture, abduction, extrajudicial killings and sexual violence.⁵⁵ More recently, during the nationwide protests in Iraq in 2019, PMU groups directly participated in a bloody crackdown on protestors, collaborating with other Iraqi State security forces in doing so. Because of its independent status, however, the PMU is held outside the military justice system. On paper, the PMU has established its own disciplinary system, including a military court and detention facilities, but it is not clear whether and how much these are exercised. Amnesty International has reported that the PMU operates with “absolute impunity.”⁵⁶

The CJTF, too, has carried out a range of abuses in Nigeria, including arbitrary arrests, sexual violence, recruitment of child soldiers and killing of unarmed civilians.⁵⁷ Here, there has been some effort to hold the group to account, especially by proactively demobilizing child soldiers from its ranks. The Nigerian security authorities have also established some oversight mechanisms ostensibly aimed at investigating and punishing human rights violations by both the State and the CJTF. However, these mechanisms were never designed or mandated to identify perpetrators or recommend criminal proceedings, making them largely toothless.⁵⁸ In Somalia, similar abuses have gone unaddressed, in part because the “half-in, half-out” status of many of the militias means that they fall between the cracks of either State security forces’ systems of punishment, or regular law enforcement, neither of which has done much to combat impunity at any level.

Accountability is not always the government’s top priority when facing security threats, but such abuses and the failure to address them can also affect security and stabilization horizons. First, such abuses are illegal acts, harming populations and the overall rule of law environment. Allowing predatory PGMs to operate with impunity also undermines government legitimacy and dramatically heightens underlying grievances, tending to drive greater recruitment into anti-government groups.⁵⁹ As the cases demonstrate, a common recruitment pool for IS, al-Shabaab

and Boko Haram is a disaffected, marginalized population with little political or economic connection to the central government. Predatory and violent behaviour fuels anti-government sentiment and can drive the formation of self-defence groups, some of which collaborate with insurgent forces (for example, community defence groups aligning with al-Shabaab in Somalia). As such, the failure to address human rights violations works directly against the goal of stabilization, fueling rather than containing the risks posed by violent extremist groups.

G. Foreign support

In the Iraq and Somalia cases in particular, a range of international and regional actors have been engaged in the internal conflict and have provided support to PGMs. In Iraq, the most significant issue surrounds Iranian support to many of the leading Shia PMU groups.⁶⁰ Some of these groups appear so closely aligned that they may be more responsive to Tehran than Baghdad. This Iranian influence via the PMU has triggered objections and resistance among other segments of society in Iraq, while prominent political forces have pushed for a weakening of the ties to Tehran. Nonetheless, Iran's influence via these groups may forestall or make more difficult meaningful reform and accountability for the PMU, given the strong ties Baghdad also has with Tehran. Importantly, Iranian support puts Iraqi territory and what are technically Iraqi forces (since these PMU forces are formally part of the State) in the crosshairs of US engagement in the region, risking drawing Iraq into an international conflict.

Somalia has long been a theatre of contestation amongst major Gulf countries, with the United Arab Emirates and Qatar engaged in a sort of proxy battle among Somalia's many militias. With major development projects depending largely on Gulf funding, the Somali Government has struggled to push back against regional meddling and has at times been directly dragged into the proxy battles on the ground. This combines with active engagement by the US, Ethiopia and other external actors to create a complex battle terrain.

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Such external intervention exacerbates some of the issues with State control and legitimacy highlighted above and also has the potential to prolong these conflicts. External sources of funding provide militias with the capacity to sustain themselves despite domestic pressure to disband. As such, the internationalization of these conflicts appears to play a role in their intractability and overall risk levels.

H. International recognition and funding cul-de-sacs

PGMs generally lack formal status within the State security services or international recognition, or both. As a result, they tend to be bypassed by donor funding and attention that, at times, impairs the overall counter-insurgency response. For example, in Somalia the *darwish* forces are widely recognized as necessary to the operations against al-Shabaab but, as they fall outside the State security apparatus, they cannot receive salaries drawn from international donor funds. This has the perverse result of keeping them undertrained and underfed, and therefore more likely to seek illicit sources of income and potentially to perpetrate abuses against civilians. Where the majority of forces are primarily motivated by easy access to revenue, they may fold up quickly if funding evaporates or look to extract rents from the population. To prevent this from happening, major donors are considering directly funding state-affiliated *darwish* forces — an interesting option, but one fraught with danger given the difficulties in tracking how funds are actually spent (see, for



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example, Afghanistan). Finding ways to channel and track international funding is a crucial question addressed in the recommendations section below.

Lack of full recognition may also impair donors' ability to contribute to other structural reforms, or to constrain issues stemming from PGMs. In Iraq, the PMU has been recognized as a State force since 2014, and has become increasingly institutionalized within the Iraqi Government since then. Despite this formal status, many donors are hesitant to directly engage with the PMU, due both to its record of sectarian behaviour and its association with Iran (ironically, this likely drives the PMU closer to Iran). Because of this, the PMU is cut off not only from donor funds but from the remit of other donor policies, programmes or tools of influence. For example, the PMU is largely left aside in major donor programming discussions about reform of the

security sector, despite the essential role that PMU restructuring, integration, or adaptation would play within any such reform.⁶¹ Non-governmental organizations and humanitarian organizations have argued that international donors' red lines around any engagement with these groups have complicated humanitarian aid delivery in areas that the PMU controls and may limit opportunities to positively shape PMU behaviour and accountability structures.⁶²

I. Few good options for DDR

In recognition of the many challenges with the current quasi-State status of these PGMs, proposals to either more fully integrate these forces, or to disarm, demobilize and reintegrate

(DDR) them, have been mooted in each of the three countries this report considers. Given that the forces in Iraq were originally mobilized as an emergency response to the threat posed by IS, there was an assumption that they would disband once that threat was over. This now appears less likely, not only because the PMU continues to fill gaps in Iraqi security forces, but also because of the significant political power of the PMU, which has become deeply entrenched in Iraqi institutions.

In Somalia there have been more open discussions about integrating PGMs, perhaps even with international donor funding. Thousands of *darwish* fighters could theoretically be integrated into the national security services of Somalia (and some have), but many obstacles persist, including funding and command and control that Somalia's federal member states do not want to relinquish. However, there is no national-level plan for demobilizing or otherwise addressing the myriad of other types of militia groups. The national DDR policy in Somalia only covers "low risk" al-Shabaab members, meaning there are no programmes to allow members of militias to formally participate in a DDR process and return to a viable civilian life.

With Boko Haram and its potent splinter group, the Islamic State's West Africa Province, still surging across North-East Nigeria, the CJTF is almost certain to remain Nigeria's frontline counter-insurgency force and there is currently no talk of disbanding it. But even if both militant groups were to dissipate, the CJTF is now a crucial actor in Borno's security and informal governance system, reinforcing, supplementing, or replacing the State across much of the territory. Not only would the CJTF resist efforts to disband it, but the government has little incentive to end a relatively inexpensive force multiplier, a useful tool of political clientelism and a provider of services in a resource-poor region.

J. No end in sight

Across the cases, the use of PGMs is unlikely to end in the medium term, and in fact may continue to grow even well after active fighting has concluded. This is in part because of the unique capacities they bring in settings with weak fractured State capacity, but also due to the lack of serious exit strategies by national governments.

PGMs, thus, cannot be considered flash-in-the-pan responses to insecurity; instead, they are an increasingly permanent feature of the landscapes of twenty-first century conflicts. Their utility allows them to become indispensable actors, tied to the main sources of power in the capital and the broader region. Resilient in the face of efforts at demobilization and integration, PGMs appear to be most comfortable in the penumbra of the State, drawing resources and cover from weak governments, while being subject to none of the usual constraints on their behaviour.

As the next section describes, building a strategy to address PGMs must take the above challenges into account, while also acknowledging the very real benefits that militias bring to governments under pressure.

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III

Towards a Strategy for Dealing with Pro-government Militias



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Conflicts involving PGMs present policymakers and practitioners with a set of strategic and operational choices. Often, the urgency of a campaign against an extremist group means that operational issues are given priority — a PGM's fighting prowess will outweigh the impacts of its human rights violations, or its role in deeper social rifts will be ignored until the threat of a

rebellion has been quelled. Over time, this has meant that governments have failed to develop holistic strategies that might address both the immediate security risks and the longer-term peace needs in settings like Somalia, Iraq and Nigeria. Drawing from the case studies, this section offers a framework for such strategy development, detailing key considerations and strategic choices that will arise in such settings.

A. Set clear goals related to PGMs

Across the case studies, it is often difficult to ascertain the overarching objectives set by national governments and their partners. In most instances, government goals are articulated vis-à-vis the opposition armed groups, not the PGMs, with issues like potential DDR and/or integration of PGMs only given secondary consideration, or ignored completely. Indeed, the question of DDR — which arises frequently in these cases — is typically considered a distant default option, without serious consideration of whether it is either feasible or appropriate. Setting a clear goal for how PGMs will be addressed in post-conflict settings, in particular, should address the following questions: What role will PGMs play in the post-conflict period? What incentives and points of leverage exist to shape PGM behaviour (including related to human rights)? What role might PGMs play in a peace process to ensure they do not become spoilers?

B. Know your enemy — and your friend

Developing a deep knowledge of insurgent forces is widely seen as a vital element of any counter-insurgency strategy. In fact, PGMs are often crucial gatherers of intelligence when building a detailed understanding of opposing forces. However, it is equally important to possess a nuanced, updated and in-depth analysis of PGMs themselves, rather than treat them as monolithic pro-government groups. Moreover, policies to address the risks posed by PGMs cannot treat them purely as non-State actors in need of integration into the security services or reintegration into society. Instead, policies should be based upon a thorough mapping of the relationships among the full gamut of security actors, including how State security forces may be influenced by local dynamics (for example, in settings where there are strong intercommunal tensions). Some of the most important questions to ask in this

regard are: What are the main motivations for a PGM to align itself with the State? Are there competing interests or loyalties within a militia and how will they affect the group's readiness to follow demands from the State? What role do interreligious conflicts and other cleavages play in driving militia formation and operations? What ties do militias have to outside or foreign powerbrokers, and how will this drive their decision-making?

C. Condition recognition by the State

PGMs have a great deal to gain from State recognition and association — including regular salaries for their forces, better equipment and logistical support, legal status and protection, enhanced domestic and community status and mandate and even, in some cases, international recognition and support. In return for such benefits, PGMs should be required to make clear commitments to comply with State directives, a regular chain of command, lawful behaviour and willingness to adhere to national legal processes. For instance, in exchange for being permitted to wear police uniforms in Somalia, the *darwish* forces could be made explicitly governed by police disciplinary procedures and required to undergo police training. In settings where a PGM is formally part of the State — such as the PMU in Iraq — the responsibilities should be still greater, with all PMU groups not only under the operational control of the State but also held to account for violations of Iraqi law.

Ultimately, the goal should be to subordinate the militias within a clear accountable State chain of command. However, a shorter-term objective might be to generate a form of symbiosis, in which both the State and the PGM rely upon each other and are able to condition respective behaviours (for example, PGMs can improve government behaviour by pushing back against heavy-handed responses in their communities). When building a strategy for addressing these situations, policymakers should ask questions such as the following: Has the government put in place measures to withhold recognition,

funding or other support in the case of human rights violations? Are these measures enforced? Do they include basic mechanisms that would allow independent monitoring and sanctioning of unwanted behaviour? The answers to these questions can be revealing. For example, the PMU in Iraq has established a disciplinary system, including a military court and detention facility for its forces, but the system is independent from the regular Iraqi military justice system and there is no oversight to input into its functions, making it more of a shield from accountability than a way to achieve it.

D. Consider integration as one of several options

PGMs tend to arise where the national security forces are weak, understaffed and poorly organized. Unfortunately, by funneling resources to PGMs, a positive feedback loop is created: as more resources go to militias, fewer are left for the army and police, meaning they are further weakened and again reinforcing the need for militias to fill the security vacuum. One of the ways out of this cycle is to focus on integration, bringing militia forces directly into State security services. For example, thousands of *darwish* forces could theoretically be brought into Somalia's national security services.

However, as the cases point out, much of the work of PGMs is more akin to policing and local governance than offensive military operations, though PGMs are often at the forefront of fighting. Integration — typically thought of as a process to incorporate soldiers into an army — thus should be thought of broadly, allowing for movement into State police forces, national intelligence or even non-security branches of the government. As such, DDR and integration may work alongside each other as options, a fairly common approach for addressing other armed groups. At the same time, governments may need to keep the possibility of not disbanding the PGMs at all, given the difficulties of doing so and the continuing security risks in places like Iraq, Somalia and Nigeria. How to reduce the risks posed by the groups in such a scenario is

an important question that tends to be obscured by an overriding focus on DDR and integration.

If integration is taken forward, governments should ask how it may affect both the State security services and the rump PGM (given that wholesale integration of all forces seldom takes place). For example, integrating a unit from a single geographic area may create an ethnic imbalance in the army, one where those units remain more focused on intercommunal disputes than the State chain of command (this has been a problem with several Somali integration processes described in the case study). Efforts elsewhere to break up militias and limit their allegiances to host communities — such as the *brassage* and *mixage* processes in post-war Democratic Republic of the Congo and elsewhere — have extremely patchy track records for reducing risks and may, in fact, drive recourse to violence.⁶³ Moreover, integration of the more “pro-State” elements of a militia will leave behind those elements that may have less allegiance to the State (as took place in Iraq, where the integration of State-aligned formations allowed the more Iran-leaning *fasa'il* forces to consolidate control over some PMU groups), creating a risk that the rump group will take up opposition to the government.

E. Bespoke DDR processes

PGMs are less likely to be disarmed and demobilized at the end of a conflict, particularly if only traditional DDR processes are put in place. This is, in part, because DDR tends to ignore their role in conflict, focusing instead on bringing rebel forces into peace processes. But it is also because PGMs do not fit neatly into the categories and processes of DDR. National governments are also hesitant to demobilize and reintegrate such militias into communities before the threat of insurgency is fully eliminated, which in the cases considered here is extremely unlikely to happen anytime soon.

In Somalia, for example, a DDR programme exists (as mentioned above) for “low risk” al-Shabaab members, but not for the tens of thousands of

other militias across the country. This sends a highly counterintuitive message to the Somali people: that membership in al-Shabaab is more likely to result in a reintegration package than any other group, including those that have fought to secure the State.

More broadly, the lack of DDR means national governments miss out on important opportunities to offer PGMs a pathway out of conflict, while also vetting them for past violations. It means that militia members are offered two options: either stay in the group, where they can continue to gain a livelihood through military service and predatory behaviour, or hope for eventual integration into the State security services.

Unfortunately, the cases do not support a generalizable finding when it comes to DDR. Instead, they point more towards the need for highly tailored, context-specific processes for dealing with PGMs. Rather than think of DDR as a discrete process in itself, this report proposes that any DDR programme needs to be located within a broader strategy that includes some combination of human rights vetting, the reduction of predatory behaviour and intercommunal reconciliation.

F. Gain leverage through payroll

Regular, sufficient payment of militias is an important way to reinforce the reliability and loyalty of PGMs and also a means to control some of their behaviour. However, payroll schemes through the murky PGM chains of command offer rampant opportunities for abuse and mismanagement. Who to pay and how to disperse funds are often crucial questions that need to be revisited on a regular basis. In the case of the CJTF in Nigeria, only a subset of the 25,000 fighters receive a government-issued salary, meaning the others are essentially vigilantes who must find other sources of income. In contrast, Iraq has established a commission responsible for dispensing the payroll to its

PMU members, among other oversight roles. While Iraq's solution appears preferable on paper, widespread perceptions that the payroll process has been fraught with abuse have created strains between the PMU and the government (the case study, in fact, recommends bypassing the commission and paying PMU commanders directly).

A key consideration is whether to pay militias centrally, from a government-controlled fund, or via more local actors, like governors or sub-State political leaders. On the one hand, a centralized payment scheme allows the government to control the overall budget for militias, balancing national prerogatives in the counter-insurgency. However, this can create tensions between the centre and the periphery: in the case of Iraq, Sunni communities see the Shia-dominated PMU as an extension of a government that has systematically marginalized Sunni constituencies. Similarly, in Somalia, serious tensions exist between the federal member states and the central Government over the right to control the payroll of the *darwish*, which translates into a competition over whether the militia will be primarily used for intercommunal fighting or operations against al-Shabaab.

Beyond loyalty, one aim of paying PGMs is to limit the likelihood that they engage in predatory behaviour towards local communities. As with State recognition, payments should be viewed as a bargain between the State and the PGM, where resources are made conditional. Here, the risks of putting militias on a payroll without formally integrating them into national forces can be mitigated by: (1) robust vetting and human rights training; (2) meaningful monitoring by outside actors; and (3) a mechanism to punish and suspend stipends in the case of abuse.⁶⁴

G. Due diligence

It goes without saying that most militias do not have a rigorous vetting process when they are first established. Many of the substantial fighting forces of PGMs emerged as part of problematic militia forces. Even those that emerged and

mobilized for arguably positive or State-supporting reasons — for example, community-driven groups that emerged in response to self-defence or security needs — may still include forces that have questionable records or a propensity for communal or personal violence. Despite their worrying — or simply unknown — records, in many cases PGMs are brought into association with the State with little to no vetting or scrutiny. PMU forces in Iraq were legislatively brought under the State structures without a significant assessment of their potential, either as effective military forces or possible past criminal or terrorist conduct (including past human rights abuses). *Darwish* forces have been brought onto the Somali Government's payroll with no vetting process whatsoever. Thousands of CJTF elements receive Nigerian State funding without having undergone any vetting.

Governments and international partners should be guided by a fairly simple formula: the more directly a PGM is linked to the State, the greater the human rights due diligence obligation should be.⁶⁵ Human rights due diligence is thus of particular importance during the integration phase of a PGM, in which it becomes formally part of the State security services. But human rights vetting should be considered across all relationships. In a case like Iraq, where the PMU is officially acting on behalf of the State, such forces should be held to the highest human rights standards, vetted rigorously for past abuses and excluded if found to fall short. The same may not be possible for a group like the CJTF or the various militias in Somalia that operate largely beyond direct government oversight. That does not mean the government should ignore human rights, but it might demand that the issue is considered more through a criminal justice lens, investigating and punishing abuses.

H. Accountability

PGMs operate largely beyond the scope of formal accountability structures and are often given a free pass for serious human rights violations due to their role in combatting insurgent forces. Aligned with powerful domestic elites, such groups also find ways of avoiding

punishment, and resist efforts at reform. As described above, this culture of impunity for PGMs works against the broader counter-insurgency goals, fomenting grievances and often driving recruitment into extremist groups. Rather than think in terms of counter-insurgency, policymakers should consider PGMs as part of an accountability process that will eventually build the basis for deeper reconciliation across polarized communities.

Based on the case studies, several steps may be helpful when considering how to address predatory and abusive behaviour and adopt an accountability mindset:

- Punish violations where it hurts — in the wallet — by suspending financial support and looking to seize assets in cases of violations but also legally by ensuring legislation that covers PGMs;
- Provide training in human rights, which may reduce violations in many settings; even if a PGM then violates human rights, the prior training means there is no excuse for not being aware of the law;
- Only open the door to integration for those units and individuals that have gone through a rigorous vetting process;
- Include in any financial support to PGMs sufficient earmarked funds for oversight and monitoring, especially involving units with a worrying track record;
- Explore “buddy systems,” in which PGMs operate in partnership with other forces (such as State security services or international experts).

I. Regional engagement

A strategy for PGMs that ignores the role of regional or international players is almost certain to fail in any of the cases considered here. However, the ways in which external actors influence militias are often opaque and difficult to address. In some cases, such as the PMU in

Iraq, the regional benefactor (Iran) is inextricably bound up in the internal dynamics of the country while also fighting broader geopolitical battles with other regional and international powerhouses. Similarly, the roles of various Gulf States in the internal workings of Somalia have directly affected conflict there. Engaging with these powers is difficult: they often have little stake in the well-being of the countries in which they are meddling and consider the foreign territory a safe place to play out proxy battles without a risk of direct conflagration. Nonetheless, there may be a greater role for multilateral institutions (such as the United Nations and the European Union) to push for a less fraught regional environment or attempt to gain greater oversight over the roles of militias in these settings.

J. Beyond counter-insurgency

In settings affected by violent extremism, the counter-insurgency narrative easily dominates, and with reason: the brutality of groups like IS, al-Shabaab and Boko Haram demands a robust response. But as the case studies in this report demonstrate, these groups feed off a combination of weak State governance, polarized centre-periphery dynamics, economic marginalization, inter-communal and religious disputes, and poverty. A comprehensive strategy for addressing the risks posed by both the insurgent forces and the militias that fight against them should take into account:

- **Possible inclusion in peace processes.** PGMs are often excluded from peace talks because their positions are assumed to be similar or identical to those of the government. However, this means that PGMs' needs are easily overlooked and they can quickly turn into peace spoilers. Finding ways to represent PGMs during and after peace processes — while taking into account the downsides that direct representation might pose — may mitigate this risk.
- **Conflict resolution.** As shown in this report's case studies, PGMs often form out of intercommunal disputes, which continue to fuel conflict well beyond the counter-insurgency moment. Expending resources on conflict resolution can create a helpful feedback loop, reducing tensions and drying up the recruitment opportunities into armed groups.
- **Positive peace.** PGMs are often intertwined with local governance functions or other economic and social services within communities. Options for reintegration should consider how these functions might be integrated or commuted and whether this offers alternative opportunities for integration. Where communities still have some leverage over PGMs, consultation with communities may offer more sustainable avenues for PGM demobilization and integration and for filling gaps in services.

IV

Conclusions and Areas for Further Research



UN Photo/Stuart Price

The case studies in this report have made a clear case for the need to grapple with the complexity of PGMs, to think of them as part of the socioeconomic fabric of a given setting and to design interventions based on both the risks they pose as well as the value they bring. The cases also suggest that highly localized analysis may be necessary to fully grip the dynamic roles of PGMs. Far from being monoliths, these groups are multifaceted and able to morph into a wide

variety of different roles. Whatever strategy is decided upon, it needs to be frequently reassessed in light of up-to-date information.

The cases also point to the need for better understanding of how militias may establish synergies with different groups over time, including subnational elements of government, private enterprise, illicit transnational networks and religious establishments. This goes beyond a fairly superficial exercise in pointing to the so-

called “key stakeholders,” and instead demands a political economy analysis of how power and resources are distributed in a given society. This will aid in determining how an intervention can avoid feeding the predatory tendencies of militias, or indeed accidentally fuelling the underlying tensions that support violent extremism.

It will be important that policymakers grip the funding modalities for PGMs. As of today, discussions among international donors and national governments are scattered and ad hoc; these discussions reluctantly search for ways to maintain the impact that militias offer without a broader strategic sense of how resources can help shape behaviour, reduce risks of violence and ultimately undermine violent extremism. Whether to funnel funds through government coffers to PGMs is one question; how to resource PGMs in a way that constrains their worst impulses and improves State–society relations is a much deeper one.

It will be important that policymakers grip the funding modalities for PGMs.

The choice to rely on a PGM carries a significant risk that a range of human rights violations will be dropped on or near a government’s doorstep. Indeed, the governments in the case studies in this report have an extremely troublesome human rights record, as it is. As the cases demonstrate, the use of militias is ultimately a poor way to outsource dirty battle tactics: populations quickly attribute violations to the State and the grievances caused by serious violations often feed recruits to violent extremist groups. It is not clear from existing scholarship what approaches work best to constrain the behaviour of PGMs, though it appears that financial incentives may offer a promising route. The extent to which they are susceptible to other forms of influence — criminal punishment, public shaming or loss of recognition by the State — warrants further research.

There is a significant risk that a range of human rights violations will be dropped on or near a government’s doorstep.

Ultimately, the most important question is what to do with PGMs once the counter-insurgency is no longer the highest priority, when a country has moved into something akin to a “post-conflict” phase. Here, integration into the national security services offers an attractive path, particularly for governments that have struggled to maintain effective armies or those that wish to reward a militia for prosecuting the most dangerous parts of a war. However, integration has proven fraught with risks and unintended outcomes, often falling prey to inter-elite competition, local communal dynamics and everyday corruption. Moreover, efforts to impose integration of PGMs have largely failed, because of the many benefits that membership in such groups offers. Only a sliver of the militias in Nigeria, Iraq and Somalia have actually been integrated into the national security services, while tens of thousands remain active just beyond the reach of the State.

This report suggests, instead, that integration should be one tool among many in designing a comprehensive strategy for PGMs in a post-conflict setting. Such a strategy would need to account for and look to engage the many nerve centres involved in the work against violent extremist groups, from major-power counter-terrorism operations to highly localized intercommunal reconciliation. It may, in fact, require the policymaker herself to become more like a PGM: a hybrid actor capable of moving across different disciplines and communities.

Integration should be one tool among many in designing a comprehensive strategy for PGMs in a post-conflict setting.

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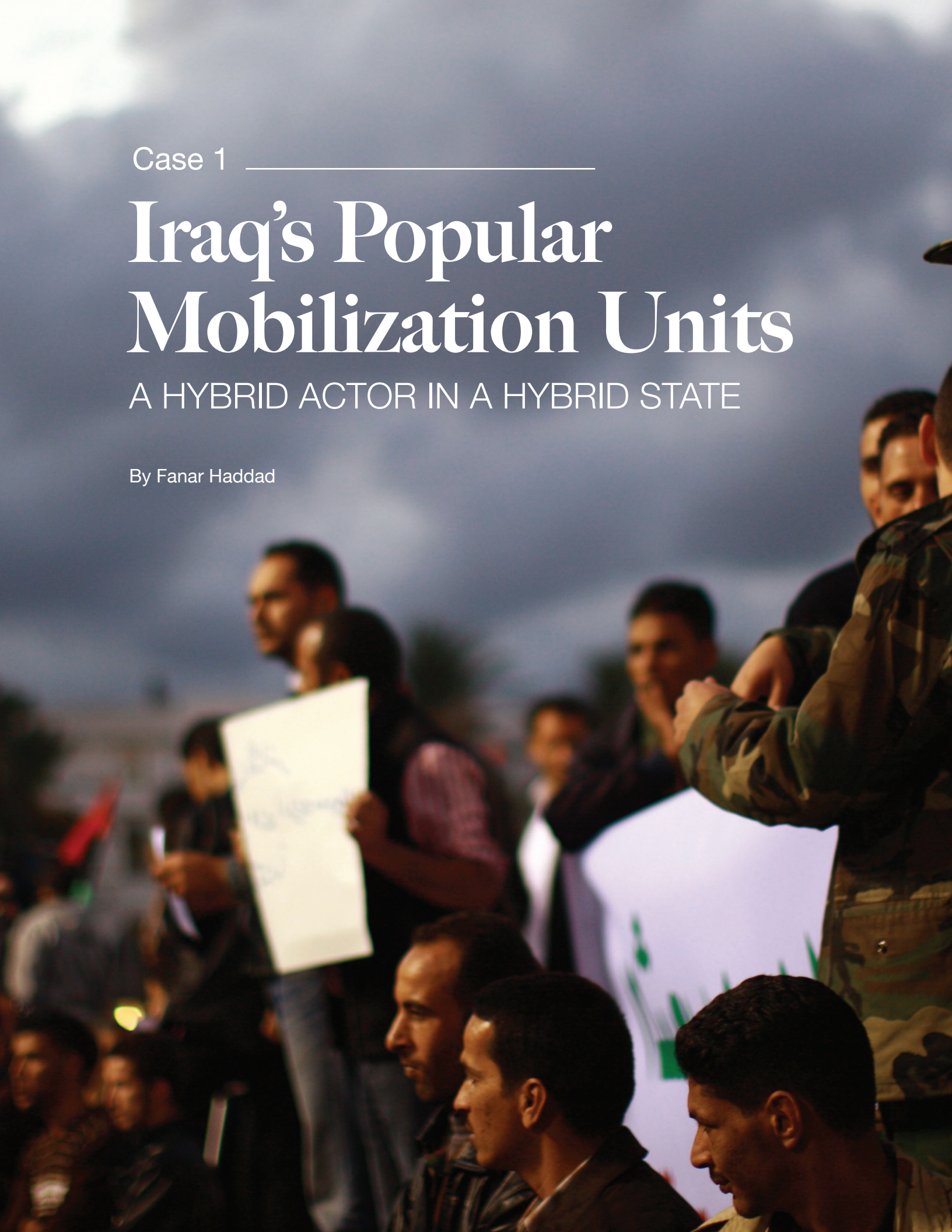
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Case 1

Iraq's Popular Mobilization Units

A HYBRID ACTOR IN A HYBRID STATE

By Fanar Haddad





UN Photo/Jason Focuntien

Iraq's Popular Mobilization Units (PMU, or al-Hashd al-Sha'bi in Arabic), an assemblage of armed groups that is nominally administered by the State, is one of the most powerful forces in Iraqi security and politics. The PMU cannot be understood in isolation of the broader nature of the country's governing order since the 2003 US-led invasion. Rather than an aberration or an extraordinary phenomenon, the PMU is consistent with State-building trends that have gained purchase in Iraq since 2003, though it is a more amplified expression of those trends. The PMU is a State-sanctioned body that presents itself as an upholder of the State and of Iraqi sovereignty. Yet, the more powerful of the dozens of groups within the PMU have shown a willingness to ignore and contradict the Iraqi Government if and when deemed necessary. The PMU's relationship with other State institutions and political actors is one of bargaining, collusion and competition. However, the Iran-leaning elements within the PMU retain an upper hand in these relationships by virtue of their coercive strength, Iranian support, legal and political cover, and the PMU's broader popular appeal and perceived religious legitimacy.

When trying to understand hybrid actors in hybrid States, such as the PMU in Iraq, it is unhelpful to think in terms of rigid binaries between State and non-State, formal and informal, and legal and illicit. Projecting concepts rooted in ideal-type Weberian States onto cases like contemporary Iraq is a futile exercise.

When trying to understand hybrid actors in hybrid States, such as the PMU in Iraq, it is unhelpful to think in terms of rigid binaries between State and non-State, formal and informal, and legal and illicit.

Like the broader Iraqi State, the PMU is not a unitary actor or a unitary phenomenon. The more powerful Iran-leaning elements of the PMU are firmly embedded in Iraqi politics and in its security sector and are part of the country's political elite. These characteristics are unlikely to change in the foreseeable future. It bears mentioning that the Iran-leaning elements of the PMU were among the primary sponsors of the outgoing Government of Adil Abdul-Mahdi (Prime Minister from October 2018 to November 2019, and currently the caretaker Prime Minister). The PMU's normalization and institutionalization have accentuated its role as defender of the status quo. This has come at the expense of the PMU's once considerable popularity. The protest movement and escalating tensions between the US and Iran have underlined the PMU's internal contradictions and significantly dented its public image.

Iraq has been in a state of crisis and near-constant conflict since 1980. Though accelerated after 2003, the gutting of State institutions has been a long-term

process spanning three decades. Iraq came under the most comprehensive United Nations sanctions in history between 1990 and 2003. The sanctions arguably did more damage to Iraq's social fabric and institutional structures than any amount of war or violence could have achieved. In many ways, the sanctions era was the incubator of what was to follow after 2003 — from corruption to the fragmentation of State institutions, and more. As such, Iraq's security sector had already undergone considerable fragmentation prior to 2003. This was, above all, a function of the desire of Saddam Hussein's regime to neutralize potential threats from within the military establishment through the creation of overlapping and parallel militaries. Hussein's establishment, in the 1990s, of new paramilitary units, such as the Fedayeen Saddam and Jaysh al-Quds, exemplified this trend. Likewise, before the US-led invasion, there was already a measure of security decentralization: the State empowered favored tribes to take over certain State functions, including security.¹ The destruction of the State in 2003 and the deliberate disbanding of the Iraqi security services vastly accelerated these processes, to the point that, today, hybridization is a structural feature of the State.

Over certain State functions, including security. The destruction of the State in 2003 and the deliberate disbanding of the Iraqi security services vastly accelerated these processes, to the point that, today, hybridization is a structural feature of the State.

A. Key arguments

This case study focuses on the role of the PMU following the liberation between 2014 and 2017 of territory held by the Islamic State (IS). In doing so, this analysis makes several key arguments:

1. A more specific terminology is needed when analysing the PMU. The PMU is an umbrella organization that includes dozens of armed groups. The Iraqi State has tried to get the PMU to conform to the structures of a traditional military, dividing the forces into "brigades." But the reality is that the PMU contains an array of independent groups and "formations," which vary in their origin, orientation, power, ideological leanings, and proximity to Iran. As such, we must exercise caution when making generalizations about "the PMU". Iraqis interviewed for this report often made an informal distinction between the more powerful and politically active Iran-leaning formations and the rest of the PMU, especially the shrine-affiliated formations that more readily work with, and are subsumed by, formal State institutions. In popular parlance, the State-aligned PMU groups, or *hashd al-dawla*, are often simply called *hashd*. The Iran-aligned PMU groups are known as *fasa'il*, short for *fasa'il al-muqawamma*, meaning "resistance formations." State-aligned PMU groups have retained some of the popular currency that the PMU gained during the war against IS, whereas *fasa'il* formations, outside of their constituencies, are often negatively viewed as Iranian proxies and as members and defenders of the political elite.

As this analysis shows, there are other ways of categorizing the various groups and trends within the PMU. In addition to Iran-leaning formations and groups tied to the shrines, there is also Muqtada al-Sadr's Saraya al-Salam, which though retaining a presence in the PMU, has a longer, separate history that is somewhat in its own category. Then, there are the PMU formations that represent local and minority groups in areas liberated from IS. This latter category includes Sunni formations that are often referred to as the "tribal *hashd*." This study proposes several main analytical categories for PMU groups and explains their various relevance for policymaking.

2. The collapse of the Iraqi military in the face of the IS onslaught in 2014 accentuated, but did not create, the setting for the emergence of auxiliary forces. The PMU was already taking shape prior to the fall of Mosul in June 2014. More to the point, several of its constituent formations predate the creation of the PMU. One of the most important of these, the Badr Organization, was established in the early 1980s and has been intertwined with Iraqi politics and security since 2003.²
3. Since its establishment in 2014, the PMU has become a formalized State institution, even as it encompasses groups that arose outside of the State, and which continue to draw power from other sources. Legislation aimed at institutionalizing the PMU within the rubric of the Iraqi State has given the PMU legal cover. The PMU also has political cover through its parliamentary representatives. Most importantly, it also commands coercive strength in the form of its military muscle and the *fasa'il*'s links to Iran. This is particularly pertinent given the weakness of the rule of law in Iraq. As one interviewee said: "It is a country run by gangs and [the PMU] is the strongest gang."³
4. Despite legal frameworks and attempts at institutionalization, the PMU is a hybrid organization that reflects the hybridity of the Iraqi State. Internally divided, the PMU is neither entirely autonomous nor fully institutionalized; neither entirely beholden to Iraqi authorities nor simply an Iranian proxy. Rather, and much like other Iraqi institutions, the PMU operates in a grey zone where the lines are blurred between formal and informal, licit and illicit. Again, this reflects the hybrid reality of the Iraqi State, where these lines are similarly blurred. More broadly, the State/non-State binary is unhelpful to policy analysis, in that it fails to capture the hybridity of both the PMU and the wider Iraqi State.
5. The PMU's relationship with formal Iraqi governance and security structures is ambiguous and is marked by bargaining, collusion and competition, depending on the context. The PMU places great stock in being recognized as an arm of the State, and jealously guards the legitimacy that such State affiliation creates. As such, there is much overlap and cooperation with other arms of the Iraqi security establishment — they are represented in Iraq's Joint Operations Command (JOC), for example.⁴ However, the reality is that, when necessary, individual PMU formations from the *fasa'il* act independently — at times, even in a manner that is at odds with the Iraqi Government and other Iraqi security agencies. There is little that the latter can do to push back.
6. The PMU today is very much part of the State: its more powerful figures and formations are key actors in elite politics, electoral competition, the economy (formal and illicit) and in Iraq's security sector. The PMU's normalization and deep involvement with political, military and economic activity mean that it is a complicit partner in the system of patronage and corruption that defines Iraqi governance. Thus, it comes as little surprise that the PMU is very much a defender of the status quo, rather than a challenger to it. Indeed, certain formations within the PMU act as something of a praetorian guard for the Iraqi political class, and particularly its Iran-leaning elements.
7. The fact that the PMU is so embedded in Iraqi political life and in Iraq's security sector makes wholesale demobilization, disarmament and reintegration (DDR) initiatives unrealistic in the short term. However, selective DDR measures alongside sustained long-term efforts at reform of the security sector, in tandem with political reform, may ameliorate some of the issues related to the PMU.
8. One of the most pressing issues that the PMU presents to Iraq today is that it sustains and deepens the incoherence of governance. This is particularly a concern with regards to the more powerful Iran-

leaning formations of the PMU. The PMU's corrosive effect on Iraqi governance is a more urgent problem than its history of human rights violations, which were more of an issue during the kinetic phase of the war against IS. The political marketplace that the PMU has entered may have already been flawed, but the PMU's military power and Iranian backing have further entrenched that flawed marketplace. The more powerful elements of the PMU are able to operate beyond the law and are a potent block against reform — sometimes through violence against activists and political opponents. Such methods were on display in the violent repression of the mass protests that began in October 2019.

9. That the more powerful elements of the PMU are tied to Iran and claim to represent the “axis of resistance” is a constant threat to Iraqi stability and Iraq's international standing. Iraq is forced to maintain a precarious balancing act between its relationships with Iran and with the US. The fact that Iran-leaning PMU figures are in government and in Iraq's formal security sector complicates that balancing act. It also further fragments the Iraqi Government and prevents it from coalescing into a unitary actor. The recent escalation of Iranian–US tensions on Iraqi soil, beginning in December 2019, has thrown these contradictions into relief.⁵

The report also relies on survey data about perceptions toward the PMU. The survey was commissioned for this study and was carried out by the Iraqi research organization Peace Paradigms in January 2019. The sample size is 500 respondents, equally spread across 5 governorates: Basra, Baghdad, Salahaddin, Nineveh and Diyala.

With the escalation of tensions between the US and Iran, a second major crisis erupted in Iraq in December 2019, culminating in the assassination in Baghdad in early January 2020 of Iranian General Qassem Soleimani, alongside Deputy Head of the PMU and Chief Coordinator of the *fasa'il*, Jamal Jafaar Mohammed Ali al-Ibrahim, better known by his *nom de guerre*, Abu Mahdi al-Muhandis. Given the centrality of these two figures to the PMU and to the architecture of Iranian power in Iraq, their assassination and the crisis that it triggered will profoundly affect the PMU. This study, however, does not engage in speculation as to what this might look like. Rather, it touches upon the crisis to illustrate the risks surrounding the transnational extensions of the PMU and how these raise the risk of embroiling Iraq in the rivalry between the US and Iraq.

B. Methodology

This study is based on extensive interviews with a range of sources in Iraq and elsewhere. The author conducted telephone interviews from September 2019 to January 2020, and field interviews in November to December 2019. The outbreak of mass protests in early October 2019 severely hampered fieldwork. Sources were either too preoccupied or too wary to be interviewed. The crisis that began in late 2019 has forced this study to be more Baghdad-focused than originally intended, and has necessitated a greater focus on structural rather than granular issues.

Context

A review of the recent history of the security sector in Iraq clearly illustrates the basis for this study's central arguments. Many of the issues that the PMU raises for Iraqi security and governance are symptoms of broader trends in the country. The PMU has, in some cases, amplified these trends, but it did not create them.

A. Overview: conflict in post-2003 Iraq

The destruction of the State in 2003 was followed by a protracted set of interlocking conflicts, some of which continue today, albeit in altered form. Firstly, there were multiple insurgencies against the US-led occupation of Iraq. Although analysts and the media have often described this as a "Sunni insurgency," there were in fact multiple insurgencies, with a spectrum of motivations that crossed sectarian and ideological lines. They included State-aligned Shia militias such as the Mahdi Army and its offshoots, such as Asa'ib Ahl al-Haq, that nevertheless fought coalition forces. In time, they and other similar organizations entered Iraqi politics and, after 2014, joined the PMU. These groups have always operated on two levels: on the level of domestic Iraqi political and military contestation, and on the level of international geopolitical competition, as an extension of Iranian defence policy.

Sunni militancy likewise fragmented and morphed across time. Global jihadist

movements such as Jama'at al-Tawhid wal-Jihad and its successor organizations — Al-Qaida in Iraq and IS (including its previous iterations, the Islamic State in Iraq and the Islamic State in Iraq and Syria, or ISIS) — may be the most prominent avatars of Sunni militancy, but there were other strands that took the Iraqi nation State and Iraqi identity as their main platform. The latter included organizations such as the 1920 Revolution Brigades and the Naqshabandiya Army. Some Sunni militants who had fought US forces would eventually switch sides. Beginning in 2006, they formed a movement that became known as the Sahwa, or the Awakening.⁶ These groups were theoretically State-aligned paramilitary groups that worked with American forces against more extreme jihadist movements. The Awakening groups were eventually folded into the purview of the Iraqi State, but they were never fully incorporated into the State or even fully normalized. A lack of trust led Shia-centric politicians and particularly Nouri al-Maliki (Prime Minister from 2006–14) to fear the rise of an armed Sunni force. Elements of the Awakening were co-opted into the State, while others were marginalized.

As this history shows, within the insurgencies that fought the US-led coalition forces, there was a significant divide between State-aligned and State-opposed groups. Sunni militants tended to see the State as an illegitimate American construct that propped up the occupation and did America's bidding. In that sense, the Sunni insurgencies were both against the coalition and against the Iraqi State. The nascent State was

dominated by Shia-centric (often Iran-leaning) elements that championed the causes of Shia victimhood and empowerment; this lent anti-State violence a sectarian dimension. Out of these dynamics, a second conflict arose: a civil war between sect-centric political factions and their respective armed camps. Fundamentally, this was a struggle over the nature of the post-2003 order and, should it survive, the hierarchies of power that would define political life and the balance of power between sect-centric actors. This conflict was already well underway in 2005 and peaked in 2006–7. The civil war ultimately led to the consolidation of a Shia-centric political order in Baghdad and signaled the irreversibility — at least in the capital — of the changes of 2003.

Sectarian competition, in the form of Sunni-centric pushback against a political order dominated by Shia-centric actors, continued in various forms: electoral contestation in 2010, attempts at Sunni federalism in 2011–12, the Sunni protest movement of 2012–13, and the renewed insurgency in 2013, which culminated with the IS takeover of about a third of Iraqi territory in 2014.⁷ The subsequent war with IS significantly altered Sunni–Shia contestation. It created linkages throughout Iraq between local anti-IS actors and more powerful Baghdad-aligned forces (and, in some cases, Kurdish-aligned forces). The intra-Sunni divisiveness of IS meant that these relations often transcended sectarian boundaries. As this study shows, the PMU was an important vehicle in the forging of these relationships, dependencies and hierarchies of power.⁸

Other lines of conflicts that have simmered and raged over the course of the last seventeen years include intra-Shia and intra-Sunni conflicts, and the conflict over political rights, territory and hydrocarbons between Baghdad and the Kurdistan regional government. Interlaced through all of the above lines of contestation is organized crime — something that encompasses political competition, economic activity, tribal disputes and political violence.

The conflicts listed above have intensified the fragmentation of Iraq's security sector. The Iraqi State, coalition forces, opponents of the State,

and foreign powers have all relied on auxiliary forces in pursuing their interests in Iraq. Far from a recent phenomenon, the hybridity of the Iraqi State was evident from the very beginning after the 2003 invasion. Blurred lines between formal and informal security providers and between political and military actors, and the outsize role of foreign powers have been a structural feature of post-2003 Iraq. The PMU is ultimately an accelerated continuation of these trends. For example, State-aligned auxiliaries were at the front lines at the height of the sectarian violence in Baghdad in 2005–7. The Mahdi army and Badr operated out of formal State institutions and often with the collusion of formal security providers and coalition forces. The lines between formal and informal, State and non-State, national and transnational, and licit and illicit, were hopelessly blurred back then, and remain so today. It is that context that allowed for the emergence of the PMU and which underlines the irrelevance of the State/non-State binary for recent Iraqi political and security dynamics.⁹

B. The history of the PMU

The Iraqi Government formally recognized the PMU as an umbrella organization for new and pre-existing State-aligned militant groups in June 2014, following the IS conquest of Mosul and Grand Ayatollah Ali al-Sistani's subsequent fatwa (religious edict) calling for a defensive jihad against IS. But the PMU actually emerged significantly earlier, during Maliki's highly divisive second term in office (from 2010–14).¹⁰ Following a contested election outcome, Maliki was able to secure a second term in 2010 with the help of an Iranian-brokered (and American-supported) reconstitution of Iraq's grand Shia alliance, known as the National Alliance.¹¹ Maliki's second term saw a marked shift toward increased authoritarianism and the centralization of power around him and his allies.¹² This consolidation of power was divisive within Shia politics, but it was positively toxic for Maliki's relations with Sunni politicians and for Sunni views towards the federal Government.¹³ The Prime Minister's actions eventually triggered a mass protest movement in Sunni governorates in late 2012, which ultimately led to the re-emergence of a

large-scale insurgency in 2013. Just over a year after the beginning of the protest movement in December 2012, Fallujah fell to insurgents (including IS — or ISIS, as the group was then known) in January 2014.¹⁴

It was in this securitized context of sect-coded political factionalism and insurgency that the PMU began to emerge. In the months leading to the fall of Mosul in June 2014, Maliki openly floated the need for parallel forces to make up for the weaknesses and unreliability of formal security structures. As early as February 2014, a system of rewards and benefits were instituted for civilians fighting against ISIS, thereby enabling the creation of auxiliary forces tied to the Prime Minister's office.¹⁵ With the federal Government struggling to hold on to Sunni governorates and with some cities, such as Fallujah, having already fallen to insurgents, the spring of 2014 saw increasing talk of the need for a "parallel army" (*jaysh radeef*) to confront the threat posed by ISIS and other insurgents. For many observers, the not-so-subtle subtext was that a sect-coded army of paramilitaries was needed to confront this sect-coded threat. Indeed, according to one source, this point was explicitly made at a meeting of the National Alliance in April 2014.¹⁶ However, Maliki and other Shia actors (including paramilitary units) were happy to work with and incorporate local Sunni forces as junior partners in the emerging war against ISIS.¹⁷ This intertwined the building of auxiliary forces with the expansion of patronage networks and, thus, made the security sector subject to the influence and interference of individuals further weakening the semblance of institutionalized bureaucracy.

It was at this time, in early 2014, that the PMU began to form around a nucleus of seven Iran-leaning paramilitary organizations that were already taking part in the war against ISIS: the Badr Organization, Asa'ib Ahl al-Haq, Kata'ib Hezbollah, Kata'ib Sayyid al-Shuhada, Harakat Hezbollah al-Nujaba, Kata'ib al-Imam Ali and Kata'ib Jund al-Imam.¹⁸ Indeed, the term "popular mobilization" was already in use prior to the fall of Mosul and Sistani's fatwa, which are often mistaken as the PMU's genesis.¹⁹ This was very much part of Maliki's push for a parallel

army composed of paramilitary and irregular forces tied to himself under the title of Sons of Iraq (another name for the Awakening).²⁰ In addition to the pre-existing Shia auxiliaries, Sunni auxiliaries were also raised, especially in Salahaddin and Anbar Governorates. At a basic level, the formation of these units was a kind of self-defence against an existential threat. However, such expansion of informal security actors was also driven by local tribal and political rivalries. A security sector dominated by informal actors has channels for accessing State resources, political patronage and material gains. Later, the formal inclusion of the PMU in State institutions further entrenched the role of informal actors in the security sector.

The emergent network of auxiliaries — and particularly their Iran-leaning core — would have likely remained in the shadows, and in the relatively narrow service of the Prime Minister's interests, were it not for the fall of Mosul on 9-10 June 2014. The conquest of Iraq's second-largest city was followed by what looked like a domino effect of collapse, spreading from north-western and western Iraq toward the capital. In response, Maliki established the Popular Mobilization Commission — the first institutional manifestation of the PMU. The Commission is a government body that administrates the PMU. Its creation, which essentially formalized the PMU as a State actor, was a violation of Article 9b of the constitution, which forbids the establishment of "militias outside the framework of the Armed Forces." More consequentially, Sistani — the highest Shia religious authority — issued his edict on 13 June 2014 calling on Iraqis to take up arms against IS. In doing so, Sistani chose his words carefully: the edict did not contain sect-specific language and called upon Iraqis to join the formal security services to repel the growing threat.²¹ In practice however, the edict popularized, normalized, expanded and ultimately institutionalized the PMU beyond anything the PMU's patrons could have conceived of prior to the fall of Mosul. The popular response was overwhelming, with hundreds of thousands of Iraqis rushing to volunteer.

Technically, the PMU predates Sistani's fatwa; however, in practice, the PMU as we know it today is a product of the fatwa: it legitimized and mainstreamed what was to become the most significant auxiliary force in Iraq in a way that would have been impossible without the crisis presented by the IS onslaught and Sistani's response. In the process, it provided pre-existing militias with the opportunity to tap into the social, political and religious currency commanded by Sistani. This was later turned into political and legal capital that were used to institutionalize and further legitimize the PMU. This formalization accelerated the extension of the PMU franchise to increasing numbers of non-Shia local groups across Iraq. Sistani's edict therefore triggered a chain reaction that entrenched and expanded the hybridity of the Iraqi State, and particularly Iraq's security sector. The subsequent legislation relating to the PMU essentially provided legal cover for an extralegal phenomenon.

C. The popularity of the PMU

Understanding the "popular" in "Popular Mobilization Units" is important to appreciating the extent to which the grouping exceeded its initial military role. The legitimacy bestowed upon the PMU by Sistani's fatwa and the urgency of the fight against IS turned the PMU into something far more than just a military body. PMU lore is built on the image of a mythologized, ideal type, selfless PMU fighter. This mythology has allowed PMU supporters to maintain a critical stance toward the *fasa'il* — even though the *fasa'il* are a core part of the PMU. Consideration of the PMU's popularity and the mythology surrounding it is important to understanding Iraqi discourse on the subject and the impracticality of treating the PMU as a rogue actor, or one that can be simply dismantled.

The energy unleashed by Sistani's edict was primarily channeled through Shia auxiliary forces and militias — including those that existed before the issuance of the edict, and newly formed ones. There were several reasons

that Shia paramilitaries dominated the PMU. Firstly, despite Sistani's best efforts and his strict avoidance of sect-specific vocabulary, the sect-coding of both the fatwa and the mobilization that followed was inevitable, given the backdrop of a sect-coded war. A Shia-centric State was fighting Sunni insurgents led by IS — an organization with an openly genocidal stance toward the Shia. An edict proclaiming jihad, issued by the highest Shia clerical authority, galvanized Shia militancy, regardless of the fatwa's wording. That the fatwa came a day after the gruesome Camp Speicher massacre, in which IS murdered more than a thousand Shia cadets, further inflamed the sectarian aspect of the war.²²

Secondly, the Iraqi military never fully recovered from its disbandment after 2003. Auxiliary forces have been intertwined with the formal security services since that time. The collapse of the military in 2014 further dented its already damaged image and made ideological Shia militias and auxiliaries a more attractive choice for Shia fighters. In that sense, the PMU's popularity often came at the expense of what PMU supporters regarded as compromised formal security institutions.²³ This was particularly the case in the early days after the fall of Mosul. According to one study, only 9,000 out of an expected 24,000 recruits joined the Ministry of Defence in 2015, while in Shia-majority governorates, it is estimated that 75 per cent of men aged 18–30 joined the PMU during the same time period.²⁴ Overall, the PMU received up to ten times the number of volunteers that the Iraqi security forces did in the first two years following the fatwa.²⁵

There was also a utilitarian aspect to PMU recruitment, relating to long-standing economic deprivation, unemployment and the difficulties that most Iraqis face in accessing or bypassing the party machineries of patronage.²⁶ In that regard, the PMU offered an alternate route to employment. Finally, there was a logistical reason for why militias and auxiliaries stood to benefit from the fatwa: the formal security services were incapable of absorbing the influx of volunteers. Auxiliaries and their affiliated political parties set up recruitment centres across southern Iraq

and the capital. Volunteers did not necessarily know or care which specific organization they were joining in the early euphoric days following the issuance of the fatwa. As one man who has since built a career in the Badr Organization put it: “I wanted to respond to the fatwa and defend my country. Badr became the means with which I could do this. It happened by chance. After the fatwa, I immediately volunteered, even though I had no military experience since the 1980s. I went to several places and got turned away many times because they did not have space for me. I ended up with Badr.”²⁷

Far more than just a military body, the PMU soon took the form of a social and political phenomenon as well. In a survey of Shia pilgrims to the shrine city of Karbala in 2016, researchers found that, when asked to choose a cause to donate to, 96 per cent of Iraqi respondents chose the PMU. The same survey found that 99 per cent of Iraqi respondents supported the PMU.²⁸ After Sistani issued his fatwa, “the *hashd*” quickly became a brand that transcended individual PMU leaders and formations. Rather than identifiable groups and individuals, the mythology of the PMU is more focused on the abstract figure of the selfless, impoverished youths of Baghdad and southern Iraq who answered the call to defend and avenge the homeland. However, there has been, from the very beginning, an inner tension in how supporters of the PMU viewed it: between admiration for an abstracted PMU, and suspicion or disdain for individual figures and entities within it. Such disdain is especially aimed at PMU figures and factions that have entered politics. These are primarily the pro-Iranian “resistance” factions — the *fasa’il*.

Iraqi parlance differentiates the Iran-aligned *fasa’il* factions from the broader PMU of which they are a part. Their Iranian connections, vast power, political role, and their often-predatory economic activities stand in sharp contrast to the ideal type salt-of-the-earth fighters of PMU mythology. The political ascendance of the *fasa’il*, the end of major operations against IS and the PMU’s institutionalization have accentuated these contradictions. The elections of 2018 created a government in which the *fasa’il* were a dominant force — hence the absurdity of

drawing a dichotomy between “government” and “militias.” The electoral vehicle of the *fasa’il* was the Fatah Alliance, which came second in the 2018 elections behind Sadrist-led (and hence also PMU-affiliated) Sa’ioun. This electoral outcome further blurred the lines between State and non-State, as major PMU factions became the chief sponsors of the government.

Ironically, the more the PMU succeeded in becoming a part of the State and the more institutionalized and legalized it became, the more its brand suffered, as its complicity with the political elite became increasingly more evident. A survey conducted for this study in 2019 — in stark contrast to the 2016 report discussed above — found that half of respondents across five governorates believed the PMU played a negative role in their area. In Salahaddin, more than 75 per cent of respondents were critical of the PMU’s role.²⁹ The dimming of support for the PMU is a function of the *fasa’il*’s greater political foothold and the factions’ explicit role as a status quo force that resembles and defends the rest of the much-maligned ruling classes. The *fasa’il* amply demonstrated their role as the system’s praetorian guard in their violence against the protests of 2018 and again in the protests that broke out in 2019 and that have continued into 2020.

The *fasa’il* routinely try to blur the line between themselves and the rest of the PMU. For example, they deflect criticism by accusing dissenting voices of attacking the “sacred *hashd*” (*al-hashd al-muqaddas*). As one PMU commander complained: the *fasa’il* use the PMU brand to protect their own interests.³⁰ The ongoing protests and the violent attempts at their suppression have, again, highlighted the inner contradictions within the PMU and in the popular perceptions of them: the ideal of a popular people’s mobilization stands at odds with the reality of the *fasa’il* factions within it, which act as violent defenders of the status quo. These contradictions have further widened the conceptual gap between “the *hashd*” and “the *fasa’il*.” The *hashd* is viewed with far more legitimacy and has far more supporters than the *fasa’il*, which, particularly since 2018, are widely

regarded as avatars of the system and the ruling political parties.

To illustrate, there are many examples of protestors and PMU personnel expressing solidarity and support for each other.³¹ PMU fighters and protestors posted reciprocal hashtags on social media emphasizing the idea of a joint struggle — a military struggle against IS paired with a peaceful struggle against the political classes.³² This followed a pattern set in earlier rounds of protest. In 2015, for example, a hashtag and meme emerged on social media stating: “you fight for my sake, I demonstrate for yours.” These expressions of solidarity reflect a consistent desire for nationalistic solidarity with Iraqi security forces — including the PMU but not the *fasa’il*. As one young protestor from Basra put it in November 2019: “[The political elite] are trying to blend the PMU with the parties. The PMU is what its name says: the popular mobilization [*al-hashd al-sha’bi*]. Not you parties... The PMU is the people.”³³

D. The PMU spectrum

The diversity of groups encompassed by the PMU is wide enough to make the term “PMU” problematic for analysis. One recent report goes as far as recommending that US officials refrain from using any collective descriptors such as “the PMU,” “the *hashd*,” or “Shia militias,” both because of the unwieldy diversity of groups that such terms refer to and because of the reverence with which many Iraqis view the PMU, both as a societal experience and as an institution.³⁴ Whatever semantic structure that is used, it is important to be mindful of the main ideological and organizational divisions within what is referred to as “the PMU.” This is crucial in understanding the divergent aims and internal competition in the PMU. There are at least five categories that together make up the PMU:

1. The *fasa’il*, or resistance factions, sometimes referred to as the *hashd al-wala’i* (a reference to these formations’ loyalty — *wala’* — to the Iranian Supreme Leader Ali Khamenei). These factions tend

to have been established between 2003 and 2014, with the notable exception of the Badr Organization, which was set up in the early 1980s. All these factions have operational ties to Iran. Most were active against US forces between 2003 and 2011. More importantly, they take the lion’s share of high positions in the Popular Mobilization Commission and are the most powerful actors within the PMU. It is this category that raises fears of an unruly PMU beyond State control. The reality is that they cooperate with formal State forces — of which they are technically a part, by way of the Popular Mobilization Commission — while retaining the power and autonomy to act independently and at odds with the Government, should they feel the need to do so. The relationship between the *fasa’il* and the State is marked by bargaining and accommodation, more than antagonism.

Crucially, the *fasa’il* are politically represented and, in some cases, embedded in State institutions. In the elections of 2018, they were represented in the Fatah Alliance electoral coalition, which, as mentioned above, came in second behind Sadrist-led Sa’iroun. The Badr Organization is the oldest and most institutionalized of the *fasa’il* and has long had a presence in formal politics; Badr has been embedded in the Ministry of Interior since 2005. The *fasa’il* groups’ ties to Iran often undermine Iraqi sovereignty and threaten to embroil Iraq in regional Iran-related conflicts. While all *fasa’il* factions serve Iranian interests to one extent or another, they are not equally proximate or subservient to Iran. The more established and institutionalized entities, especially those that have entered formal politics, have domestic Iraqi political considerations and economic interests to consider.

The *fasa’il* have been accused of repeated human rights abuses and criminality. Some of the more prominent of the *fasa’il* include: the Badr Organization, Asa’ib Ahl al-Haq, Kata’ib Hezbollah, Kata’ib al-Imam Ali, Kata’ib Jund al-Imam, Kata’ib Sayyid

al-Shuhada and Saraya Talia al-Khurasani, in addition to other smaller organizations.

2. A second category of PMU groups is *al-hashd al-marji'i*, sometimes referred to as the "State hashd" — *hashd al-dawla*. A *marji'* is a source of emulation and religious authority in Shia Islam. The unofficial label *al-hashd al-marji'i* is a reference to these groups' ties to the holy shrines of Karbala and Najaf. These shrine-affiliated PMU groups were formed after Sistani's fatwa in 2014, and thus are also sometimes known as *hashd al-fatwa* — "the *hashd* of the fatwa." They were started as a temporary measure to meet the needs of an existential crisis. Unlike the resistance factions, they lack broader ideological drivers beyond the war against IS. As such, they have been more willing to integrate into State structures and to work within the JOC. These groups do not have links with Iran and, of all the PMU groups, are the closest to having full institutionalization within formal Iraqi structures.³⁵ In effect, these groups are the ones that most closely align with the mythology of the PMU. Popular perception regards them positively as "the *hashd*" as opposed to the Iran-leaning *fasa'il*, which tend to be more negatively viewed. However, the lines separating the *hashd* from the *fasa'il* are not always clearly demarcated — something the *fasa'il* have long benefitted from, since it allows them to tap into the organic credibility and popularity of the PMU. The shrine-affiliated formations are weaker than the *fasa'il* in numbers, political representation, and power. Some of the most prominent shrine PMU groups include the Abbas Combat Division, Saraya al-Ataba al-Hussainiya, Liwa Ali al-Akbar and Saraya al-Ataba al-Alawiya.
3. A single organization, Saraya al-Salam, occupies a category of its own. Saraya al-Salam is the latest incarnation of Iraqi Shia cleric and political leader Muqtada al-Sadr's auxiliary forces. Like some of the resistance factions, Saraya al-Salam is partly in the PMU and partly autonomous.³⁶

Despite selectively adopting the language of "resistance" when necessary, Sadr has generally been critical of the *fasa'il* and of Iranian influence. He has therefore sought to frame Saraya al-Salam as being closer to the ideal type *hashd* of PMU mythology. Sadr presents Saraya al-Salam as a nationalistic, orderly, disciplined and State-aligned auxiliary, in contrast to what he calls the "impudent militias" — a reference to the Iran-aligned *fasa'il*. Saraya al-Salam have had a less chequered human rights record than the resistance factions. Their continuing presence in the Sunni-majority shrine city of Samarra is often pointed to as one of the more successful templates for relationships between the PMU and locals.³⁷

4. A fourth category comprises those groups variously referred to as the local, Sunni or tribal (*asha'iri*) *hashd*. These groups are small, locally-focused formations that are chiefly concerned with day-to-day security in their areas. Some of these groups were formed in early 2014 prior to the fall of Mosul as part of Prime Minister Maliki's attempts to build a network of auxiliaries tied to himself under the rubric of the Sons of Iraq. The majority, however, were formed later, during the war against IS. The institutionalization of the PMU in 2016 turned it into a formal channel through which to access patronage and State resources. This incentivized the formation of local PMUs, even after areas had been liberated from IS.³⁸ While Sunnis were initially apprehensive of the PMU, a number of factors caused their fear to give way to a more transactional perspective, which led to the emergence of Sunni PMU groups. In many cases, there was no other way to formally join the fight against IS and access salaries, supplies and logistical support other than through the PMU.³⁹ Later on, the legal and financial benefits of PMU affiliation further accelerated Sunni membership. Again, this was often because of a lack of options. As one Sunni PMU commander

put it, Sunnis have no international backing and hence fewer options.⁴⁰

In some cases, Sunni PMUs were trained by coalition forces in what US officials refer to as the tribal mobilization forces (usually abbreviated as TMF, though the name is not an official designation). Although the TMF were fully integrated into the PMU and salaries were channeled through Baghdad, the former were distinguishable from other Sunni PMU groups because they had direct training and support from coalition forces.⁴¹

The more common pattern of Sunni PMU group formation, however — especially outside of Anbar and Nineveh Governorates — was for local PMUs to be associated with or sponsored by a more powerful actor, be it the Iraqi security forces, the Kurdish Peshmerga auxiliaries or, more commonly, one of the larger Shia PMU formations.⁴²

The presence of Shia PMU brigades in Sunni areas was at times problematic during the kinetic phase of the war against IS. War crimes, sectarian violence and general ambivalence toward the PMU phenomenon took time to abate. Likewise, the role of local Sunni auxiliaries in the PMU — or whether they should have such a role at all — was still an open question in the early years of the war. But with time, fear and mistrust have given way to transactional relations.⁴³ In most Sunni areas today, Shia PMU groups exert influence indirectly through local Sunni PMU groups. This reflects the fragmented and layered security and governance structures created by the war against IS.

Shia PMU groups retain outside leverage in these hierarchies of power, but they often work through local partners such as tribal PMU groups as part of the bargaining, co-optation and competition that mark power relations today.⁴⁴

It is estimated that, as of early 2020, there are more than 40 Sunni PMU formations. This estimate is conservative, however: there are many small formations and others that are not formally registered with the Popular Mobilization Commission.⁴⁵

5. A fifth type of PMU groups includes those in the so-called minority *hashd*. The IS genocide against minorities — such as the Yazidis and various Christian groups in Nineveh — spurred the creation of religious and ethnic auxiliaries. Some are tied to the Popular Mobilization Commission and officially come under the purview of the PMU. Others are sponsored by Kurdish actors. A few are tied to the global coalition against IS. One study estimates the existence of eleven minority auxiliary forces tied to the PMU.⁴⁶

While the *fasa'il* are, collectively, the most powerful actor in the PMU, they often exercise their power through other formations, like the minority PMU groups or the Sunni and local PMU groups. This is important to keep in mind where human rights abuses or governance issues arise. For example, PMU involvement does not automatically make such instances a sectarian issue. The face of the PMU in many post-IS areas is often that of local powerbrokers, like the tribal *hashd* or the minority *hashd*, which derive their authority from links to more powerful groups within the PMU, such as the *fasa'il*.

The PMU and the State

Analytically splitting “the State” and “the PMU” into antagonistic or mutually exclusive opposites — or even into entirely separate concepts — is highly problematic. The PMU is an imperfect hybrid part of an imperfect hybrid State and has, since its inception, been firmly entrenched in the patchwork of alliances and rivalries that govern Iraqi political life and the security sector. Indeed, many of the PMU’s constituent formations and leaders were embedded in Iraqi politics and formal security institutions long before 2014. Further, before the PMU was established, the lines separating formal from informal actors, licit from illicit activities, national from transnational had long been blurred. For that matter, many other demarcations are also unclear — such as those between politicians, the PMU, rent-seekers, organized crime and tribal actors. This is why strict categorization and binaries are unhelpful.

However, the Abdul-Mahdi Government saw the power of the *fasa’il* grow as a result of the groups’ sponsorship of the Government and the influence they exerted on the Prime Minister’s office, and on matters relating to security. This greatly increased the *fasa’il*’s ability to operate with impunity, and further weakened the façade of civilian control over the PMU. In short, the past three years have seen the *fasa’il* become, arguably, the most influential player in the

patchwork of powerbrokers that collectively make up the Iraqi State. The ambiguity of the PMU — part State-affiliated, part autonomous, part Iraqi institution, part Iranian strategic asset — makes the empowerment of the PMU in this manner highly problematic. Not only has it given the *fasa’il* greater freedom to exercise their informal role, it has also threatened to drag Iraq into the escalating rivalry between the US and Iran and their respective allies. The hybridity of the Iraqi State and the empowerment of the *fasa’il* prevent Iraq from adopting a neutral stance — even if such a stance is the Government’s officially stated policy.

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As this study has already explained, security hybridization has a long history in Iraq and the region. However, as the scholar Yezid Sayigh notes, in the twentieth century this tended to be a top-down affair, with auxiliaries being instrumentalized for the purposes of regime

survival. The situation today differs in that the State is often unable to block the emergence of informal security actors in contexts of State fracture, civil war, weakened sovereignty, foreign penetration and financial crisis.⁴⁷ Auxiliaries have become integral to hybrid security arrangements that are often informal yet have legal cover from the State.⁴⁸ In addition to blurring the lines between formal and informal security providers, these dynamics also offer an entry point for foreign intervention. Iran and its affiliated PMU formations are, of course, a case in point.

The PMU's institutionalization in Iraq's security infrastructure gives the appearance of civilian oversight. But the PMU's inclusion in the Iraqi State is, in fact, an accommodation, made necessary by a convergence of interests and the realities of Iraq's hybrid security sector.⁴⁹ Faced with the reality that the State lacks a monopoly on force, the Iraqi Government, in effect, attempted to restore its primacy by recognizing the PMU and redefining them as part of the State.

The security sector operates on the basis of a shared *modus vivendi* that various entities tolerate. However, the balance of power between these entities is skewed toward the *fasa'il*, due to their military strength, political representation, financial resources and Iranian links. Should their interests dictate operating autonomously and in opposition to the Government, they are willing and able to do so in pursuit of specific objectives. This has been evident in the *fasa'il*'s readiness to serve Iranian interests and attack American ones in defiance of the Iraqi Government's stated policy of neutrality. It is also evident in relations within Iraq's security sector. For example, in November 2019, Major General Yasir Abd al-Jabar al-Omari, a career officer and head of the Ministry of Interior's Higher Institute for Security and Administrative Development, was kidnapped in broad daylight by a convoy of masked men. It was common knowledge in Baghdad that Asa'ib Ahl al-Haq and the PMU's Central Security Directorate (essentially the PMU's internal affairs division and the *fasa'il*'s intelligence agency) were behind the kidnapping. The reasons for the kidnapping are unclear, though there was much speculation that it was

related either to a personal disagreement or to hiring policy at Omari's institute.⁵⁰ Regardless of the motive, the event is a significant example of the *fasa'il*'s reach. The *fasa'il* had kidnapped a senior officer in one of Iraq's formal security institutions; the reverse (a senior commander in Asa'ib Ahl al-Haq being kidnapped or even arrested) is far less likely to happen, because of the *fasa'il*'s power within Iraq's security sector.

This form of hybridity was not created in 2014, nor did it begin with the PMU. Rather, it has been a characteristic feature of the post-2003 State. Structural contradictions were embedded throughout the State, and informal actors have often dominated formal institutions. The collapse of 2014 and the emergence of the PMU were therefore accentuations of already extant trends and practices rather than aberrations in post-2003 governance. The blurred line between State and non-State, formal and informal, should lead us to view the PMU not as a threat or challenge to the State but as a competitor within it, colluding with other political actors in pursuit of a greater share of the State's resources and greater control over its direction — particularly where security and foreign policy are concerned. As such, and unlike more unruly auxiliaries — such as the Mahdi army in the first few years after the 2003 invasion — the PMU has consistently positioned itself as a part of the State. The props of State structures provide the PMU with a veneer of legality and further its normalization. State recognition has, therefore, been key to building and maintaining its legitimacy and its brand.⁵¹ As Inna Rudolf has argued, even the most Iran-aligned formations do their utmost to promote themselves as servants of the Iraqi State and defenders of Iraqi stability.⁵² In the process, far from threatening the State, they have become a status quo force and a key defender of a much-maligned political system.⁵³

Rather than an exception to the post-2003 governing order, the PMU is a reflection of it. The PMU's relationship with politics and the State — particularly the *fasa'il*'s relationship — is best described as one of collusion and complicity. The nature of this relationship is widely recognized in Iraq, even by PMU personnel who may glorify the PMU while criticizing its leaders and individual



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formation.⁵⁴ One man did not hesitate to describe the formation he belonged to, the Badr Organization, in identical terms to the rest of the political classes: “We don’t have a country. The State is controlled by the parties. The same goes for the Popular Mobilization Commission. [Badr] is no different than any other party. Complicit with all the others.”⁵⁵

This collusion extends to most of the political classes, who together have divided State resources and used them to build vast patronage machines that dominate public life in Iraq. The PMU figures and entities that entered politics effectively entered into this bargain. Their participation in this bargain adds a material incentive for the PMU to maintain its status as a formal part of the State.⁵⁶ Its hybridity notwithstanding, oil wealth and rent-seeking have kept the State and the central Government at the heart of economic activity, both formal and illicit.⁵⁷

The PMU is formally an independent armed entity under the National Security Council tied to the Prime Minister’s office. The PMU is thus a part of Iraq’s security apparatus, alongside — and not subservient to — the security ministries. Such a relationship has a precedent in Iraq’s security sector: it is identical to the institutional framework of the Counter-Terrorism Service (CTS), an elite Iraqi force created by the US after the 2003 invasion.⁵⁸ This level of autonomy and fragmentation led a recent study to go as far as arguing that Iraq, in effect, has four separate defence forces: the CTS, the PMU, the Iraqi Army and the Kurdish Peshmerga.⁵⁹ Defenders of the PMU often deflect criticism and concern by pointing to the legal similarity between the PMU and the CTS. However, while there are structural parallels between them, the PMU and the CTS play very different roles. For one thing, the CTS is better aligned with the Ministry of Defence and is under direct government control. The PMU, in contrast, plays a more opaque role and, when

deemed necessary, will operate autonomously of the government, if not in direct opposition to it. As such, the CTS tends to support the consolidation of government institutions, while the PMU adds to their hybridization. Another difference is that the PMU itself is more internally divided and heterogeneous than the CTS. The PMU's Iran-leaning formations and the challenge their allegiances present to Iraqi sovereignty and security further set the PMU apart from the CTS. Finally, unlike the CTS, the PMU has a strong political role in parliament and in the Government through its political parties, under the banner of the Fatah Alliance.⁶⁰

The ambiguity surrounding the PMU is not solely related to its dual role in politics and security. It is also a function of the organization having formal and informal roles. The *fasa'il*, in particular, benefit from this institutional ambiguity, retaining a foot in the State (through the PMU) and a foot outside it. As Renad Mansour writes, some PMU formations "move back and forth between formal and informal spaces, as its interests dictate... The PMU retains the image and prominence of a State actor but the autonomy of a non-State actor."⁶¹ While the *fasa'il* need the veneer of State institutionalization — and while they will do their utmost to be seen as a formal security actor answerable to the Prime Minister in his capacity as commander in chief — they have not hesitated to go against the Government's official line when necessary. This has created contradictions not just between the PMU and the Government but within the PMU itself — between the so-called State *hashd* (the second category in the taxonomy of PMU groups presented above) and the *fasa'il*.⁶² As Karim Nuri, the former official spokesman for the PMU pointed out, the relationship between the *hashd al-dawla* and the *fasa'il* is as important as the relationship between the PMU and the State.⁶³

These internal contradictions have been stretched to breaking point by recent crises relating to the protest movement and, more importantly, tensions between the US and Iran. Those tensions have highlighted the challenge presented by the *fasa'il* to Iraqi sovereignty and stability. In particular, their ties with Iran and the fact that they act as extensions of Iran's

regional security infrastructure have dragged Iraq into Iran's escalating conflicts with the US, Israel, and some of Iraq's Gulf neighbours.⁶⁴ Being dragged into these conflicts has been especially embarrassing for Iraq, given the Iraqi Government's official position of neutrality on such matters.⁶⁵ Worse, *fasa'il* factions that are, in effect, semi-formal Iraqi actors have attacked US forces that are in Iraq at the request of the Iraqi Government. These tensions have brought the many contradictions of the PMU into sharper relief: between State *hashd* and *fasa'il*, between the PMU's national and transnational roles, and between its formal and informal capacities. Attacks on US forces compelled several PMU representatives and defenders to remind media audiences that there is a difference between the PMU proper and the resistance formations — the *fasa'il* — and that the latter had units both within the PMU and separate from it, in the service of "the resistance."⁶⁶

The balance of power and influence between the *fasa'il* and their rivals in the political classes was significantly altered in favour of the former under Abdul-Mahdi's Government. In interviews conducted for this study, several analysts and PMU members pointed out that Abdul-Mahdi's predecessor, Haider al-Abadi (Prime Minister from 2014–18), was a source of pressure and pushback against the *fasa'il*, and that he was far better at balancing the relationship between the Iraqi Government, the US, Iran, and the PMU.⁶⁷ One former PMU commander described Abdul-Mahdi's premiership as a period that turned the *fasa'il* into a kind of "deep state."⁶⁸ Lacking a party or a base of his own, Abdul-Mahdi was a compromise candidate agreed upon by the Fatah Alliance and Sa'iroun. The *fasa'il* under the leadership and coordination of al-Muhandis (the late deputy head of the Popular Mobilization Commission) made significant headway in extending their influence over the Prime Minister's office.⁶⁹ During Abdul-Mahdi's premiership, the PMU also increased its attempts to integrate with Iraqi security forces and become more fully a State institution. In practice, however, integration was more successful with State-aligned formations, leaving Iran-leaning groups to further consolidate their hold over the PMU.⁷⁰

The PMU after the fall of the Islamic State

During the war against IS, the PMU had a specific and well-defined purpose it could point to: fighting the extremist group and its genocidal violence. But with IS all but vanquished in Iraq, the true contours of PMU entrenchment in the Iraqi State and political systems have become more evident. The PMU is an acute manifestation of the hybridization of the Iraqi State (and not just its security sector). This has become all the more apparent as the conflict with IS has receded. The question of how to draw a neat line between State and non-State actors in Iraq is as bedeviling as ever.

As outlined above, the PMU is far from a monolithic actor and, more importantly, PMU groups are not the only auxiliary forces operating in areas liberated from IS. The collapse of the State in 2014 and the subsequent war against IS created a fragmented political and military landscape in which the vacuum was eventually filled by an assortment of local, hybrid, formal, and semiformal forces. The role and impact of these forces — including the PMU — varied from place to place, and was shaped by a number of factors, such as personal relations, pre-existing lines of contention, the balance of power between local actors and auxiliary forces, the

number of auxiliaries in a given area, and the degree of PMU involvement in the war effort. In some areas, PMU groups (local or otherwise) supported Iraqi security forces. In other areas, they had uncontested authority.

The majority of local forces are too small to operate autonomously. This has allowed more powerful actors — Iraqi and regional — to assert their leverage over local communities across the post-IS landscape. Iran, Turkey and, to a lesser extent, the US-led Global Coalition to Defeat ISIS have sponsored various local auxiliaries, as have the Kurdish Peshmerga and, of course, the larger Shia PMU formations.⁷¹ The latter are the dominant actor in post-IS hierarchies of power, particularly in Salahaddin, Kirkuk and Diyala Governorates. In Nineveh Governorate, these dynamics have led to the militarization of minorities. This arose out of a genuine need for self-defence in the face of the IS onslaught, and the failure of Iraqi and Kurdish forces to provide protection. Still, a number of local and external actors exploited the situation for their own ends, and often in service of broader regional geostrategic goals. For example, in Sinjar, in Nineveh Governorate, no fewer than four rival Yazidi auxiliary forces have been established



UN Photo/Rick Bajornas

in the wake of the genocide the minority group suffered at the hands of IS. These militias are tied to and sponsored by the Kurdistan Worker's Party (known by its Kurdish acronym, the PKK), the Patriotic Union of Kurdistan, the Kurdistan Democratic Party and the PMU.⁷²

The PMU's presence in Sinjar — the site of genocidal killing of Yazidis in 2014 — serves the Iranian strategic objective of establishing a land route toward the Mediterranean. This objective is also the reason for Iran-aligned PMU formations' presence on Iraq's borders with Syria, and the motive for alleged ethnic cleansing and demographic engineering. For example, in the Nineveh Plains, a larger Shia Shabak community lives alongside Christian minorities. Christians and Shabaks have both established auxiliaries tied to the PMU. The Shabak auxiliaries, in particular, are accused of human rights violations and demographic engineering aimed at expelling Christians from these areas.⁷³

The PMU repeatedly committed gross human rights violations during the war against IS. These violations included running illegal prisons, abductions, torture and extrajudicial killing.⁷⁴ Such violations were far more common at the height of the war against IS. Since then, in addition to the waxing of power relations in liberated areas, the major Shia PMU formations tend not to be located in towns and cities; instead, they are in rural areas and border zones.⁷⁵ Nevertheless, they exert their influence on local dynamics through their allies and partners. As one source put it, the *fasa'il* are the ultimate arbiter and decision-making is ultimately in their hands.⁷⁶ The PMU is also able to exert influence through formal institutions. A case in point is the Badr Organization's entrenchment in the Ministry of Interior and its domination of the federal police.

The presence of the PMU (and other powerful sponsors) fed into pre-existing local conflicts and long-standing rivalries. This dynamic was

especially pronounced in disputed territories, where there were instances of demographic engineering through property destruction and the prevention of displaced members of rival communities from returning to their homes.⁷⁷ However, it would be inaccurate to view these conflicts solely through the prism of ethnic and sectarian division: the appalling human rights abuses that accompanied the war against IS were driven as much by intragroup competition. As early as 2014, and even prior to the fall of Mosul, there were warnings that the rise of IS was threatening to turn intra-Sunni violence into a long-term problem.⁷⁸ In liberated areas, intra-Sunni violence and tribal vengeance have been more persistent issues than sectarian violence.⁷⁹

The grim human rights situation in liberated areas and the primacy of vengeance over justice have been too systemic and have implicated too broad an array of actors to be analysed solely as a form of sectarian violence.⁸⁰ During the war, it was all too easy to assume that the culprits behind human rights violations were PMU groups, and that such violations had a sectarian motive. While there were certainly many cases of PMU human rights violations — including violations with sectarian motivations — local rivalries and vendettas were just as likely to be a source of human rights abuses. For example, Shia PMU formations were assumed to be responsible for the widespread looting and violence that followed the liberation of Tikrit and surrounding areas and a sectarian angle was likewise assumed.⁸¹ While there were instances of such groups' culpability, the reality was more complex. "Homegrown PMU forces, both Sunni tribal and Shia Turkmen forces, were often responsible for as much or more of the violence in Salah al-Din," write Erica Gaston and Andras Derzsi-Horvath in a 2018 Global Public Policy Institute report. "Local Sunni tribal forces affiliated with Shi'a [PMU groups] in Shirqat, Tikrit, and surrounding areas used their position (and the cover of powerful Shi'a [PMU] forces) to retaliate against rivals, engaging in property destruction and abuses, including the looting of Tikrit."⁸²

With IS having suffered a territorial defeat, the blunt human rights violations of the war are not as common an occurrence today. A more

pressing issue is that of internally displaced persons (IDPs). Again, it is often assumed that the main Shia PMU formations are the primary problem and that the IDP crisis is a sectarian issue. However, displacement is often perpetuated by local rivalries whereby locals refuse the return of so-called "IS families" — people who are suspected of IS sympathies or who are related to IS members.⁸³ To the misfortune of IDPs, there is a lot of arbitrariness involving multiple actors (including local and Shia PMU groups) in how IDP return is handled. Forced displacement and the obstruction of returns is often enforced by auxiliary forces, but this enforcement is sometimes carried out at the behest of — or in collusion with — formal authorities, such as the governorate councils or the Iraqi security forces.⁸⁴

As with many of the problems associated with the PMU, its abysmal human rights record is a symptom of broader, structural, Iraq-wide issues. A culture of impunity and a disregard for human rights is exhibited by a broad array of security actors. Local auxiliaries have engaged in demographic engineering, demolition of homes, the destruction of entire villages, displacement, and blocked returns. Vendettas and divisions within and between different sects and ethnicities have been key drivers, depending on the location. But formal forces have also engaged in such behaviour. Kurdish forces are implicated in egregious human rights violations in disputed territories.⁸⁵ Likewise, the Iraqi military and formal security agencies have been accused of human rights violations, extrajudicial killings and the abuse of detainees.⁸⁶ Even the CTS, perhaps the most positively viewed Iraqi security agency, has been criticized for its handling of IS detainees.⁸⁷

While the PMU may have initially been viewed with trepidation as an anti-Sunni force, it has since become intertwined with local dynamics. As explained above, a more transactional relationship has displaced the fear that characterized early views toward them in Sunni areas.⁸⁸ There are several exceptions to this, where the PMU participated — for strategic reasons or out of vengeance — in depopulating certain areas, either through killings, forced displacement or by blocking returns.⁸⁹ However,

when considered in the broader post-IS context, such instances are more the exception than the rule. The war against IS turned the PMU (both its local factions and the more powerful Shia groups) into a key powerbroker in post-IS areas. This transformation was accompanied by the emergence of a new class of Sunni actors who sought to build their own patronage networks through their relationship with the PMU.

The role of the PMU as an influential powerbroker can be a source of resentment for locals, especially in Sunni areas.⁹⁰ The PMU asserts its authority on governance, security and the distribution of resources and contracts. Whatever power structures locals deal with — governorate councils, tribal figures, and so forth — ultimately must defer to the major Shia PMU formations and their local allies.⁹¹ This is especially the case where security is concerned, something that has significantly impacted reconciliation and IDP returns.⁹²

Again, however, it is important to note the lack of uniformity in the role played by the PMU in liberated areas. In some cases, it has played a positive role in reconciliation and mediation.⁹² In others, its role has been more negative. In all cases, powerful Shia PMU groups' position are mirrored and implemented by their local allies and proxies. As Haley Bobseine has written in a study focusing on Anbar Governorate, tribal leaders and PMU leaders alike have both facilitated *and* blocked IDP returns.⁹⁴ PMU leaders are a part of Iraq's political economy and, as such, resemble other actors and elites with whom they bargain, collude and compete.

More recently, the *fasa'il* have played a role in the bloody suppression of the ongoing protest movement that emerged in October 2019.⁹⁵ The clampdown has further underlined the hybridity of the security sector. Rather than militias running amok in the face of impotent State forces, there was broad collusion between the *fasa'il* and the forces of law and order in the

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suppression of the protests.⁹⁶ The *fasa'il* are suspected of being responsible for targeted assassinations and kidnappings of activists — a problem that predates the protests but that has grown far worse in response to them.⁹⁷ Hybridity means that in many cases, drawing a clear line between *fasa'il* and formal State security actors is far from a straightforward affair. The situation has forced Iraqis to ask urgent questions about governance and the future of the PMU — questions for which there are, as yet, no obvious answers: Where does the Badr Organization end and the various agencies of the Ministry of Interior begin? Is the heavy-handed role played by Ministry of Interior forces — such as the Emergency Response Division, the federal police, and the riot police — an example of State violence, or of militia violence? Or is the distinction a superfluous one, given Badr's depth of involvement in these organizations?

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IV

Economic activity

The PMU's economic activities — licit and illicit — are where their normalization in Iraq's political economy is most apparent. The PMU's economic activities are extensive, ranging from legal investments, to corruption, to extortion, to smuggling, to informal taxes and tariffs. As with the PMU's role in politics and the State, its economic activities are extensions of existing practice and reflect the broader dysfunction of the Iraqi State. This includes the overlap between organized crime, tribes and political parties — three categories that the PMU readily fits into. As with other issues relating to the PMU, its economic activities have exacerbated and further entrenched pre-existing conditions. The PMU's military strength, its impunity, its political, legal and religious cover — all these qualities make the PMU an especially powerful perpetuator of the status quo. At times, the PMU's predatory and extortive economic activities can be highly destabilizing. For example, a 2017 IRIS study found that extortion by several different PMU groups effectively paralysed the concrete block industry in Tuz Khurmatu, Salahaddin Governorate.⁹⁸ The main problem there was the decentralization of rent-seeking activities, which led to the cannibalization of the industry. Recently, the Popular Mobilization Commission has tried to tighten control over such activities and maintain some degree of centralization.⁹⁹

A recent case from Diyala Governorate illustrates how the PMU fits into the broader political economy of corruption. In December 2019, there were reports of severe "tribal violence" involving

medium weapons, rockets, assassinations and displacement.¹⁰⁰ The violence was related to the lucrative smuggling networks around the Mandali border crossing with Iran — Iraq's third busiest border crossing, with estimated annual revenues of USD \$700 million.¹⁰¹ But what media reports and some analysts reductively labelled "tribal violence" actually involved a far broader array of actors, including the PMU. The delayed response to the violence was reportedly caused by "the political affiliation of one of the parties in the dispute." The smuggling networks are facilitated by collusion between formal and informal security actors, and between political parties and organized crime. As an Iraqi newspaper reported: "the struggle is directed in the shadows by militias supported by political parties that compete over border crossing revenues and smuggling of different kinds of goods, including drugs."¹⁰²

Border crossings and ports are particularly lucrative sources of rent. As the scholar Harith Hasan has argued, control of such rents is contested among a number of actors: local groups, foreign powers, criminal organizations, political parties, militias and insurgents.¹⁰³ The Iraqi military and formal security services retain a presence at borders and ports, but they are not alone. Rather, they are part of a patchwork of actors who variously compete and collude in border regions, which are subject to hybrid governance arrangements.¹⁰⁴ This shadow economy and the PMU's role in it — alongside local actors, politicians, and other security actors — is replicated across Iraq. Local PMU

groups in Mosul, for example, dominate the large-scale scrap metal business and the tolling of trucks between Erbil and Mosul.¹⁰⁵ In line with the prevailing practice of criminal, political, and economic actors, the PMU also appropriates State infrastructure for its own economic benefit, and does so in collusion with others. For example, in Tuz Khurmatu, Turkmen mafias backed by the PMU oversee oil smuggling networks that extend to the Kurdistan region.¹⁰⁶

The PMU, like the political and economic classes in general are heavily involved in the awarding of government contracts. All political parties have long had “economic offices” and so do the PMU formations. In that sense, the PMU is a new entrant into an old game. However, what sets it apart is its greater capacity for violence and the greater impunity with which it operates. For example, in the summer of 2019, Asa’ib Ahl al-Haq tried to take control of the Grand Mosque in Hillah, Babylon Governorate. The head of the official Shia Endowments Office, Alaa al-Musawi, took the matter to court and won; the court judged that the mosque should be restored to the Shia Endowments. In response, Asa’ib Ahl al-Haq raided Musawi’s home and tried to kidnap him.¹⁰⁷

Property is a major source of revenue for political and economic elites. Again, this is true across the board in Iraq, and is hardly specific to the PMU. As Omar Sirri has shown in several studies, political elites use their position and both legal

and coercive means to appropriate public space and to divide among themselves land and neighbourhood control, along with the economic gains that go with it.¹⁰⁸

The PMU’s intertwinement with webs of elite economic interests further entrenches it in Iraq’s political and military establishments. This lends economically active PMU formations a material interest, alongside political and ideological interests, in the survival of the system. This further underlines the similarity between the PMU (particularly the *fasa’il*) and the ruling classes. Hence, and as already mentioned, the *fasa’il* are ardent defenders of the status quo, rather than a threat to it. Of course, this becomes increasingly problematic as public discontent with Iraqi governance grows.

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V

The current Government response

The hybridity described above inevitably means that there is no unified Government position toward the PMU — how can there be when the PMU is a part of the Government? By extension, there is no unified position on the PMU within the PMU itself — the divergence between the State *hashd al-dawla* and the *fasa'il* being the most obvious. Generally speaking, Iraq has a very “State-centred society.”¹⁰⁹ The State has traditionally played a central role in economic planning, security provision, and job creation. The ideal that is aspired to, and which forms the basis of PMU and Government messaging, is for the PMU to be incorporated into the Iraqi security forces as a recognized arm of the State. In a survey conducted for this report, some 64 per cent of respondents favored the disbandment of the PMU, while 28 per cent favored integration and only 8 per cent were happy for the PMU to continue as an independent armed entity tied to the Commander in Chief (the Prime Minister).¹¹⁰

Even within the PMU, particularly in the *hashd al-dawla*, there is a desire for greater State control and regulation. On the one hand, this is driven by attachment to the ideals with which many PMU supporters view the organization. To such people, the hybridity, the lack of clarity, the political and economic activities and the *fasa'il* are sully what they suppose to be the true face of the PMU. There are,

however, other reasons for PMU members to support subordination of the PMU under tighter State authority. Some members of the PMU want the opportunity to build a career in a professionalized organization.¹¹¹ If nothing else, this would guarantee benefits, salaries and pensions.¹¹²

Both Abadi and Abdul-Mahdi were unable (the latter especially) to adequately regulate the PMU and bring it fully under Government control. The basic reason for this is the weakness and hybridity of Iraqi State institutions — many of which are riddled with leaders and figures from the *fasa'il*. The Iraqi Government does not have a coherent view on the matter. For all the talk of integration and State control, some Shia-centric actors, and particularly Iran-leaning elements, see the PMU (especially the *fasa'il*) as the ultimate safeguard against State collapse and as the guarantor of the post-2003 system that they dominate.¹¹³ The Popular Mobilization Commission is similarly divided and has had a Janus-faced relationship with the Iraqi Government: The *hashd al-dawla* and the head of the commission, National Security Advisor Falih al-Fayyadh, support the professionalization and integration of the PMU into Iraq’s security infrastructure. On the other hand, the *fasa'il*, until recently under the leadership of al-Muhandis, would prefer to play a double game as both formal and informal,

Iraqi and transnational, State and non-State actors. In February 2016, Abadi tried to remove al-Muhandis, even going as far as replacing him with the retired General Muhsin al-Ka'bi. This did nothing to dent al-Muhandis's authority. He continued to be the central node of power in the Popular Mobilization Commission. "Ever since the PMU was formed," as analyst Yahya al-Kubaisi puts it, "it was clear that [Fayyadh] would be the frontman, while the true leader would be al-Muhandis."¹¹⁴

The Popular Mobilization Commission was formed in June 2014. For the next year, it was treated as an official entity and ministries were instructed to interact with it on that basis despite the absence of formal legislation.¹¹⁵ The first major legislation regarding the PMU was the PMU Law of 2016, which recognized the PMU as an independent armed entity that is part of the Iraqi security forces, but which is directly tied to the Prime Minister's office, rather than to the security ministries.¹¹⁶ In the year after the law was passed, there was an attempt to create at least the appearance of integration, by having PMU formations adopt neutral brigade numbers rather than the names and emblems of their individual formations. This measure was supposed to turn the PMU into an auxiliary force resembling the army. However, notwithstanding their new names, the brigades are still controlled by the same PMU factions that the new system was ostensibly supposed to dissolve.¹¹⁷

In March 2018, another decree was passed, further underlining the PMU's official status.¹¹⁸ It also sought to reduce the size of the PMU and to implement better regulations, such as minimum age and training requirements. There were also attempts at centralization and regulation from within the PMU, and specifically by al-Muhandis. In March 2019, the Popular Mobilization Commission announced an extensive campaign of arrests aimed at fake units claiming PMU affiliation.¹¹⁹ There have also been attempts to merge smaller brigades to reduce fragmentation.¹²⁰

Attempts at integrating and formally institutionalizing the PMU into Iraq's security sector continued under Abdul-Mahdi's Government.¹²¹ In theory, these measures were meant to bring the PMU further in line with the rest of the armed forces. However, given the multiple and contradictory roles of the PMU (formal and informal, military and political, Iraqi and regional) the consequence of such legislation has been to further normalize and legitimize the PMU in its formal capacity while doing little to dent its informal role. The reasons for this are structural and, again, relate to the hybridity of Iraqi politics and governance. No government thus far has had the power or the coherence to enforce a clear vision upon the PMU, particularly where the *fasa'il* are concerned. The weakness of Iraqi Government and State institutions on this question is a direct function of hybridity, in that the *fasa'il* have been a formal part of both, especially in Abdul-Mahdi's Government.

VI

The limits of DDR and security sector reform

Ultimately, demobilization, disarmament, and reintegration (DDR) is not feasible for the PMU in the short or medium term. A brief review of the complex dynamics that hold hybrid groups and the State in an uneasy balance proves the point. There is no force that can compel the PMU to disarm; at the same time, the PMU is, in some cases, still needed to hold territory and otherwise contribute to security operations. Nevertheless, there is room for manoeuvre and improvement.

There are tensions within Government, between the *fasa'il*, their allies, and their rivals. For now, this is a structural contradiction that cannot be willed away. For most of the past two years, the matter has been papered over by a mutually tolerable arrangement. However, the multiple crises, beginning with the protest movement in October 2019 and the assassination of Soleimani and al-Muhandis in January 2020 — to say nothing of the ongoing impasse in government formation — have strained the contradictory relations between the various entities that make up the Iraqi State and the Iraqi Government. With the obvious exception of Iran, Iraq's international partners view the PMU with considerable trepidation and as an extension of Iranian influence. Given the Government's official recognition of the PMU, this has complicated Iraq's contradictory diplomatic relations. However, there is little the Iraqi Government can

realistically do: calls to “reign in the militias” or to “disband the PMU” are far beyond the ability of any Iraqi politician to meaningfully act upon in the short term. As in other parts of the world, the *modus operandi* of auxiliary forces, once institutionalized, becomes easier to replicate and harder to replace.¹²²

During his premiership, Abadi made several attempts at bringing the PMU under the full purview of civilian control. His preferred option was for PMU fighters to join the security agencies of the Ministry of Interior and the Ministry of Defence. There was also discussion of turning the PMU into a reserve force of part-time fighters under one of the two ministries. At one point, there was mention of demilitarizing the PMU and turning into a civilian mobilization to be deployed for reconstruction projects.¹²³ The PMU, however, insisted on following the model of the CTS — an autonomous entity tied to the PMO.

It is easy to assume that integration is the best option for auxiliary forces. Yet in the absence of robust institutions, integration may cause more harm than good. Specifically, it can entrench and institutionalize the hybridity of the security sector. This is exactly what happened in the case of the Badr Organization. Under the guise of integration, Badr has been embedded in the Ministry of Interior since 2005 and today

dominates many of the Ministry's security forces. Few institutions are as expressive of the formal State as the Ministry of Interior, yet it has been hybridized to a perhaps irreversible extent, thanks to ill-equipped attempts at integration. Badr's role extends beyond the ministry: it has been engaged in electoral politics since 2014, and today heads the Fatah Alliance, which is one of the largest parliamentary coalitions.

A recent London School of Economics study examined the applicability of DDR in Iraq as compared with Nepal, Sri Lanka and Afghanistan.¹²⁴ The author found that there were fundamental obstacles that differentiated Iraq from the other cases, including the heterogeneity of the PMU; the PMU's legitimization, by both the religious establishment and by political decisions and legislation; and the weakness of the State. This evidence, especially, points to the impossibility of wholesale DDR in the near term. As the author of that study argues: "It is a race against time for the [Iraqi security forces] to prove [they have] the ability to secure all of Iraq and that no other 'parallel' force is needed."¹²⁵ Most importantly, perhaps, is the PMU's entwinement with the country's political and security establishments, something that is exceedingly difficult to untangle, given that it cuts across political, legal and institutional lines. Sayigh has similarly argued that conventional Western approaches to DDR are both inapplicable and irrelevant in Iraq.¹²⁶

Still, there are incremental steps that can be taken to address the problems of the PMU's current status. The Abdul-Mahdi Government was especially weak and was especially beholden to the *fasa'il* and their supporters. The weight of the ongoing protest movement means that the next government is unlikely to be so supine. A less impotent Prime Minister could build a more balanced relationship with the *fasa'il*. Such an effort may even receive support from within the PMU. After all, the PMU's relationship with the rest of the State and the security sector is not an inherently antagonistic one.¹²⁷ In fact, some wings of the PMU — the *hashd al-dawla* — would welcome a more structured relationship with the State and a more balanced power dynamic. A PMU commander in Badr wanted such changes

for personal reasons: as a middle-aged man with only a high school diploma, he welcomed the prospect of a more institutionalized and professionalized Popular Mobilization Commission that could help him advance his career and fulfil his ambition of becoming an officer.¹²⁸

Public support for a tighter governmental grip on the PMU will not be in short supply. And such support will not only come from non-Shia quarters or from opponents of the PMU: even many supporters of the PMU resent what they regard as the sully of what was supposedly an elevated endeavour.

Likewise, there have been calls for greater governmental efforts to find alternative sources of employment for returning PMU fighters. A 2019 IRIS study found that returning PMU fighters were often a source of tension in their home communities: "They return with the idea that they are liberators. They feel like nobody can tell them what to do."¹²⁹

Finally, a stronger government may take better advantage of the divisions within the PMU to better isolate the *fasa'il* from the other PMU groups. A lot of the relations that tie the larger PMU formations with local forces are transactional, not ideological; hence, they have the potential to shift.¹³⁰ There have been long-standing tensions between various wings of the PMU relating to the *fasa'il*'s role in US–Iranian rivalry, and how this embroils the PMU and Iraq in regional geopolitical conflict.¹³¹ There are also tensions within the PMU about how the Popular Mobilization Commission is run and how resources are divided. For example, Safa al-Timimi, the spokesman for Saraya al-Salam, complained that a cap on how many of the group's fighters can be registered with the commission was unfair and politically motivated.¹³² These divisions can sometimes turn into media scandals. For example, in 2018, a shrine-affiliated PMU formation, the Abbas Combat Division, publicly accused the Popular Mobilization Commission of using the PMU's budget to pay the salaries of Iraqi fighters in Syria.¹³³

VII

Conclusions and policy recommendations

The hybridity of not just the PMU but of the Iraqi State itself means that fragmentation, the diffusion of power, autonomous security actors, and foreign influence are structural characteristics of Iraq and its security sector. A Weberian State monopoly on the legitimate means of violence is simply not possible in the foreseeable future. Nor can auxiliaries be entirely disbanded. Iraq and its international partners will have to accept a multipolar security architecture in the medium term.¹³⁴ Within these constraints, however, there are some possible steps the Iraqi Government, the United Nations and international partners can take that might potentially improve stability, build a more professional set of security actors and gradually bring the various militias more under State control.

A. Bringing all PMU formations under greater State control

1 State recognition.

The PMU derives its legitimacy and much of its power and resources from the fact that it is recognized as a formal State institution. A more

coherent government would be able to leverage State recognition to increase its control over the PMU. This would require a strong government capable of asserting its will and willing to name and shame bad behaviour when it arises.

2 Deeper reform.

The PMU is putatively a formal State institution, but this has so far been mostly a charade. The Iraqi State should make the PMU a State institution in both the spirit *and* the letter of the law. Public opinion would support such reform, as would some formations of the PMU — and even some personnel in the *fasa'il*. The overweening public desire for greater professionalization means that once reforms are in motion, it will be more difficult for the *fasa'il* to remain recalcitrant. Successful reform is dependent on a strong and coherent government that is able to assert itself, as opposed to the “consensus governments” of the past seventeen years.

3 Funding.

The PMU is funded by the Iraqi State budget. This gives the Iraqi Government a potentially powerful source of leverage over the PMU, notwithstanding the PMU’s enrichment from its

freelance economic activities. Again, a stronger, more coherent government is needed for this potential to be realized.

4 Benefits and social welfare.

Pensions, disability allowances, veterans' benefits, and the like are another source of leverage to increase State control over the PMU.

5 Isolating problematic PMU formations.

Combined with the still resonant popularity of the *hashd al-dawla*, as opposed to the *fasa'il*, discord between PMU formations offers the Iraqi Government a potential way of isolating the more problematic formations. Again, this potential is dependent on the strength and independence of the incoming government. That the *fasa'il* are still recovering from the assassination of al-Muhandis, who was an important commander and political figure, may provide the incoming government with an opportunity.

Development of the security sector cannot be achieved without political change. At the moment, politics are hostage to their entanglement with a hybrid security sector; conversely, security sector reform is blocked by the political system.¹³⁵ As a way of ameliorating the effects of hybrid political and security structures, several studies have suggested strengthening the "connective tissue" between formal and informal actors — building interdependence, increasing cooperation, and standardizing bureaucracy and procedure between them, for example.¹³⁶ In this way, the relationships between the relevant actors can at least be better regulated, structured and monitored. Ideally, this stronger structure would grant auxiliaries access to, and recognition by, the State — in exchange for submitting to Iraqi law, government bodies and society.¹³⁷ Again, the success of such an effort is entirely dependent

on political reform and the balance of power in Iraqi politics under the incoming government.

PMU formations that are not *fasa'il* — mainly, the *hashd al-dawla* formations — should be given more support and more prominence, with an eye toward building their influence within the PMU and the Popular Mobilization Commission. Diluting the State-aligned formations under the banners of the Ministry of Interior or Ministry of Defence would be counterproductive as long as the PMU remains formally in existence. Doing so will only strengthen the dominance of the *fasa'il* within the PMU. The relationship between the State-aligned formations and the two ministries is a potentially fruitful area where "connective tissue" can be strengthened, and the influence of the *fasa'il* diminished.¹³⁸

B. Improving regulation and professionalization

The Iraqi Government can gain greater control over the PMU by focusing on improving regulation and professionalization. Yet again, a prerequisite for this is a strong and coherent government. Any such reforms are highly unlikely under the current system of "consensus governments" and the apportionment of political positions. Still, it is worth outlining the reforms that will be needed when they become possible.

1 Implementing Executive Order 328.

Order 328 restructured the JOC, giving the Prime Minister a direct leadership role. It also gave the JOC operational control over all agencies under its command, which theoretically include the PMU. The order also gave the JOC control of all appointments at the rank of brigade commander and above. If implemented, Order 328 would give the Prime Minister significant leverage over the PMU and would go a long way toward institutionalizing, professionalizing and regulating the PMU.

2 Regulating the payment of salaries.

Rather than funnelling them through the Popular Mobilization Commission, salaries should be paid directly to PMU personnel. Using Iraq's QiQard electronic payment system would help increase transparency.

3 Streamlining Iraq's security architecture.

The Government should simplify and make more efficient Iraq's overarching security architecture and that of the PMU, in order to push for greater centralized command and to reduce areas of overlap.

4 Standardization.

Standardizing and gradually amalgamating formations and brigades will help create a more centralized command, and greater cooperation and interchange within the security sector.

5 Preventing the *fasa'il* from operating in isolation.

6 Career development and training.

Greater synergies between the PMU and the Ministry of Defence can be achieved by embedding army officers in PMU brigades and offering training courses to PMU personnel, and by creating avenues for career development through secondments and other means.

7 Integration.

There needs to be a system for identifying PMU candidates for integration into agencies of the Ministry of Defence or the Ministry of Interior.

8 Disarmament.

Gradually stripping the PMU of medium and heavy weaponry.

As this study has shown, conventional DDR programmes are not applicable to Iraq in the short term. Nevertheless, the Iraqi Government should pursue partial DDR, alongside the professionalization, streamlining and further institutionalization of the PMU. To succeed, initiatives must include finding alternate avenues of employment for PMU personnel, which in turn requires investing in skills development initiatives and the diversification of local economies. The PMU's extensive non-military activities (for example, their engineering corps, their medical corps, or their role in providing public services) offer a potential route toward demobilization and alternate employment through PMU channels.¹³⁹

The PMU's deep entrenchment in the Iraqi Government and security agencies is a bedeviling problem for the country. But it would be overly facile to credit the PMU for creating this quandary. It has simply magnified existing dynamics. Achieving meaningful reform will require dealing with the deeper structural issues that plague Iraq. Nevertheless, policymakers do have ways forward that can gradually professionalize the PMU and reduce its hybridity.

Achieving meaningful reform will require dealing with the deeper structural issues that plague Iraq. Nevertheless, policymakers do have ways forward that can gradually professionalize the PMU and reduce its hybridity.

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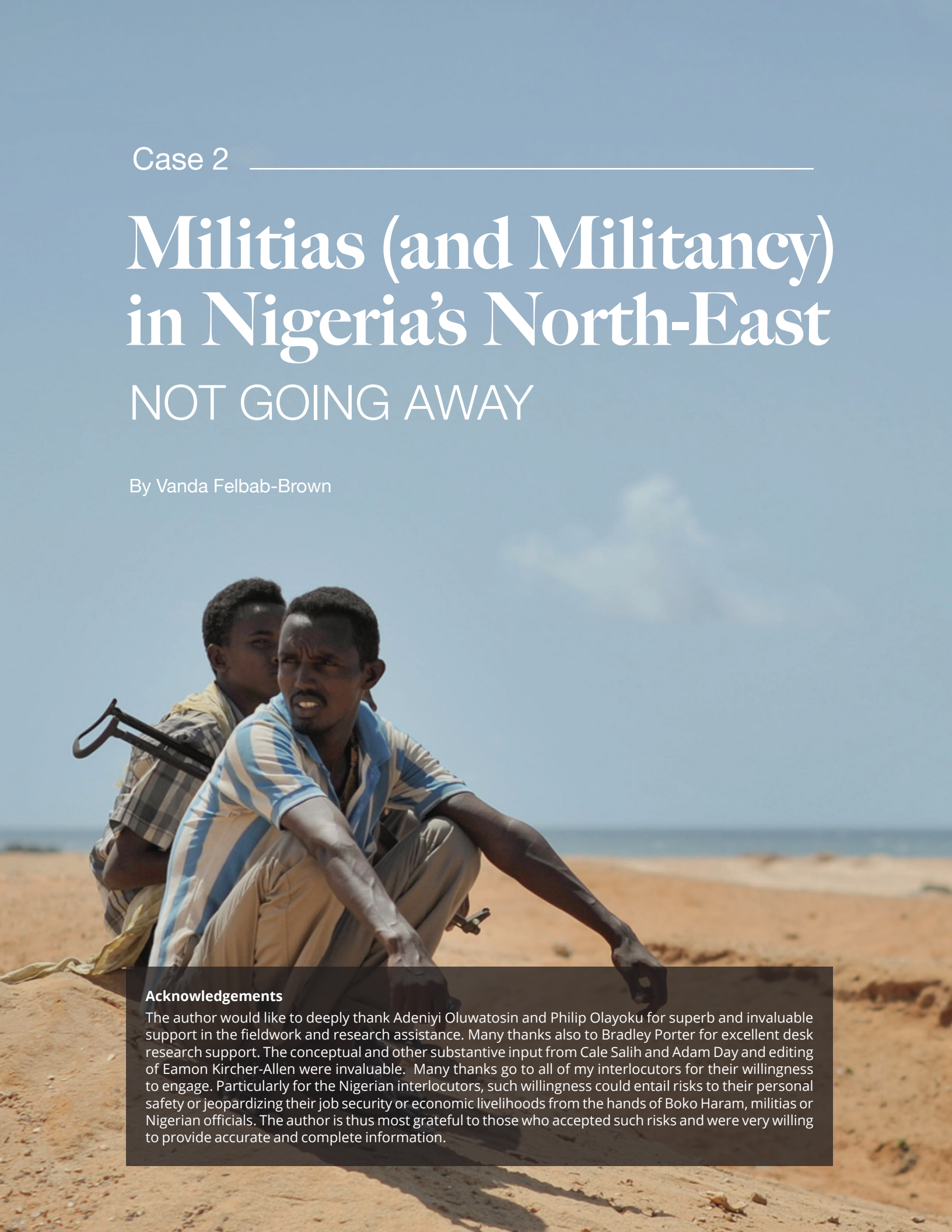
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Case 2

Militias (and Militancy) in Nigeria's North-East


NOT GOING AWAY

By Vanda Felbab-Brown

A photograph of two men in a desert landscape. The man in the foreground is wearing a blue and white striped shirt and is looking off to the side with a serious expression. The man behind him is wearing a plaid shirt and is holding a rifle. They are sitting on the sand, and the ocean is visible in the background under a clear blue sky.

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Since 2009, an insurgency calling itself The People Committed to the Propagation of the Prophet's Teachings and Jihad (Jama'tu Ahlis Sunna Lidda'awati wal-Jihad in Arabic) has caused devastating insecurity, impoverishment, displacement, and other suffering in Nigeria's poor and arid North-East Zone.¹ The group is better known to the world as Boko Haram, and although the Nigerian Government and military mobilized against it between 2015 and 2018, intense insecurity and violence not only persist, but have actually increased since 2018. The Nigerian military has been put on the defensive. A Boko Haram splinter faction, the Islamic State's West Africa Province (ISWAP), has become politically entrenched and poses an even larger challenge to the Nigerian military than the remainder of Boko Haram. (The rump Boko Haram also sometimes calls itself ISWAP, but in this study, the term is reserved for the splinter faction.)

Initially indifferent to Boko Haram, the Nigerian State security services have proven largely ineffective against the insurgency, though often brutal in their response. The shortcomings of the Nigerian State have created a fertile environment for the emergence of anti-Boko Haram militias, many of which rose up as community protection groups across northern Nigeria. Today, more than a decade into the conflict, these militias are at the forefront of operations against Boko Haram and ISWAP and constitute a core component of security

provision in the North-East. Developing an appropriate policy response to this crisis requires understanding these militia groups, and the diverse effects they have on the battlefield, security, human rights, politics and the economy.

Multiple militias and vigilante groups operate in Nigeria's North-East against Boko Haram and ISWAP. In addition to the main umbrella militia group, known as the Civilian Joint Task Force (CJTF), militias operating in the North-East also include so-called *kesh-kesh* groups, hunters' groups, and the Vigilante Group of Nigeria (VGN). These groups vary in their organization and relationship with the CJTF, often competing with it.² Their emergence and persistence across much of Nigeria stems from deficiencies in State-provided security, and a long tradition of vigilante groups, going back to the precolonial era.

Although the militias have no legal standing or assured financial and other resources, the Nigerian military continues to rely on them for intelligence gathering, defensive operations, holding territory, and even offensive actions. State-level government officials rely on them for an increasing variety of policing, from the resettlement of internally displaced people (IDPs) to counter-narcotics operations. International donors and NGOs engage with them for humanitarian aid distribution in IDP camps, while national and local politicians seek to appropriate them for their political

purposes. For many local communities, the militias are the main agents for policing, security provision and a range of governance functions, including dispute resolution and judicial processes. Local communities frequently see the militias as being closer to them and better at providing for their security than the official police or military.

However, militias and vigilante groups also pose serious challenges for the Nigerian Government and for local communities. Facing no accountability for their actions, they are a source of insecurity, perpetrating serious human rights abuses and predations with impunity. In many settings, they challenge the authority of local government officials and traditional leaders, arrogating to themselves a wide range of governance powers. Like the Nigerian military, militias have also become deeply integrated in the North-East's war economy, participating in various forms of criminality even as they purportedly act as local police forces. As a result, some have become dependent upon Nigeria's instability for their own survival. Such militias profit from the conflict and have few incentives to pursue peace.

As such, there is little prospect that these militias will demobilize once the military conflict against Boko Haram and ISWAP has ended. The results of recent inquiries into the potential demobilization, disarmament and reintegration (DDR) and job training opportunities for militia members in the North-East have only underscored their intention not to disband.³ In fact, many groups have lobbied for their formal legalization within the Nigerian State, including going on permanent government payrolls. Already facing major strains on federal and local budgets, it is unlikely the Nigerian Government will accede to their legalization. The militias are thus likely to continue in more or less their current form in the medium term.

Demands for recognition by the State take place amidst a widespread and increasing proliferation of militia and vigilante groups over the past 20 years. As a Nigerian security analyst put it, "Militia and vigilante groups in Nigeria are mushrooming across the country. It is no exaggeration to say that we are in a crisis of militia explosion."⁴ These

militia groups often compete for attention from the State, demanding equivalent benefits to those received by the most privileged members of the CJTF, some of whom receive small government stipends.

The growing role of militias is, in part, the result of the poor performance of the Nigerian national military, which is overstretched and unable to address the various forms of insecurity it faces, including violent extremism, farmer-herder conflicts, new separatist movements and violent criminality. Without any security forces at their disposal, state-level authorities are easily tempted to rely on extralegal militias, which they can control to some extent, unlike the official services. Talks within the Government about the possibility of a constitutional change to allow state authorities control over official local security forces have stalled for years, stymied by concerns over separatism, intensifying ethnic competition, pitched divisions between Nigeria's Muslim-majority north and Christian-majority south, and complex resentments over the division of resources.

In this context of interrelated crises, the policy response to the CJTF and associated militias in Nigeria's North-East has implications far beyond the immediate security situation. It also affects the legitimacy of the Nigerian State and the broader distribution of power across the country. Yet there is no easy policy option available to roll back the militias or integrate them into more formal chains of command. Without a significant increase in the capacity and legitimacy of the Nigerian Government in the medium term, policies can at best be expanded or developed to mitigate the most pernicious effects of the militia groups.

A. Outline of this study

The report begins with an overview of the conflict, describing the evolution and current state of the political, economic and battlefield power of Boko Haram and ISWAP (including differences between the two groups). It also analyses the capacities, deficiencies and evolution of the Nigerian security forces operating in the North-East.

Next, the study describes the auxiliary groups in detail. It analyses the evolution and effects of militia groups in the North-East, focusing in particular on the CJTF, but also touching on the VGN, *kesh-kesh*, and hunters' groups. The study reviews the structure of the militia groups and details the many functions they perform, militarily and otherwise. It also analyses the specific risks associated with militias, especially their human rights records, and their role in policing and justice, politics and the economy.

The study then describes the current response of the Nigerian Government, multilateral organizations and nongovernmental organizations (NGOs) to the militias of the North-East. The central Government lacks a consistent policy, while northern politicians and state-level officials embrace the militias. The report reviews current and potential policies for reducing the scale and negative effects of the militias, identifying the feasibility and likely effectiveness of each. The assessed policies include:

1. Putting militias on payroll and providing them with non-lethal assistance without integrating them into formal forces;
2. Integrating militias into formal security forces, or legalizing them as paramilitary forces;
3. DDR and job training;
4. Human rights training and accountability mechanisms for violations, and programmes to shape militia behaviour.

Finally, the report offers recommendations for concrete steps that would enable the Nigerian Government and international partners to limit the risks posed by militias, while continuing to benefit from their unique capacities. The recommendations focus on the following areas:

1. Vetting of militias prior to integration into Nigerian official forces;
2. Improving the capacity of the Nigerian military, police and intelligence services, for purposes such as for gathering intelligence;

3. Avoiding or minimizing the creation of new militia groups, and their importation from other areas;
4. Expanding human rights training and other steps to limit human rights violations, reduce local conflicts, and address local disputes;
5. Expanding and improving job training for militia members;
6. Countering the political appropriation of militias;
7. Developing mechanisms to punish militias' violations, whether human rights abuses or illegal economic activities.

B. Methodology

In addition to reviewing the relevant existing literature, this study is principally based on the author's fieldwork conducted in Maiduguri, Abuja, Lagos, and Ogun state in November and December 2019. The interviews conducted in southern Nigeria were for the purpose of understanding spillover effects of militia formation, policies to address militias and Nigerian militia evolution throughout the country. During the 2019 fieldwork, the author conducted a total of 77 interviews. Interviewees included the following: leaders and members of the CJTF; former Boko Haram members and people who lived under Boko Haram rule; current and former Nigerian Government officials; current and former officers of Nigerian military and police forces; Nigerian security and political experts and academics; Nigerian politicians; traditional leaders; business community representatives; Nigerian journalists; Nigerian and international representatives of NGOs; United Nations officials; and international diplomats. The study also builds on the author's previous fieldwork in Nigeria in January 2018. To protect the safety of interlocutors and create an environment where they could speak honestly and openly, all interviews during this and previous fieldwork trips are reported without the use of names.

The context

Boko Haram's insurgency has caused an estimated 20,000 to 30,000 deaths and displaced well over two million people since 2009.⁵ Between 2009 and 2015, Boko Haram took control of extensive territories in the Nigeria's North-East, including temporarily taking over major cities such as Maiduguri. Boko Haram fighters have slaughtered civilians in villages and towns, abducted thousands of people, forcibly marrying off women and girls to their fighters, and conducted mass-casualty terrorist attacks against mosques, markets and camps for internally displaced people (IDPs). Overall, some 15 million people have been adversely affected by the insurgency and counter-insurgency efforts.

Drawing its supporters mostly from the Kanuri ethnic group, the Boko Haram insurgency emerged in Nigeria's Borno State in the first few years of the twenty-first century, when a charismatic Islamic scholar, Mohammad Yusuf, started preaching against the underdevelopment, poverty and corruption of Nigeria's North-East. Denouncing the state as the source of the political, social and spiritual corruption and decay of the polity, Yusuf blamed Western values, secularism, and democracy as the source of poor governance and policy failures. He professed that an Islamic governance and administrative state, rooted in "back to the source" Salafi doctrine — in his view, Islam as practiced by the Prophet Muhammad — would provide justice and equality for all and eliminate corruption.⁶

Amidst miserable socioeconomic conditions in the North-East, soaring unemployment and the lack of government presence beyond Borno's capital, Maiduguri, Yusuf's teachings resonated widely. The call for equality was especially powerful, given that Nigeria's enormous wealth is unevenly distributed, largely neglecting Borno, while rampant corruption and clientelism within ethnic groups have left institutions incapable of delivering security or services in the North-East.⁷

A. Conflict overview

In July 2009, the Nigerian military violently cracked down on Boko Haram, leaving as many as 1,000 alleged members dead. Yusuf himself was killed while in the custody of the Nigerian police. Within months of the crackdown, Boko Haram retaliated, unleashing a full-blown insurgency under the new leadership of Abubakar Shekau. The insurgency took control of much of the North-East. The Government's response was sporadic, vacillating between heavy-handed military operations to apparent neglect of the North-East. Corruption within the military was rife, resulting in the siphoning off of much of the national funds intended for the fight against Boko Haram. The inadequacy of the campaign left towns, villages and hundreds of thousands of people at the mercy of the brutal Boko Haram.

The inadequate State response stimulated the proliferation of anti-Boko Haram militias, especially by ethnic groups other than the Kanuri. Sometimes supported by the Nigerian military, many of these militias coalesced under the umbrella grouping of the CJTF. Along with pre-existing militia groups such as the VGN, hunters' groups, and the *kesh-kesh* of the Arab Shewu community, the CJTF came to lead the operations against Boko Haram.

Meanwhile, Boko Haram's increasing military raids and terrorist attacks in the territories of Nigeria's neighbours (namely, Cameroon, Chad and Niger) led, in early 2015, to the formation of the Military Joint Task Force (MJTF), an international body tasked with suppressing the extremist group. Supported by the US, France and Britain in the provision of training, advice and intelligence, the MJTF eventually included the military forces of Chad, Niger, Cameroon and Benin, in addition to those of Nigeria. For a time, it was able to beat back Boko Haram.

After the 2015 Nigerian presidential election of Muhammadu Buhari (who had formerly been a military dictator of the country, from 1983 to 1985), the determination and effectiveness of the counter-insurgency campaign temporarily improved. The size of the Nigerian military deployment grew to three brigades (approximately 15,000 soldiers).⁸ Under the Nigerian military's counter-insurgency operation, dubbed Operation Lafiya Dole, Boko Haram lost much of its territory and withdrew to more isolated areas of the North-East, such as the Sambisa Forest. After their initial battlefield progress, Buhari and the Nigerian Government repeatedly, though incorrectly, announced that Boko Haram had been "technically defeated." Yet in August 2018, the US sold half a billion dollars' worth of military equipment to the Nigerian military to fight Boko Haram, indicating that the war was far from over.

Indeed, while Boko Haram lost significant territory between 2015 and early 2018, and no longer holds major cities, the insurgency continues to kill thousands of people a year.⁹ And the Nigerian military has continually struggled

to establish effective control in retaken areas. In major cities and towns in the North-East, including Maiduguri, there is widespread belief that Boko Haram informants are everywhere.¹⁰ The group also continues to forcibly recruit boys and men and abduct girls, whom it forces to marry Boko Haram fighters or to become suicide bombers.¹¹

Boko Haram has internally fragmented over the past several years but the splintering has not significantly weakened the militants' operational capacity. In 2016, disputes over leadership, connections to IS in the Middle East, and tensions over the killings of Muslim civilians caused a serious fracture and led to the formation of two factions beyond an earlier splinter group (Ansaru). One splinter remained allied with Shekau and a new one grouped around Abu Musab al-Barnawi, a Nigerian militant claiming to be the new leader of Boko Haram and to have the blessing of the Islamic State (IS) in Iraq and Syria. This latter group is commonly referred to as ISWAP, though the Shekau faction also sometimes calls itself the same name. In this study, the term Boko Haram is reserved for the Shekau faction. No exact number of insurgents in the various groups are known, but together they could total as many as 10,000.¹²

Since 2018, ISWAP has become a particularly potent, effective, and increasingly entrenched armed group, even while further factionalizing. In addition to building up significant political capital among local populations, it has led many successful military operations against the Nigerian military, which has continually suffered from poor performance and deep-seated problems.¹³ As a result, the security situation in the North-East has deteriorated significantly since the beginning of 2018.

In this worsening situation, massive humanitarian problems persist. Most of those displaced by the fighting have been afraid to return to their destroyed home areas due to attacks by Boko Haram and ISWAP, and the State's inability to effectively hold vast rural areas and protect local populations.¹⁴ The State has at times provided little protection to

accompany its efforts to return IDPs home or to move them to new settlements; as a result, Boko Haram has killed returnees.¹⁵ As of the end of 2019, no community in the North-East had been completely resettled and no IDP camp closed. Reconstruction was proceeding slowly. While the international community has provided considerable assistance, there is no unified tracking mechanism for how its aid has been spent. Major disjunctions exist between state-level and federal-level stabilization plans, among line ministries and between the Government and NGOs.¹⁶

Until November 2016, the Nigerian military provided the bulk of assistance in IDP camps. However, it was frequently accused of corruption, incompetence, racketeering, and abuse of civilian victims of conflict.¹⁷ Thus, the CJTF has taken over the administration of many IDP camps. Officially, local administrations have returned to most local government areas (LGAs — a small administrative unit in Nigeria). Yet, their capacity remains very low and they are vulnerable to attacks by Boko Haram and ISWAP. Further, due to crops being destroyed in the fighting, and the inability to plant new crops for several years in a row because of insecurity and government prohibitions on doing so, extreme food shortages have plagued Nigeria's North-East for several years, affecting millions.¹⁸

Foreign government donors have often led the financing of reconstruction in retaken areas. The US, for example, signed a USD \$2.3 billion five-year agreement with Nigeria in 2015 for humanitarian aid, including IDP assistance; longer-term development, such as electrification, education, and agriculture; and transitional programmes. The US also provided funding for efforts such as deradicalization and reintegration of former Boko Haram associates.¹⁹ In 2016 and 2017, the reconstruction programming revolved predominantly around addressing extreme food insecurity and other emergency life-saving measures.

Integration of local communities' preferences also remains a significant challenge. Due to persistent insecurity, reconstruction remains highly constrained, creating sentiments among

IDPs and other communities that this is no time for any kind of amnesty or reconciliation.²⁰ The reconstruction and humanitarian programming under way also generate tensions between those who have received aid and those who have not.²¹

B. Governance by Boko Haram and ISWAP

Complicating the societal reconciliation and reintegration of people associated with Boko Haram is the nature of Boko Haram's rule. Unlike in the case of other militant groups, such as the Taliban of Afghanistan, Boko Haram since 2009 has centred its rule almost solely on brutality and predation, providing few to no services to populations in areas it controls.

Boko Haram taxes numerous economic activities, from fishing to farming. It has issued death threats to farmers who refuse to pay 10 per cent of their harvest to the group, and demanded similar taxes or payments in kind from herders and livestock breeders. It has also penetrated transportation and smuggling networks connecting Nigeria, Cameroon, Chad, Niger and Burkina Faso. It charges smugglers and traders of pharmaceuticals, stolen cards, tramadol (a widely abused pain drug), weapons and watered-down fuel known as *zoua-zoua*. It has provided loans to traders, such as in Cameroon's far north region, expecting a percentage of their returns.²² It has also recruited fishermen as logisticians.

Under the leadership of Shekau, Boko Haram's rule turned exceedingly brutal, with widespread killings and executions, rapes, torture, burning of villages, and the forced recruitment of thousands of men and boys as soldiers, and of women and girls as slaves or brides for Boko Haram fighters. It has imposed a backward and doctrinaire version of sharia that has included cutting off limbs of thieves and demanding that Christian families pay extra taxes, such as *jizya*, a protection tax for non-Muslims who have been conquered. Meanwhile, Boko Haram has provided almost no social services and public goods to populations in areas it controls.²³ Its rule

has essentially been one of wanton destruction and plunder. Boko Haram has targeted any alternative sources of authority and rule, by either co-opting or often executing village elders, such as *bulamas* and *lawans*, or imams who condemn its rule. Killing local authorities has often been among its first acts in a newly conquered locale.²⁴ In some places, however, such as northern Cameroon, Boko Haram has also spent large sums buying the support of traditional chiefs, and bribing security forces while recruiting fighters and informants.²⁵

Boko Haram does not allow freedom of movement of people within the areas it controls. Those who reside under its occupation cannot freely leave and are *de facto* imprisoned. Yet many other Nigerians, including IDPs, see locals who lived under Boko Haram as evil sympathizers and collaborators. This view persists despite the fact that running away from Boko Haram areas poses tremendous security risks: the group punishes, including by death, individuals who are merely rumoured or alleged to be contemplating escape.²⁶

While it typically does not provide services, in some villages, Boko Haram has actively distributed food to local people. Some women abducted by the group from their villages have reported being fed better than in their home villages, perhaps even preferring to stay with Boko Haram despite their imprisonment there. Some liberated girls have returned to Boko Haram areas, both due to better economic conditions there and because they face multiple forms of societal rejection in their home communities.²⁷

ISWAP split off from Boko Haram in disagreement with Boko Haram's treatment of civilians. It objected to Boko Haram's indiscriminate killing of Muslim civilians, the bombing of mosques, and its overall brutality. While ISWAP also taxes local populations, it significantly limits abuses of local communities. It provides limited social services to local populations under its control, such as transporting pregnant women to the hospital, a type of support the local population never enjoyed even from the Nigeria Government. ISWAP has also been handing out humanitarian

aid, in the form of financial assistance to women to become seamstresses and buy themselves sewing machines.²⁸ In contrast to the unpredictable protection provided by the military and the CJTF, ISWAP has provided predictable governance and enough security for people to tend their fields and cultivate at least basic livelihoods.²⁹

Also unlike Boko Haram, ISWAP militants have adopted scrupulous targeting policies, attacking and killing mostly Nigerian military forces and associated auxiliary forces, such as the CJTF, but trying to avoid civilian casualties. At times, they have even spared Nigerian police officers whom they have caught along roads, provided that the policemen promised to stop performing their policing duties.³⁰ The brutality of the Nigerian military has also critically helped anchor ISWAP's entrenchment.

As a result, ISWAP has built up significant political capital among local populations and become deeply entrenched, potentially posing a far more serious and long-lasting threat than Boko Haram. Yet the Nigerian Government has failed to mount an effective and sociopolitical response and counter-insurgency strategy against ISWAP or Boko Haram.

C. The military response

While Boko Haram's abuses are the most notorious, the counter-insurgency policy of the Nigerian military and police have also long been sources of insecurity, dislocation, suffering, and severe and widespread human rights abuses.³¹ Particularly before 2015, much of the counter-insurgency strategy involved collective punishment of entire villages suspected of harbouring Boko Haram militants or having fallen under Boko Haram rule. In such so-called clearing operations, which often amounted to violent reprisals by the Nigerian military, villagers who did not manage to flee to the bush were randomly killed on suspicion of being Boko Haram members. Such killings still take place today. Others, including women and children, are dragged off to detention. Cases of extrajudicial

killings and torture by Nigerian military and police forces are also widespread.³² Between 2013 and 2014, the Nigerian forces extrajudicially executed more than 1,000 people, sometimes even hundreds a day.³³

Thus, as a result of Boko Haram attacks and the Nigerian military counter-attacks and clearing operations, entire communities have been wiped out, with people being kidnapped, detained, displaced or killed. Those who are not detained in clearing operations have often been forcibly evicted by the military, without prior notice. The burning of houses, shops, cars and other private property has been a regular feature of the conflict and was particularly common before 2015. Many areas formerly controlled by Boko Haram remain emptied of residents. Land is often taken over by other actors, which prevents the return of the displaced. In cities, most government operations have involved aggressive searching of houses, with young men frequently shot by the military during such operations.³⁴ Even those merely seen in the company of suspected Boko Haram members risk being detained or summarily killed by the Nigerian military.³⁵

Detainees languish for months and often years. In some cases, they are simply incarcerated without any evidence of a crime or prospect of a trial. There have been tens of thousands of detainees, who are subjected to abysmal conditions, including torture and starvation.^{36, 37} No formal or centralized records appear to have been kept as to who has been arrested, detained, or killed in detention.

Since 2015, the Nigerian military's abuses have decreased, for several reasons. One is the exposure of the violations by international human rights groups and local civil society NGOs. Another is that, as territory has been retaken, the military has had fewer opportunities to commit violations. Nonetheless, reports of summary executions and mass detentions still regularly emerge.³⁸

Other counter-insurgency policies, however, continue to undermine human security and the effectiveness of counter-insurgency efforts. In the community of Bazza, for example, the

Nigerian military confiscated all weapons, including kitchen knives, to disarm Boko Haram. As a result, locals could not go about their essential daily tasks, such as slaughtering animals, cooking, or farming. In various parts of the North-East the military has prohibited planting tall crops to deny Boko Haram hiding opportunities. But, in doing so, the military severely compounded food insecurity and famine. Curfews have similarly hampered access to food and economic activities.³⁹

Apart from their humanitarian consequences, such policies to defund the militants have allowed local Nigerian military units to integrate themselves and dominate local economic markets and activities. The military now controls who can fish and whose trucks can travel on roads, enter towns, and access markets; the military often collects illegal tolls and rents.⁴⁰ Smuggling by the Nigerian military (or with the permission and taxation by the military) reportedly persists despite the fact that the Nigerian Government shut down the borders with its neighbours in 2019 to limit imports and boost domestic production.⁴¹ In the North-East, the Nigerian military demands that merchants buy fish only from fishermen and traders it certifies, claiming that such controls deprive Boko Haram of resources. However, these policies also ensure the Government's total control over access to the economy. Although cattle rustling is frequently attributed to Boko Haram, there is widespread belief in communities such as Maiduguri that both the Nigerian military and the CJTF have become deeply involved in the stolen cattle economy across the North-East.⁴² Traditional leaders still report cases of the Nigerian military seizing cattle that the CJTF recovered from Boko Haram, and reselling them with the justification that they need to feed their soldiers.⁴³

Such economic control, including generalized "taxation" of all road traffic, becomes a crucial source of personal enrichment for local military commanders. However, since logistics and supplies of Nigerian military units remain problematic (as a result of systemic graft within the Nigerian military), the military's penetration and monopolization of local economies also serves to generate operational revenues for

local units, including for food, and to supplement meagre or missing salaries.⁴⁴

At its height during Goodluck Jonathan's presidency (from 2010–15), the graft of counter-insurgency resources meant that entire deployed units went without bullets, pay and even food. After Buhari took office, Jonathan's national security advisor was charged with stealing USD \$2 billion in sham procurements meant for the military campaign against Boko Haram.⁴⁵ Yet, as of the end of 2019, Nigerian soldiers remained poorly equipped, lacking even cell phones and relying on radios with 20 year-old batteries. Soldiers continue to go without pay for weeks.⁴⁶ Further, soldiers and federal police are often deployed for two continuous years of service. Demoralized, they often go absent without leave.

Despite the poor conditions, the Nigerian military's profit from local economies leads some observers to conclude that local units, the CJTF, and others have few incentives to end the fighting and withdraw, if they even have the capacity to do so.⁴⁷ Maiduguri residents even believe that military units at times manufacture security incidents to justify their presence and economic policies.⁴⁸

D. The CJTF's role on the battlefield, in brief

The Nigerian military and police have relied on the CJTF for intelligence as a basis for detention. The CJTF possesses human intelligence resources far superior to anything the Nigerian military has managed to develop in the North-East, where many Nigerian soldiers are not able to speak the local languages.⁴⁹ However, relying on the CJTF for unverified intelligence carries enormous risks, given that the group may distort information for its own benefit. CJTF tip-offs are often motivated by the desire for payments from the Nigerian military, revenge or the desire to take over the businesses or properties of the individuals they are denouncing. Still, unverified CJTF claims are often the dominant basis for raids and arrests.⁵⁰

Although signal intelligence from equipment provided by international military partners supplements information flows, acquisition of credible local human intelligence continues to be constrained by the fact that Nigeria does not permit the establishment of local or state-level military or police forces. Despite its flaws, however, the system of CJTF tip-offs and signal intelligence has narrowed the scope of military raids since 2015. Many Maiduguri locals contend that the Nigerian military was far more brutal before 2015, when "it didn't have good intelligence."⁵¹

The CJTF also conducts operations independently, setting up checkpoints, patrolling streets, checking suspicious cars and interrogating people.⁵² As with arrests by official Nigerian security forces, such interrogations may involve duress, torture and human rights abuses. Those who do not satisfy CJTF questioning are then handed over to either the military or the police.⁵³ The CJTF keep no record of whom they detain and hand over, or of the reasons for detainment. Allegations of rapes by the CJTF have emerged, though far more rapes — roughly 90 per cent — are reportedly perpetrated by Boko Haram.⁵⁴ CJTF units themselves have reportedly killed civilians — during clearing operations, arrests or fighting with Boko Haram. Again, there has been no disclosure, reporting or investigation into such deaths.⁵⁵ Yet, because of the lack of accountability of the CJTF and its close relations with the military and the police, many locals are afraid to report CJTF abuses and crimes to authorities. They fear they would be subsequently arrested as Boko Haram members, or detained and mistreated by the CJTF, who would receive information from the government authorities.⁵⁶

E. Deteriorating security situation

In contrast to Shekau's Boko Haram militants, who have been mostly avoiding major battles, ISWAP has been very ambitious in its military efforts and very successful in recent years. Since 2018, it has managed to successfully attack and

destroy many military bases in northern Nigeria. The frequency, potency (also featuring mortar fire) and lethality of attacks has increased.⁵⁷ ISWAP planned some of its attacks in response to a major push by the Borno government in July 2018 to resettle displaced communities. The Nigerian military conducted an operation for these purposes, which cleared ISWAP from new areas, and attempted to hold the newly liberated territories. But the military vastly underestimated ISWAP strength. ISWAP took over base after base, often killing soldiers who did not manage to flee, capturing weapons and supplies and ultimately overrunning a large military base in Baga.

As a result of these losses, the Nigerian military has reduced its presence and liquidated many of its forward operating bases, giving up much territory to the militants. This may have improved the morale of Nigerian soldiers, who are taking fewer casualties, but it is bad for security. The military is now using a new strategy of “super camps” — fortified garrison towns. Because the Nigerian military only controls the centre of these towns, it herds local populations into them and digs trenches around them. Numerous individuals interviewed for this study described the super camps as a counter-insurgency

strategy that does not defeat insurgents.⁵⁸ For their part, Nigerian military officials deny that there is any deterioration of security and that ISWAP or Boko Haram hold territories (calling ISWAP “a mirage”). But Western advisers call the super camps a strategy of retreat.⁵⁹

The Nigerian military’s capacities to defeat ISWAP and Boko Haram are lacking. In contrast to the agile militants, the military is unwieldy and lacks close air support and often drops unguided bombs; ISWAP uses drones. Instead of the militants hiding during the day, it is the Nigerian military that flees at the sight of the militants, even in daytime.⁶⁰

Moreover, the super camp approach further squeezes livelihood opportunities for local populations as the Nigerian military guarantees security in only a five-kilometre diameter around garrison towns; local residents are only permitted to cultivate their fields within this perimeter. As of the end of 2019, humanitarian actors could not reach at least six LGAs, and at least 200,000 people were believed to live under ISWAP or Boko Haram rule.⁶¹ Militants control key roads. While security in Maiduguri continues to hold, attacks on the city’s outskirts are increasing.

II

Auxiliary groups in detail

The emergence and persistence of militias in the North-East, as well as across Nigeria, arise from the deficiencies of the State in providing security, and a long tradition of vigilante groups, going back to the precolonial era.⁶² Nigerian security forces as well as local communities see the militia groups as the best sources of local intelligence.⁶³ Rooted in local ethnic groups, most vigilante groups and militias have evolved among the rural and urban poor. As noted above, the militias enjoy trust and legitimacy with many members of local communities, but they also create numerous problems.

The CJTF is the most notable of the militias and vigilante groups that operate in Nigeria's North-East against Boko Haram and ISWAP, but there are many others, including *kesk-kesk*, hunters' groups, and the VGN.⁶⁴ All three of these groups predate CJTF and often have highly fluid and competitive relationships with it; they often resent their better-known rival. In trainings or meetings, members of hunters' groups, *kesk-kesk*, the CJTF and the VGN even regularly refuse to sit at the same table.⁶⁵

The CJTF, in particular, poses an enormous challenge in the North-East. Some local residents still see them as "heroes," "saviours," and "champions."⁶⁶ During the early violent

insurgency years, CJTF members were at times the only actors standing up to Boko Haram and providing some protection to local populations. Today, the CJTF, hunters' groups and *kesk-kesk* are at the forefront of operations against Boko Haram and ISWAP. Yet, they have also become a source of insecurity and change in local political and economic power arrangements. The multifaceted threats they pose are likely to increase.

This section first details the current structure and battlefield roles of the CJTF and associated militias. It then reviews the CJTF human rights record, the expansion of CJTF roles and tasks, and the way the group has come to alter or reinforce existing power arrangements. Finally, this section details the way the CJTF and associated militias have become embedded in the political economy of the North-East.

A. Overview of structure of the CJTF and associated militias

The CJTF estimates that it currently numbers between 31,000 members, an increase from their 2018 estimate of 26,000. Its ranks are

composed of gangs of young and old men and, in some cases, such as in the state of Yobe, prisoners released from jails in order to fight Boko Haram.⁶⁷ There are only about 100 women in the CJTF.⁶⁸ There are reasons to think that the CJTF estimates are inflated. Two years ago, the CJTF began creating a registry of its members, but the database is incomplete. Instead, the CJTF simply declares high numbers to deter militants and rival groups, and serve its political purposes. The Nigerian military has trained fewer than 5,000 CJTF members, and some analysts estimate that the CJTF has as few as 10,000.⁶⁹ The population of the North-East is some 25 million, and the unemployment rate is as high as 80 per cent. From that perspective, it is entirely plausible that 25,000 men would have joined the militia. However, the CJTF started forming in 2011 and 2012, so a force of 25,000 would have required massive growth. (For comparison, this would rival the size of the self-defence and paramilitary forces in Colombia — a country of nearly 50 million — after six decades of conflict.) Moreover, the CJTF reports this large figure even as the group has sustained high numbers of casualties from ISWAP and Boko Haram. ISWAP, in particular, has aggressively targeted the CJTF. It is questionable whether new recruitment compensates CJTF losses, let alone increases its size.⁷⁰

CJTF operates outside the law, but under the supervision of the Attorneys General in the North-East, where it is present. And despite being extralegal, the CJTF is formally under the command of the Nigerian military. Despite the nominal supervision of the Attorneys General, there is no formal leader of the entire CJTF in Borno or elsewhere. Instead, the group has divided itself into geographic “sectors” with separate and opaque leadership structures and highly varied abilities of commanders to control units, compounding the accountability problems. Coordination across sectors is irregular, sporadic and constantly subject to change. Like Nigeria’s formal security actors, CJTF units prefer to shroud themselves in secrecy.

Engagement with, and reporting and obedience to, the Nigerian military and official police units also vary widely. In some areas, such as Maiduguri, CJTF units cooperate and even

report to the police, who in turn use the group for a variety of operations. Still, police officials complain that they cannot control the militias “because they were trained by and report to the military,” or simply because the militias refuse to be controlled.⁷¹

Although having emerged spontaneously, the CJTF has become stratified into several layers. The previous Governor of Borno, Kashim Ibrahim Shettima, recruited a group of some 2,000 to form a privileged group that came to be called the Borno Youth Empowerment Program, or BOYES. This elite CJTF group was subsequently trained and armed by the Nigerian military; the government of Borno paid 20,000 naira per month (approximately USD \$55). BOYES is the Nigerian military’s favored CJTF unit, yet it is deployed mostly in Maiduguri, where its usefulness is highly limited and where it is not engaged in frontline combat.

A second layer of the CJTF, the Neighbourhood Watch, was created by Shettima in 2017. Some 2,900 men are now enrolled in the Watch — 29 LGAs with about 100 members each. Shettima paid them a monthly stipend of 10,000 naira (USD \$27). The Neighbourhood Watch has absorbed parts of other groups, such as the Borno Youth Vanguard (later renamed Borno Youth Association for Peace and Justice).⁷²

A third layer of the CJTF includes groups that were armed by the Nigerian military and Borno, but were not paid or trained. This layer probably also numbers in the low thousands, though no clear data is available.

The remainder of the CJTF — the vast majority of the militias — have not received arms or training from the government, nor are they being formally paid. In some places, the various layers operate together; in other cases, Neighbourhood Watch does not respond to BOYES even though it is also part of the CJTF, and vice versa.

This stratification has created multiple challenges within the CJTF ranks. Non-BOYES members are frustrated by their lower status and lesser (or nonexistent) state compensation; such members seek to be “promoted” to the BOYES category

in order to be put on the government's payroll. Remaining militias also seek state salaries and are aggrieved that their contribution to the counter-insurgency effort is not recognized. Compounding the grievances is the fact that many BOYES members and commanders were not recruited from within the CJTF. Instead, Shettima independently recruited them, along with other youth security groups the Governor initiated, such as the Neighbourhood Watch. But even BOYES commanders and members seek greater benefits.⁷³

Further complicating resentments is the purported existence of self-declared "special forces" under BOYES. Such forces are armed and presumably effectively trained. Their uniforms are said to carry a special forces insignia, which helps them command respect and obedience from other CJTF units and local communities.⁷⁴

Many tensions and conflicts over resource distribution thus exist among the various layers of the CJTF, as well as between CJTF units located outside of Maiduguri and those operating within the city.

B. The Vigilante Group of Nigeria

The VGN is a nationwide vigilante group and private security company that emerged in the 1980s. Its operations against Boko Haram and ISWAP are mostly in the states of Benue and Adamawa, and to a lesser extent in Borno. In Borno, it has been completely eclipsed by the CJTF, but its leadership tries to appropriate CJTF popularity and power, and claims that the CJTF is, in fact, a part of the VGN — a claim CJTF rejects.⁷⁵ For years, the VGN has sought federal-level recognition and legitimization, which would afford government contracts and arms.

Outside of the North-East, the VGN also undertakes various vigilante anti-crime functions, such as searching people in markets, apprehending and interrogating robbery and kidnapping suspects and — at least if they follow

protocol — handing them over to the police, and patrolling roads with the Nigeria Police Force. In areas where it operates jointly with the police, its members sometimes receive some training from the police, such as in physical defence, community policing and intelligence gathering. In larger Nigerian cities, the VGN also functions as a private security company hired by middle-class Nigerians to guard their houses and properties.⁷⁶ Its members tend to be older than CJTF members, including retired soldiers and police officials. They apply for CJTF membership at a local office, producing two guarantors and passing an interview. The VGN's local and state branches are not well coordinated. In the North-East, it has had a testy relationship with the CJTF, resenting, for example, that the state government has given the CJTF vehicles, which the VGN did not receive.⁷⁷

C. Hunters' associations

In contrast to the VGN, the various hunters' associations that fight ISWAP and Boko Haram tend to have good relations with the CJTF. Believing themselves to be protected by *juju* (black magic), they frequently operate in the toughest and most remote terrain and often are very effective in combating the militants in their areas.

D. Kesh-kesh

Sometimes associated or conflated with the hunters' associations, the *kesh-kesh* are militias that in the 1980s emerged from the Shuwa Arab community, also referred to as the Baggara community. These nomadic herders live across Nigeria, Cameroon, Chad and Sudan. Many of the *kesh-kesh* who are fighting Boko Haram and ISWAP come from Cameroon, where they draw their membership from hunters' groups, and not simply nomadic herders.⁷⁸ They have had complex relations with the CJTF, though in some places, such as in areas of Nigeria close to the border with Cameroon and around Lake Chad, the CJTF emerged out of *kesh-kesh* groups.⁷⁹

Yet many of these groups, as with hunters' associations, frequently undergo splintering or relabeling themselves, making it hard for local populations to understand who operates where and conducts what operations, and what their connection to the CJTF is at any particular moment. In the area of Bama in Borno, for example, 200 CJTF, 50 BOYES, 150 *keshe-keshe*, 75 VGN members and 75 hunters reportedly operate under one CJTF commander and receive some stipends from the government of Borno. Yet there are also other anti-Boko Haram and anti-ISWAP militias who operate outside of the CJTF command and are not on the government's payroll.⁸⁰

E. The CJTF and associated militias' role on the battlefield today

The CJTF continues to be a core component of the Nigerian military's counter-insurgency strategy. Other than in Maiduguri, the Nigerian military deliberately places the CJTF on the front line and on the perimeters of garrison towns of the North-East, so that Boko Haram and ISWAP engage the militias first in their attacks, and so that the militias, instead of the Nigerian military, bear the brunt of casualties. Indeed, CJTF casualty reports frequently surpass those of the military. The military also assigns the CJTF high risk operations, such as handling suicide bombers.⁸¹

Yet, the Nigerian military frequently provides poor backup to the CJTF and CJTF units do not rotate out of dangerous areas at all, since those areas are presumably their home areas. Not surprisingly, many CJTF units are now exhausted, having lost the battlefield momentum they had at the peak of their operations in 2014 and 2015.⁸²

As security considerably worsened in the second half of 2019, CJTF morale deteriorated. One unit turned on its famous commander, Bulama Bukar (known as Maradona), after he agreed to work with out-of-state hunter groups who had been brought into his areas. The mutineers handed

the commander to ISWAP, who tortured him to death.⁸³ This episode sent shivers through other CJTF units (as well as through communities) about ISWAP infiltration, the breakdown of the CJTF's command and control and the reliability of its protection.⁸⁴

The CJTF and associated militias remain the predominant source of intelligence about militants and their associates. While such intelligence is often superior to any the military is capable of producing, and allows for detaining individuals instead of entire communities, its reliability is still suspect. For instance, a police commander asserted that the CJTF is very good at identifying Boko Haram members, sympathizers, and associates. "The CJTF will come to us and tell us, this preacher was intimidated by Boko Haram," he said. "And then we go and pick up the preacher."⁸⁵ But condemnations such as this, based on word of mouth, have inherent flaws: even if the preacher was merely a victim of Boko Haram, he would face interrogation and possible detention by the CJTF and formal Nigerian security actors.

In another case, a middle-aged woman from the Konduga area of Borno reported that, after she and her ten year-old daughter managed to escape from her village that had been overrun and controlled by Boko Haram, she ran into CJTF. They arrested her and handed her over to the military. She and her daughter were then kept for 13 months in the military's detention centre in extremely crowded conditions, without adequate food. They were interrogated about their association with Boko Haram several times and then eventually brought by the military to the Maiduguri rehabilitation centre for women, from which she was released with her daughter after 12 weeks.⁸⁶ It is highly questionable whether the woman and her daughter, victims of Boko Haram, should have been detained at all by the CJTF or the military. Yet both organizations insist that those who lived under Boko Haram control, even if only as victims, cannot be trusted.⁸⁷

This reliance on the CJTF for intelligence, including during interrogations, and as the basis for detention, contains enormous risks of randomness and arbitrariness, as well as of social and economic "cleansing," which serve



UN Photo/Stuart Price

particular interests of local commanders and militiamen. Indeed, when questioned about its sources of intelligence for identifying Boko Haram members, a CJTF commander of a very important sector gave a response that provided little reassurance about the rigor of his practices: "Since we are from here, we simply know who is Boko Haram and who is not."⁸⁸ Other militia members present at the interview went on to specify that children, as young as 12, were particularly useful as lookouts and informants because they could move freely and not be suspected. Village elders, too, were considered useful in providing intelligence to the CJTF. "Everyone tells us who is coming to the village," one interviewee said.⁸⁹ Not surprisingly, ISWAP and Boko Haram are highly motivated to attack the CJTF and ask communities to identify CJTF members.

Unlike the VGN, which tends to be more stationary, the CJTF accompanies military units

on patrols. Yet, such patrolling and rare offensive forays do not necessarily improve security. For example, in November 2019, a CJTF contingent, which also included 23 *kesh-kesh* fighters, accompanied 100 Nigerian soldiers on a patrol to a village in Sambisa Forest, 12 kilometres from Bama. The patrol encountered Boko Haram members; it killed eight Boko Haram fighters and rescued five women and children. But a subsequent Boko Haram unit overpowered the patrol, causing significant casualties and resulting in tactical defeat.⁹⁰

In some cases, CJTF units have managed on their own to run ISWAP out of villages, but lacking backup from the Nigerian military, they struggle to hold territories. Nor is the Nigerian military capable of anticipating and preventing reprisals. In June 2019, for example, a hunters' group overran an ISWAP camp near the road to Monguno, killing and decapitating eight militants. The hunters brought the heads and

some captives to the Nigerian military. Since then, however, ISWAP has begun patrolling and attacking the road, severely complicating all travel on the road and access to the area. The Nigerian military has been unable to secure the road.⁹¹

CJTF units are also allegedly very active in IDP camps, where the military employs them as spies and, again, relies on them for intelligence.⁹² Recently, the CJTF has also been tasked with providing security on school campuses.

The CJTF also has indirect effects on the battlefield as a result of its interaction with a defectors' programme for low risk Boko Haram fighters, known as Operation Safe Corridor.⁹³ As the Nigerian Government programme was unveiled in 2018, observers feared that CJTF members would attack former Boko Haram members who went through the programme. So far, those fears have not been borne out. On the contrary, the CJTF — in this case, at least — has had a fairly measured response to the reintegration of individuals who were once considered bitter enemies. For example, in the Bama area, 29 defectors who had gone through the programme were placed in a local IDP camp. The CJTF accepted the placement of all but one defector in the camp; it claimed that the defector it objected to had a record that was too problematic to be placed in the camp. While the other defectors could leave the IDP camp and safely move around Bama without fearing the CJTF attacks, the "problematic" defector could not. The CJTF unit wanted him moved to another community.⁹⁴ But the CJTF response to the Boko Haram defectors is far more positive than had been expected.

There are other examples of the CJTF unit in Bama abstaining from revenge. The unit has also accepted the return of children who lived under Boko Haram rule. Two young men, who had escaped from a Boko Haram forest camp as children and then spent several years in military detention and three months in the Bulunkutu Rehabilitation Centre in Maiduguri, had come to associate with and provide intelligence to the Bama CJTF.⁹⁵ They had trained for electrical work and barbering at the rehabilitation centre, but neither of the young men (who were 19 and 17

at the time of the interview) thought they could find a job in those fields. Instead, they both focused on the CJTF as the source of livelihoods, protection and association.

Of course, these episodes are highly idiosyncratic and likely do not represent the attitudes and behaviour of all CJTF units towards ex-Boko Haram defectors and individuals who lived under Boko Haram rule. Nonetheless, although hundreds of low risk defectors have been processed through the rehabilitation camps (with camps for men in Gombe, and for women and children in Maiduguri) and placed in communities or IDP camps, no widespread attacks or harassment by the CJTF have been reported.⁹⁶

F. Human rights, law enforcement, and justice

Although the CJTF has frequently been the only source of some security against Boko Haram for local populations, it has perpetrated serious human rights abuses. Until 2017, and particularly in the early years of resistance against Boko Haram, these included extrajudicial killings, rapes, beatings of detainees and other torture.⁹⁷ Although the level of extrajudicial killings has gone down, the CJTF and the Nigerian military and police continue to torture detainees to extract confessions and obtain intelligence. Anecdotal evidence suggests CJTF beatings of detainees are brutal enough so that arrestees must be hospitalized.⁹⁸

In theory, all CJTF units in Maiduguri are supposed to operate unarmed, with weapons issued to them by the Nigerian military or police only for specific operations. In reality, as widely reported and regularly witnessed by the author during fieldwork in January 2018 and again in November 2019, CJTF members walk around Maiduguri's streets and markets armed with machine guns or rifles, threatening civilians with them in traffic or market disputes.

However, since 2018, the incidence of most severe human rights abuses appears to be

considerably reduced.⁹⁹ At least three factors account for this decline in violations. First, since 2018, the CJTF has conducted few offensive and clearing operations, a deployment mode that limits its opportunities to engage in human rights violations. Second, as detailed in this study below, human rights training of the CJTF is believed to have helped reduce violations, at least to some extent. Third, there has been some softening of communities' attitudes towards those associated with Boko Haram. As a result of less exposure to Boko Haram abuse, the passage of time, and NGO activism, most communities no longer uniformly reject anyone associated with Boko Haram.¹⁰⁰ Many communities are now willing to accept the return of those who were abducted by Boko Haram, though they continue to reject women who voluntarily married Boko Haram, as well as children born to Boko Haram fathers (despite the injustice and security risks of simply abandoning those children to life on the streets, including potential recruitment by militants).¹⁰¹ Yet, even this moderate increase in acceptance of former Boko Haram associates has acted as a damper on CJTF abuses of those alleged to be associated in any form with militancy.

International and Nigerian human rights observers maintain that very serious human rights abuses continue to be far more frequently perpetrated by the Nigerian military than by the CJTF, and that the human rights record of the Nigerian military is, overall, far worse than that of the CJTF.¹⁰²

One exception to the improved human rights record of the CJTF appears to be gender-based violence. Resettled IDPs regularly report that CJTF members in charge of IDP camp security and food distribution demand sex for food.¹⁰³ Appointing the CJTF to guard school campuses, roads and water points also appears to be associated with increased rapes and sexual extortion.¹⁰⁴ It is not possible to conclusively determine whether there is an actual increase in such instances, or whether they have simply been reported more. But local residents continue to fear reporting abuses, so it would seem that the increase in reports does reflect a trend of increasing violence.

The human rights record of other militia groups varies considerably from the CJTF. The VGN is generally considered to be far less abusive than the CJTF, partially because its members often include older and retired soldiers and police officers who may have more training and discipline, and partially because the VGN is mostly not involved in clearing operations and frontline battles.¹⁰⁵ However, as mentioned above, communities are often unable to distinguish CJTF units from the VGN (particularly when the two groups operate under the same command). Further, militia groups constantly rename themselves, and communities thus report violations as those of the CJTF when the specific identity of the perpetrators may be uncertain.

Hunters' associations, in contrast, are reputedly to be particularly brutal. Operating deep in the bush without any oversight and often with no exposure to laws or human rights concepts, they are believed to engage in a variety of severe human rights violations.¹⁰⁶

However, it must be noted that collecting data and evidence on human rights violations in Nigeria's North-East remains extremely challenging for multiple reasons. Physical access for Nigerian and international monitors remains restricted to very small areas, and little information of any kind is available on what is happening beyond garrison towns. Victims fear reporting abuses by both the Nigerian military and the CJTF and NGOs who report such violations are threatened by the Nigerian military with expulsion from the North-East.¹⁰⁷ Moreover, while CJTF units are supposed to wear identifiable uniforms, many operate in civilian clothes and frequently display a wide range of patches, including those of the Nigerian military, or even US flags. Thus, local residents in garrison towns rarely know with which unit, militia group or armed actor they are dealing.¹⁰⁸

Over time, the CJTF has taken it upon itself to apprehend perpetrators of all kinds of infractions and act against some forms of crime that are well beyond their original remit — crimes such as robberies, cell phone theft or the passing of fake bills (an ever-present



UN Photo/Martine Perret

problem in Nigeria). These CJTF actions occur even as CJTF members and units are themselves frequently involved in criminality, as detailed below.¹⁰⁹ Such a problematic expansion of the CJTF mandate is not merely a function of the CJTF arrogating expanded roles to itself (a process fully consistent with how insurgents, militias, and criminal groups around the world behave and evolve).¹¹⁰ It is also a function of the Nigerian police and state government officials asking the CJTF to take on such roles, even though the CJTF has no legal standing or policing training. Beyond providing intelligence on illicit markets, the vastly undermanned and overstretched police in Maiduguri are asking the CJTF to investigate robberies and burglaries and detain suspects, as well as join in police raids to shut down illicit drug markets and seize tramadol from pharmacies.¹¹¹ For example, when Borno's Attorney General launched a large police

operation to bulldoze markets known for illegal drug sales and prostitution, the CJTF was tasked by the government and police with playing a central role.

Government officials and the police also use the CJTF for crowd control during large gatherings or political meetings, even though the CJTF has used excessive force during such meetings.¹¹² Similarly, both Nigerian and international NGOs turn to the CJTF for food distribution in IDP camps and the rescreening of returnees.

Some CJTF units have also begun enforcing cultural norms and sharia family codes according to punishments they devise, such as by flogging wives and husbands for violations. Some units have started holding trials for those accused of crimes, though the quality of evidence, procedures and judgments is questionable

and lacking transparency. These expanded functions have generated friction between local communities and local CJTF units. In some areas, such as in Maiduguri, CJTF members claim that they now refrain from inserting themselves into family disputes, because of community pushback.¹¹³ At the same time, some community members report that they are more comfortable reporting crimes, such as cattle theft and even rapes, to the CJTF rather than to regular police units.¹¹⁴

Overall, while local communities resent the CJTF's torture and its involvement in personal matters, such as wife-husband disputes, they have been willing to tolerate its arresting of suspected militants. Yet, even in operations against the militants, the CJTF often targets the business or resource rivals of its friends (in cases of water or land disputes, for example), accusing those rivals of Boko Haram or ISWAP membership. CJTF commanders and units have used such accusations to settle personal scores, such as against families of women who refused to be the girlfriends of CJTF fighters or marry them.¹¹⁵

G. Political effects and political appropriation

The facts that the CJTF has been the principal provider of security for many local residents and has expanded its functions also mean that CJTF has had profound political effects in Nigeria's North-East. The CJTF's relationship with traditional elders and community leaders and local government representatives has been particularly complex, with the CJTF often threatening their power.

Nominally, government officials in local government areas — who mostly also happen to be traditional leaders — have a degree of control over the CJTF. They are mandated to screen and approve any new CJTF member, for example. But when traditional leaders and village elders were interviewed for this study about the vetting process, they said that they never rejected any candidate or heard of rejections in other

villages.¹¹⁶ The village elders themselves may be highly vulnerable to the CJTF influence, not only because of the CJTF's military might, but also because of its political and economic clout.

In some places, CJTF members have begun openly questioning the authority of traditional and village leaders, pointing out that traditional authorities ran away or were not able to protect communities from Boko Haram, while the CJTF fought for communities.¹¹⁷ Conversely, traditional leaders complain that their authority has been undermined by the CJTF; such leaders said that the CJTF feels that it “can do anything” and that it is “completely out of control.”¹¹⁸

Yet fearing continual Boko Haram and ISWAP attacks, traditional leaders have often been unwilling to return to their home areas and, remaining in Maiduguri, are thus unable to perform the governance functions vital for local communities. In many LGAs, traditional authorities served as both the police and the courts. Thus, local communities often ask Nigerian NGOs to “bring back traditional authorities.”¹¹⁹ In areas where traditional leaders have returned, they have been able to wrest some power from the CJTF and are often welcomed back by communities.¹²⁰ Elsewhere, the CJTF has not been willing to yield to the authority of returned traditional leaders. And in areas where traditional leaders continue to be absent, the community welcomes the CJTF's governing functions. Such communities transfer their allegiance to the CJTF, at least to some extent.

Expanding the role of the CJTF to assist in the resettlement of IDPs, as currently planned, poses a serious risk of increasing the CJTF's political power and sense of entitlement. This would further weaken local government and traditional structures, and increase the types of gender-based and other human rights abuses that the CJTF perpetrates in IDP camps or at school campuses. At the same time, the Nigerian military and police lack the capacity and will to secure the resettled communities against militant attacks and criminality.

Another problem is that politicians seek to appropriate CJTF units for their political and economic purposes, even though those politicians are also vulnerable to political and security pressures from militias and vigilante groups. (This type of problem is widespread in Nigeria, and not unique to the North-East or the CJTF.) To secure CJTF allegiance, politicians of the North-East have handed out money and equipment to CJTF commanders and units. Such gifts range from vehicles to *juju* charms.¹²¹

Across Nigeria, militia and vigilante groups sponsored by politicians have in turn been used to repress political opposition, obtain votes, intimidate rivals and extract political donations. Typically, two years prior to elections, violence increases in Nigeria and governors and politicians fortify militia and vigilante groups with money and weapons. There is already evidence and considerable risk that politicians will appropriate and misuse the CJTF in this way.

To shape Nigeria's 2011 elections, governors built up militia-like youth cadres around the Ministry of Religious Affairs. But when their post-election usefulness and payroll dried up, some of those cadres joined the CJTF. Meanwhile, early suggestions to create DDR programmes for the CJTF in 2014 and 2015, though originally receiving political buy-in, were shelved by North-East politicians as the 2015 elections approached. Instead, government officials used the CJTF to support their re-election campaigns.¹²²

In the run-up to the February 2019 presidential, senatorial, and gubernatorial elections in Nigeria, there was considerable concern among civil society and international observers that the CJTF would be used for political intimidation and obtaining votes, including in IDP camps.¹²³ Yet, in Borno, the elections turned out to be considerably more peaceful than expected, and although the CJTF clearly sided with the incumbent party All Progressive Congress and its nominee for governor, Babagana Umara Zulum, its role in shaping the elections was far less pronounced and pernicious than feared. Allegations of CJTF electoral abuses centred mostly on its alleged removal of the oppositions' posters and billboards. But even in those cases,

no substantiated evidence emerged that it did so on behest of politicians or, in fact, that CJTF members were the perpetrators, even though they were widely suspected.¹²⁴ Sporadic reports of CJTF intimidation at polling centres surfaced, but were limited, as were reports of the CJTF being used at night to harass opposition politicians.¹²⁵

In Borno, the incumbent party also used the CJTF for protection during political rallies, a privilege that the opposition did not enjoy.¹²⁶ During the voting period, the CJTF was used to secure roads and, at least in Maiduguri, there were no major security incidents.

However, there are other allegations about the CJTF's less visible involvement in campaigning for incumbent politicians. Nigeria's governors enjoy special, non-transparent security budgets. Many abuse this opaque funding for all kinds of discretionary spending beyond security purposes.¹²⁷ Observers and experts interviewed for this study believed that, in the months before the elections, the All Progressive Congress in Borno used the CJTF to distribute some of the security budget funds to funnel money to political agents to secure votes.¹²⁸ The political agents organized groups of citizens who were given some money and promised further benefits after the elections. These agents guaranteed their group would turn out to vote for their political benefactor.

Still, the CJTF's overall role in manipulating the 2019 election outcomes was assessed to be far smaller than during the 2015 elections. Two reasons may account for this surprisingly limited CJTF role in electoral manipulation. Most importantly, Zulum, the protégé of outgoing Governor Shettima, was seen as an electoral shoo-in, while the very weak political opposition was widely expected to lose by a broad margin. Consequently, the government of Borno and the incumbent party may have seen no need to deploy the CJTF to buy or extract votes or to significantly repress opposition.¹²⁹ Second, Nigerian civil society groups put considerable effort into mounting campaigns and community engagement with the CJTF and other local actors to prevent political manipulations.

Nonetheless, political leaders in Nigeria's North-East are not simply trying to appropriate local militia groups. They also fear them, particularly the CJTF. They fear that if the groups become alienated, they could threaten the state and their former sponsors with violence, or switch their support to rival politicians.¹³⁰

H. Penetration of local legal and illegal economies

Although the CJTF may have been used for channeling money to buy electoral votes, the group itself lacks adequate funding. Not surprisingly, the lack of income and other financial and logistical resources for the CJTF and other militias, the pervasive absence of rule of law, and the absence of accountability for armed actors overall have created an environment in which the militias resort to preying on local communities, extortion, robberies and other forms of criminality, such as local illegal drug distribution. Many CJTF members — just like Boko Haram fighters — abuse tramadol, codeine, cough syrup and marijuana.¹³¹ Many had been, in the words of a police commander in Maidugri, “troubled boys using drugs and perpetrating crime, such as theft,” before they joined the CJTF. This background of the fighters exacerbates the group's tendency towards criminality.¹³²

In league with the Nigerian military, the CJTF also remains involved with cattle rustling, particularly in more distant LGAs, where local and international oversight is lacking.¹³³ Like the Nigerian military, CJTF members have been accused of keeping and reselling cattle recovered from Boko Haram camps or even stealing cattle from communities they patrol or seek to clear of militants.¹³⁴ The loss of cattle can have a devastating impact on families' livelihoods and is a source of subsequent community resentment; it may even make communities receptive to ISWAP rule. Still, there is evidence that cattle rustling has, overall, declined in the North-East as of late — including rustling perpetrated by the CJTF.

CJTF members and units extort shopkeepers, businesses and entrepreneurs, including truckers, fishermen, and convenience store owners. Although the actual prevalence of such extortion is impossible to determine, the extortion fees vary with the assessed income of the businesses. Those who refuse to pay are labeled as Boko Haram or ISWAP members, and beaten up or otherwise punished — by being denied access to markets, or through other measures that destroy their livelihoods.¹³⁵ CJTF units also extort vehicles on roads, though communities often report that extortion by the police is worse.¹³⁶

Perhaps most perniciously, CJTF units also threaten to deprive local communities of protection from Boko Haram and ISWAP if they do not pay “taxes” to the CJTF. But even if payments to the CJTF are made, the militia often fails to prevent ISWAP and Boko Haram from also extorting the communities.¹³⁷

The CJTF's involvement in the illegal distribution of tramadol and other drugs is particularly noteworthy. Tramadol is an opioid painkiller that is legal with a prescription, and the only analgesic of such strength that is available in much of Nigeria. As with opioids in other parts of the world, it is addictive and becoming widely abused in Nigeria. Manual workers, such as bricklayers, take it to work long hours through chronic and acute pain, mothers give it to children to suppress their hunger, farmers give it to cattle so the cows work longer hours, and traditional elders and journalists even report that prominent personalities give it to their polo horses so they perform better in competition.¹³⁸ The drug is also widely used with the belief that it will increase sexual potency, mediate psychological difficulties and produce recreational highs. Not surprisingly, CJTF members abuse it for those reasons, as well as because they believe it enhances their battlefield courage and physical strength.¹³⁹ The widespread abuse has also produced rampant addiction, so much so that communities in the North-East have identified tramadol abuse as their number one concern, even at times more than violence.¹⁴⁰ Yet, most Nigerian and international NGOs operating in the North-East have not focused on responding

to the tramadol crisis; at times they have even eschewed addressing it.

Because of the widespread use of the drug among CJTF fighters, and the militia's security roles and road presence, the CJTF has emerged as a particularly privileged supplier and distributor of the drug (CJTF units are not searched by the police or military). Since the CJTF provides security to IDP camps, it has also become a key tramadol distributor there. IDP camps are particularly fertile ground for abuse, since so many IDPs suffer from major unaddressed physical and psychological trauma. As with food distribution, CJTF members in IDP camps have been accused of demanding sex as a form of payment for tramadol and supplying tramadol to women involved in sex work in IDP camps, for whom they are pimps.¹⁴¹

The illicit tramadol trade is pervasive, and in some ways connects even belligerents in the North-East. Even military and police officials have reportedly been caught selling tramadol to Boko Haram members.¹⁴²

In response to concerns about tramadol abuse, the Nigerian Government has sought to limit its imports from India, particularly of pills with potency several times the daily limit for a person.¹⁴³ It has also sought to disrupt existing distribution channels, such as by seizing unauthorized tramadol from pharmacies and destroying illegal distribution markets. Yet, using the CJTF for such purposes has also strengthened the CJTF's capacity to monopolize its own tramadol distribution networks, making the group one of the more effective tramadol suppliers and distributors in northern Nigeria. To date, there has not been any evidence that the CJTF has trafficked tramadol to Nigeria from abroad. The absence of such evidence, however, does not prove that the CJTF is not involved in such trafficking.

Yet, like the Nigerian military, the CJTF has become fully integrated into the North-East's war economy in ways far more complex than merely participating in criminality. CJTF units regularly allow Boko Haram and ISWAP units to go to urban markets to buy supplies, charging them

a fee for such access. In rural areas, the CJTF often sells such access to militants with the full knowledge of village and traditional leaders who are linked to the CJTF and other local militias.¹⁴⁴

In sum, although the CJTF and associated militias remain at the forefront of counter-insurgency operations and are often the primary security providers to local communities, they are also a major source of multifaceted insecurity for local communities. Overall, the CJTF's human rights record has improved, but the group has also become deeply integrated into the North-East's war economy and various forms of criminality. At the same time, it has moved beyond merely being a security provider. In various ways, it is also a provider of governance. There are thus multiple paradoxes of the CJTF's role: even as it acts against some criminal groups, it is involved in criminal enterprises; even as it performs law enforcement and "justice" functions, it is also a source of insecurity. In its governing functions, the CJTF often competes with both traditional authorities and the State for political capital and authority. In doing so, it undermines both, and weakens the State's legitimacy.

In its governing functions, the CJTF often competes with both traditional authorities and the State for political capital and authority. In doing so, it undermines both, and weakens the State's legitimacy.

The fact that both State and non-State actors regularly and increasingly turn to the CJTF for a broad range of governance functions only increases CJTF political capital and power, and alters official and unofficial power structures in the North-East. To become a member of the CJTF and associated militias is thus not only an opportunity for legal and illegal income for the North-East's many jobless, but also an opportunity to acquire power and authority.

The current response

No comprehensive or consistent response has emerged in Nigeria towards the CJTF and other militias fighting Boko Haram and ISWAP. Continuing and increasing insecurity reinforces the widespread belief that the militia groups are still needed. Indeed, the Nigerian military's strategy centres on the use of the militias at the forefront of operations. The militias are also of utility to politicians from the North-East for security and political purposes. Such politicians have few incentives to want the CJTF dismantled, as long as budget outlays for their sustainment remain limited. Thus, the politicians also have little incentive to interfere and act against the militias' self-financing, even when it involves criminal activity. Most policy responses towards the militias therefore centre on embracing them.

Nonetheless, some limited efforts to provide livelihoods beyond the battlefield for at least some CJTF members are under way, as are broader human rights training programmes for the militias.

A. Payroll and non-lethal support

The previous and current political leaders in North-East states affected by Boko Haram and ISWAP have embraced the militia groups. Nigeria's governors control neither the country's military's forces nor the police forces, and thus

have no official law enforcement or security body at their disposal. They are dependent on deployments of police and military forces from Abuja and often end up in protracted bargaining with Abuja for security reinforcements. If military and police forces are actually sent, the governors have limited say over their use and strategy.

Thus, the government officials in the North-East gravitate towards using irregular forces — such as “youth empowerment” cadres, which they can legally create, or militia and vigilante groups.

Zulum, the Governor of Borno since March 2019, has been frustrated by a deteriorating security situation, and determined to vastly expand the resettlement of IDPs and communities. In the fall of 2019, in the pursuit of these priorities, he announced a new programme to pay an additional 10,000 militiamen. This policy initiative did not surprise local observers. “A drowning man will take any hand of help he can get,” a top police officer in Borno said. “Zulum is so angry with the Nigerian military about the poor security and military protection. He's got nothing but the militias.”¹⁴⁵ At the same time, the push to get more IDPs resettled has generated friction between Zulum and the Nigerian military, and concerns among humanitarian organizations about a lack of protection for the resettled, and a lack of human rights training for the CJTF (which is to manage the resettlement). It is feared that returnees will be vulnerable to militant attacks and CJTF abuses and extortion.¹⁴⁶

But the announcement that 10,000 militiamen would be added to the state's payroll generated enormous confusion as to whether these would be newly recruited militiamen or whether existing militiamen who have not been receiving stipends would be added to the state payroll.¹⁴⁷ As of the writing of this study, there was still no clarity about how exactly the new militia initiative would be developed.

Zulum compounded the confusion by calling for *kesk-kesh* and hunters' associations from other Nigerian states — such as some 1,200 from Sokoto — and even from Cameroon to come to Borno to fight Boko Haram and ISWAP.¹⁴⁸ The idea of bringing in militiamen from elsewhere flies against the widely accepted premise that militia forces are useful because they are local and can thus provide superior intelligence. The move generated much dismay and resentment within the CJTF ranks.¹⁴⁹ Previously, such efforts to bring in militia forces from the outside, even if highly limited, generated disquiet and serious problems within CJTF units. The betrayal of CJTF leader Maradona to ISWAP by his own men, for example, is attributed to the CJTF militiamen resenting that the commander incorporated and worked with a hunters' unit brought to Borno from Sokoto.¹⁵⁰ In any case, the "new" militia forces — whether fresh recruits or experienced militiamen from elsewhere — were promised vehicles, uniforms, stipends and juju charms from the Governor.

Zulum also increased stipend levels for existing militiamen, and provided a larger number of them with salaries. The salaries of BOYES increased from 15,000 naira (approximately USD \$41) to 20,000 naira (USD \$55) per month, and those in the Neighbourhood Watch from 10,000 naira (USD \$27) to 20,000 naira. Some militiamen from other layers of the CJTF and its associated militias, including those outside of Maiduguri, have also been enrolled to the state payroll, receiving between 5,000 and 10,000 naira (USD \$14–\$27) per month. In Bama, for example, 200 out of 300 militiamen, including some hunters, are now receiving stipends. Not surprisingly, the increase in payments was vastly popular with CJTF and associated militiamen who managed to get on the new payroll.¹⁵¹

Zulum also handed out some trucks (many of which were subsequently captured by ISWAP), uniforms and supplies to existing militia units.¹⁵² And he paid for *juju* doctors and juju to strengthen the morale of the militiamen. "If Zulum bought them body armor, the money would be far better spent," a Western military adviser quipped.¹⁵³

Zulum's motivations for the militia expansion are a subject of debate in Borno. The state's security needs are undeniable, but many analysts in the state wonder whether the Governor is mainly trying to widen his patronage networks and political base in anticipation of the next election in 2023.¹⁵⁴ Zulum also announced a youth empowerment programme that would pay 23,000 young people 30,000 naira (about USD \$80) every month, but without specifying who would qualify or how the recipients would be selected and whether or not this funding and initiative would in any way overlap with the increased CJTF and militia funding.¹⁵⁵ Across Nigeria, in addition to being a means of electoral patronage, such youth empowerment programmes frequently serve as window dressing for the creation of paramilitary forces for governors who do not legally control any military or police force of their own.

Finally, Zulum has also announced his support for using Agro Rangers, auxiliary paramilitary forces created by the Nigerian federal Government to suppress farmer–herder conflicts — conflicts that have devastated Nigeria and are actually responsible for more violence than Boko Haram and ISWAP.¹⁵⁶ Zulum has suggested that in Borno, the Agro Rangers would patrol at least some fields within a seven kilometre perimeter of garrison towns and perhaps accompany people to farms so that they can cultivate food and not be confined to garrison towns. Again, however, it is not clear whether the proposed Borno Agro Rangers would be a completely novel force or an extension of the CJTF, or whether they would have any kind of relationship with the CJTF; it is also unclear whether they would be paid by the federal Government or the state.¹⁵⁷

Throughout Nigeria, initiatives to create new forces or expand the number of militiamen on



UN Photo/Sylvain Liechti

state payrolls do not factor in how the militias and vigilantes will be eventually disarmed or demobilized, or how they will be legally and financially maintained in the medium or long term. That is also the case with these new initiatives in Borno and the rest of the North-East.¹⁵⁸ The Nigerian Government and state governments alike chronically lack resources to fund them. Yet many international donors, such as USAID, are not allowed to fund salaries of the CJTF or other militias — arguably, with good reason — because of human rights concerns and legal prohibitions on financing arising from the fact that at least some CJTF members are believed to be former Boko Haram associates.

But Nigeria's armed groups that do end up on state payroll, including militant groups such as the Movement for the Emancipation in the Niger Delta (MEND), also have a history of threatening violence if their stipends dry up. Taking up arms

— whether against the State, or on behalf of it or local communities — has thus widely come to be seen in Nigeria as a pipeline for patronage.

There is no consistent evidence across Nigeria that militia and vigilante groups placed on state payrolls become less abusive to communities and less subject to political manipulation, or that they become more accountable.¹⁵⁹ The strength of community oversight mechanisms is a key factor in determining such outcomes — but so are the evolving political objectives of politicians and powerbrokers. At the same time, Nigerian communities are often willing to tolerate even egregious human rights violations that militia and vigilante groups perpetrate towards alleged militants or criminals.¹⁶⁰ Often, the communities only start demanding accountability when the militia and vigilante groups start abusing them.

B. Legalization and integration into Nigeria's military and police forces

The CJTF itself has sought to be legally recognized by the Nigerian Government, with its existence codified for years to come. In calling for such legal recognition and assured income, CJTF commanders point to the legalization of other militia and vigilante groups that eventually transformed into state-level traffic police or other auxiliary forces, such as the Kano Road and Traffic Agency (KAROTA) and the Lagos State Traffic Management Agency (LASTMA).¹⁶¹ To create finances for such a legal force in Borno into which the CJTF would be transformed, CJTF commanders suggest, for example, demanding that motorized tricycle taxi (*keke*) drivers and unions pay permit fees and taxes.¹⁶²

Thus far, the CJTF has failed to obtain such a legal federal status, as has the VGN. Creating a special paramilitary agency for the CJTF can be blocked by Nigerian laws, including those that reject non-federal police forces, and mandate specific allocations of federal resources among the states.

In the meantime, the CJTF seeks an expansion of financial and other benefits, pointing to the precedent of a payment scheme created for MEND as part of an amnesty and conflict resolution scheme.¹⁶³ CJTF commanders argue that, although MEND comprised insurgents and criminals, it received vast financial support from the Nigerian Government while the heroic and self-sacrificing CJTF goes lacking.¹⁶⁴ CJTF members ask for support for CJTF widows, orphans and injured members — and point out that more than 1,000 CJTF members lost their lives fighting Boko Haram and ISWAP, and that others made other large sacrifices for communities when the state failed. Since many men in the North-East have several wives, the death of one CJTF fighter (or for that matter a militant) can leave multiple widows and many children without a breadwinner. Many widows have either had to become sex workers or try to get married again to support themselves and their children.¹⁶⁵

However, CJTF commanders and members complain that the requested support has been only sporadic. In the fall of 2019, for example, Zulum distributed 100 plots of land to CJTF widows and 20 houses to CJTF commanders. A major international humanitarian NGO also trained 50 CJTF members in first aid skills, while a Nigerian NGO provided skills training to 50 CJTF widows, and another enabled schooling for 50 CJTF orphans.¹⁶⁶ Such support is certainly welcome by direct recipients, but its scale covers only a tiny portion of existing CJTF needs and wishes. Overall, many CJTF members decry being abandoned by Nigerian politicians at both the state and local levels, claiming: “they don’t stand up for us, they simply let us die for them.”¹⁶⁷

Some academics and NGO representatives suggest that better-performing CJTF units could be eventually incorporated into the military and the police or even customs and immigration services.¹⁶⁸ However, vetting for past conduct and human rights violations, along with other questions about qualifications, loom large and would disqualify many members of the CJTF and associated militias. Many are illiterate and, being predominantly Kanuri, do not even speak Hausa, let alone English. Thus, it is assumed that many CJTF members would fail to pass the qualification requirements.

Nonetheless, some integration has taken place, with perhaps 850 former CJTF members integrated into the Nigerian military and 30 into Nigeria’s domestic intelligence agency, the Department of State Services (DSS).¹⁶⁹ The integration process was not formalized in any way, and little transparency exists as to the actual number integrated and the criteria for selection. It is also unclear whether any kind of vetting of the integrated militias took place and whether anyone was disqualified on any basis.¹⁷⁰ At the division level, Nigerian military command tends to be very operationally focused on merely delivering immediate security results, and is not concerned about consequences for long-term force composition, readiness and accountability.¹⁷¹

Moreover, integrating the CJTF and associated militias into official forces during an ongoing conflict phase also potentially undermines

intelligence gathering. As part of the official forces, former CJTF members can be deployed to other parts of Nigeria and therefore lose their knowledge of local communities. And many CJTF members do not want to be deployed away from their communities.

Incorporating militias into official police and military forces is also hampered by the need to have both types of forces represent Nigeria's many ethnic groups reasonably proportionally, and by the existing federal-state quota allocation system.¹⁷² Bringing several thousand Kanuris into official law enforcement and military forces, for example, would be in violation of the proportionality requirements. Moreover, if some CJTF members were incorporated into federal police forces in Borno, for example, other states would insist on a raise in the number of police officers allocated to them, a demand that has a strong legal basis in legally mandated federal quota allocations of federal resources. This quota discourages the Nigerian Government from permanently boosting police levels anywhere.

C. DDR and job training

No formal and full-fledged DDR programme has been launched for CJTF and associated militias.

In 2014, when it seemed that a negotiated deal with amnesty for Boko Haram was likely to be signed, a Western consulting group proposed and designed one such DDR programme. The proposed programme included an acknowledgment of the militias' service to the country, support for their widows and orphans, and provision of socioeconomic programmes and vocational training for CJTF members. At first, Borno authorities appeared interested, but as no deal was ultimately signed with Boko Haram and, importantly, the 2015 elections approached, the strategy to disarm and demobilize the militias was shelved indefinitely.

CJTF members themselves are far from keen on any kind of future DDR. As one BOYES commander warned: "if the government does not give us a job after the insurgency has ended,

we can become insurgents ourselves, we are armed."¹⁷³ Even BOYES members make such statements — in other words, the CJTF layer that is already on the government's payroll and receives most attention and benefits from the state. The kinds of employment they envision include jobs in the security sectors, such as the military, police, secret police, customs or immigration. Some CJTF members interviewed for this study suggested that they could become businessmen if the government gave them start-up money.¹⁷⁴

Across Nigeria, DDR programmes have had a poor record. Politicians often enroll their clients in DDR efforts so that they can obtain skills and jobs, even though the clients may not have been part of the armed group.¹⁷⁵ Moreover, the skills training rarely translates into actual employment.

Instead, militant and militia groups strongly prefer that their groups attain a formal status, with a long-term scheme to be paid by the government, as described above. Moreover, such a payroll scheme and some preservation of the militia structure, even if under a different name, maintains the members' access to people in power, including top politicians, businessmen, and the military and police. Gaining such official status is a source of prestige and authority with local communities and powerbrokers. And since being legalized as a standing, paid paramilitary force also allows access to illegal income through participation in extortion and criminality, militia members also view it as being far superior to any DDR effort as a source of livelihood.¹⁷⁶

Nonetheless, at least two job-skills training programmes for CJTF members are under way. One is conducted by the Nigerian NGO Herwa, which has experience running skills training for other programmes, such as youth empowerment schemes. Another is conducted by the United Nations Development Programme (UNDP).

As of December 2019, the Herwa programme had trained 371 CJTF members from Maiduguri in various vocational skills.¹⁷⁷ The impetus for the programme was CJTF lobbying in 2016; CJTF commanders warned that if their members were



UN Photo/Tobin Jones

not given jobs, their anger would turn against the government of Borno. The pilot programme has trained at least 35 CJTF members from each of the 10 military sectors into which Maiduguri is divided. As of the writing of this report, the programme has not provided training to CJTF units outside of Maiduguri. Herwa gave the following terms of reference for selecting candidates for skills training: the selectee had to be enrolled in the CJTF; have a good record and proven respect for authority; have a known address; and be recommended by local government or traditional authorities in their area. The candidate was also required to sign an agreement with Herwa as to the terms of the programme.

Herwa representatives asked CJTF members and widows to identify what skills they wanted to be trained in, with preferred jobs including shoemaking, hairdressing, tailoring, fashion

design and production of cosmetics. (Training for these jobs is indeed standard in vocational programmes in the North-East, such as in the Bulunkutu Rehabilitation Centre.)¹⁷⁸ In addition, Herwa also alerted beneficiaries to the possibility of being trained as electricians and construction workers, given the North-East's reconstruction needs.

The training is a three-month programme conducted by vocational skills teachers. Beyond the job skills, the programme also includes lessons on microcredit, bookkeeping, business advertising and customer relations. To incentivize attendance, members are paid an allowance of 5,000 naira (about USD \$14), which they lose if they miss more than 30 per cent of a month's lectures. The maximum total of 15,000 naira (about USD \$41) is deposited electronically into bank accounts, a requirement that proved a significant challenge, since many trainees do not

have a bank account and were not able to open one easily.

Landing a job, even after successful training, may prove a significant challenge. Accordingly, Herwa has tried to lobby the government of Borno to hire the trainees, for example for state-sponsored construction projects. Much of the electrical work in high schools recently built by the government of Borno was performed by Herwa graduates, including women. Since Muslim men in the area are frequently uncomfortable with allowing other men into their households, Muslim women in Nigeria's North-East trained as electricians or plumbers are surprisingly competitive in servicing individual houses. Muslim widows are especially competitive job candidates, since they do not have to worry about their husband not allowing them to leave their house for work. Herwa is also exploring the possibility of "exporting" their trainees to other parts of Nigeria.

To facilitate employability, Herwa also provides its graduates with start-up equipment. To avoid the problem of graduates selling the equipment, such as sewing machines, Herwa has begun giving the equipment ten-student cooperatives; those who leave the cooperative are not allowed to take any equipment with them.

Although Herwa has no way to track what the graduated CJTF trainees do six months after the training has finished, there is some anecdotal evidence that some of them may have disengaged from the CJTF. In fact, if CJTF members trained in vocational training can land a job, they can regularly earn more from the legal job than extortion along roads. A regular CJTF member can pocket perhaps as little as 150 naira (USD \$0.40) a day from traffic extortion in Maiduguri, whereas employment in tailoring can bring as much as 500 naira (USD \$1.40) a day. Yet, when asked about whether CJTF members who received skills training would leave the militia group, a CJTF commander claimed that vocational skills graduates would continue being CJTF members, and return to their militia role whenever called upon by their commanders.¹⁷⁹ He and other CJTF members also insisted that they could not return to jobs they held before

becoming militiamen, or start new ones, because they had put all of their capital not destroyed by the war into being a CJTF member.¹⁸⁰ Such circumstances could be a reality for some; for others, who do not want to give up their CJTF connections, it is simply a self-serving claim. Some CJTF members, such as artisans and small traders, continue to run their own businesses while also serving in CJTF. Doing so allows them to access multiple sources of income and also boosts their prestige, authority and power.

In contrast, the newly started UNDP training programme requires that CJTF trainees formally disengage from the CJTF upon graduation, and that a public ceremony be held to announce the disengagement.¹⁸¹ As of December 2019, 200 CJTF members were receiving the UNDP-organized training. A second round of 100 participants was planned. These 300 trainees were drawn from a larger cohort of 1,200 CJTF members receiving human rights training (described below). The 300 individuals training for job skills were those who had indicated that they were interested in leaving the CJTF — this willingness qualified them for the skills training. UNDP became involved in the effort at the request of the Borno Governor, as part of a reconciliation and reintegration policy first aimed at repentant Boko Haram defectors but eventually expanded to include CJTF members and victims.¹⁸²

The design of the programme is based on other UNDP job skills programmes that the agency assessed as being successful in Nigeria's North-East. As with Herwa's programme, participants were asked to identify which skills they wanted to be trained in. The CJTF members in the first UNDP training group chose farming, and were placed in Maiduguri's Agricultural College, where they received a refresher course on fish, cattle and poultry husbandry. Participants also received training in business plan development. At the end of their training, they will receive start-up money of 180,000 naira (slightly less than USD \$500), dispensed in two tranches, to purchase equipment and animals — but only after presenting a business plan. A monitoring team is also expected to periodically visit their business and provide technical assistance.¹⁸³

D. Accountability, human rights, and better militia behaviour

Like other armed actors in Nigeria, the CJTF and associated militias have largely escaped prosecution even for severe human rights violations, let alone involvement in economic crimes. Recent attempts to get some CJTF members dismissed from the militia for human rights violations were rejected by the CJTF on the grounds that the members had not received any human rights training.¹⁸⁴ There have also been several instances of cases against the CJTF going to trial in court, but the prosecution either fell apart or the cases have not yet been closed, with no conviction or sentencing yet of CJTF members.¹⁸⁵ Some CJTF members dismissed for improper conduct were quietly rehired after their dismissal — reinforcing the message of impunity.¹⁸⁶

Of course, Nigeria's official security sector actors enjoy a similar level of impunity. The Nigerian military and police have had an almost blank check for severe human rights violations and participation in criminal enterprises.¹⁸⁷ Sporadic investigations and limited punitive measures against some soldiers have been undertaken by the Nigerian military.¹⁸⁸ But they lack transparency and have neither adequately addressed past crimes nor deterred new ones. In 2009, the International Criminal Court opened a preliminary investigation of alleged crimes in northern Nigeria perpetrated by Boko Haram and Nigerian Government forces. But ten years later, at the beginning of 2020, the International Criminal Court had not yet determined whether to open a full investigation.¹⁸⁹ Overall, Nigeria has a long and troubled history of not applying justice even in cases of severe atrocities, and hushing up the results of inquiries, even when crimes occurred decades ago.

In this context of pervasive lack of rule of law and accountability, international actors and Nigerian NGOs have focused on providing CJTF units with human rights training. Such training has been conducted by Nigeria's Presidential Committee

on the North-East Initiative, international bodies such as the International Organization for Migration (IOM), international NGOs such as Oxfam, and a wide array of Nigerian NGOs. The training programmes vary in length from a few hours to two weeks, with the lengthier ones often transporting CJTF members to places far away from Maiduguri, such as Jos, for the training. Conversely, some programmes seek to reach CJTF units in locations closer to Maiduguri, such as Bama, Gwoza or Banki.¹⁹⁰

The programmes focus on issues such as preventing torture during interrogations, not resorting to flogging civilians during food distribution, listening to civilians and deciding what kinds of disputes or allegations need to be referred to the police. For many CJTF members, the training is the first time they are exposed to the concept of human rights; many readily admit, after the training, that they had unknowingly committed violations in the past.¹⁹¹ During the training, some NGOs also emphasize the authority of local government officials, such as heads of wards (a unit of administration smaller than an LGA).

UNDP runs one of the larger human rights training programmes for the CJTF. In operation since December 2017, the effort at first focused on CJTF leadership. It has since expanded, with 1,200 CJTF trainees at a Jos facility in December 2019.¹⁹² During the one or two month training, CJTF members are taught the basics of human rights and also given citizenship classes. However, the programme provides little if any formal screening and profiling of the participants, let alone other CJTF members.

Some NGOs are learning that improvements in human rights performance require addressing the psychosocial needs of the CJTF and associated militias, as well as the Nigerian military and police. This is a gap in current programming, these NGOs are attempting to develop pilot projects with such a focus.¹⁹³ Perhaps an even more fundamental gap is that the CJTF is the primary recipient of the vast majority of human rights training. A small number of *kesh-kesh* members receive some sporadic training, but hunters' groups receive

none; both types of groups operate in areas that are too dangerous and have not come to Maiduguri for a long enough period for current programmes to reach them.

Nigerian security experts, human rights activists, humanitarian workers and international donors put forth highly varied assessments of the extent of the impact these trainings have had. Most individuals interviewed on the topic for this study believe that the human rights programmes likely have at least some positive effect on the behaviour of trained CJTF units. But the scope of improvement is very hard to judge, particularly as many of the CJTF units that have received the training are posted to safer areas with little kinetic fighting. Some suggest that inducing behavioural change may take a decade of consistent training. It, thus, may be too early to judge the success of the few years of sporadic efforts.¹⁹⁴

CJTF commanders and members who have participated in the training report that they enjoy and appreciate the programme.¹⁹⁵ That is hardly surprisingly, however, as the programmes provide them with food, transportation, stipends that often surpass their regular incomes, and housing that is often more comfortable than what they are used to. They also have the opportunity to travel to a place they may never had had the opportunity to visit, such as Jos, some 600 kilometres to the south-west.

The human rights training for the CJTF has had the backing of the Borno Attorneys General.¹⁹⁶ However, relations between the Borno government and the Nigerian military and international NGOs, and even other international organizations, have often been highly strained. Governors in the North-East have repeatedly exhibited a hostile attitude towards international humanitarian actors, seeing them as source of competition for funds and of unwelcome accountability for aid delivery.¹⁹⁷ In the fall of 2019, the Nigerian military, for example, suspended the operations of a prominent international humanitarian NGO on the basis of bogus claims.¹⁹⁸ Arbitrary actions by the Nigerian military, such as limits on how much fuel convoys of international organizations or NGOs can

carry, has prevented access to large highly vulnerable segments of the population in the North-East. At other times, the Nigerian military has even perceived their humanitarian work as aiding militants.¹⁹⁹

One subset of efforts to shape the behaviour of the CJTF towards greater respect of human rights has been to remove child soldiers from the militia group's ranks. Between 2010 and 2017, children who refused to join the CJTF were frequently judged by the CJTF to be Boko Haram sympathizers, and could be ostracized or mistreated.²⁰⁰ On the other hand, many children have joined the CJTF to acquire status, power, identity, a sense of belonging and an income.²⁰¹ They have been used by the CJTF to provide intelligence and staff checkpoints, as well as to perform menial tasks such as cooking, cleaning, and running errands, for which the CJTF has paid about 50 naira (USD \$0.14) a day.²⁰²

In 2017, the CJTF signed an agreement not to use child soldiers. The United Nations Children's Fund (UNICEF) has since led the process of removing children from the militia's ranks. CJTF leadership has been judged cooperative and proactive in the effort, not only in Maiduguri.²⁰³ Still, the process of removing child soldiers from the militia is lengthy, since fighters' ages need to be ascertained and their actual participation in the CJTF verified. Most efforts centre on the CJTF in Maiduguri, though some reintegration efforts are also under way, albeit on a far smaller scale, in LGAs farther away from Maiduguri.

When they enter the process, the children are told that they are no longer part of the CJTF. Subsequently, the children are divided according to their age. Those who are under 14 years old (currently 560 children) are sent back to school. An NGO hired by UNICEF to help with the reintegration of the children provides them with school uniforms and supplies and provides in-kind support for schools that waive fees. The NGO is also engaging with the parents and caregivers to emphasize the importance of education and persuade them not to pull the children out of school.

Children over 14 and not in school are given a four day training session by the NGO partner and then connected with local artisans, such as tailors, shoemakers and barbers, to be mentored for 6 months. After their vocational training finishes, they are given start-up money totaling 150,000 naira (USD \$410), distributed in several tranches so they can buy equipment to start a business. (Some will continue working for the artisans who train them.) Occasionally, the CJTF demands a cut of their start-up stipend.²⁰⁴

Paradoxically, however, at least some children who had lived under Boko Haram rule have subsequently become associated with the CJTF. If they are embraced by the CJTF, associate with the CJTF and perhaps work for the CJTF, they are more likely to be accepted back by their communities.²⁰⁵ Thus, although such children have left one armed actor, they may seek belonging with and protection from another. At least occasionally, that also happens with children who have received rehabilitation, deradicalization, schooling and psychosocial assistance in Maiduguri's Bulunkutu Rehabilitation Centre (such was the case for the two youths interviewed for this study, whose experiences are detailed above).²⁰⁶ Still, children who lived under Boko Haram rule and go through the Bulunkutu rehabilitation — there have been 2,000 such cases — are more likely to be accepted back by their families; it stands to reason that the numbers that have subsequently joined the CJTF may be fairly low.²⁰⁷

Although such children have left one armed actor, they may seek belonging with and protection from another.

There have also been more broad-based efforts to shape the behaviour of the CJTF and associated militias. For instance, NGOs have mounted early warning systems in communities to report new threats of violence or abuse, such as from militias. They have also established dispute resolution mechanisms that have included training communities how to negotiate and resolve problems they may have with the CJTF. On the other hand, there are also NGO-led efforts to train the CJTF and associated militias in mediation and dispute resolution, as well as efforts to reconcile the CJTF, the VGN, *kesh-kesh* and hunters' groups with each other — a large challenge in some places.²⁰⁸

Few assessments have been conducted to gauge what effects and with what robustness these conflict resolution and mediation efforts have had on the behaviour of the militias. There is little doubt that empowering communities vis-à-vis the militias is likely to be highly beneficial, though one hopes that more community assertiveness will not lead to a backlash from militias. More systematic and comprehensive assessments of these efforts need to be undertaken to render a judgment on their effectiveness and potential side effects.

IV

Conclusions and recommendations

No overarching Nigerian strategy exists for how to deal with the various militia groups — or the approximately 30,000 militiamen they comprise — fighting against Boko Haram and ISWAP in Nigeria's North-East. Although the groups exist outside of Nigeria's constitutional framework and official security architecture, they remain at the forefront of military operations against ISWAP and Boko Haram. They are asked to gather intelligence, hold territory, and conduct both defensive and offensive operations. The militia groups' battlefield significance is only rising: ISWAP has significantly strengthened since 2018, Boko Haram is undefeated, security in the North-East has considerably deteriorated, and the Nigerian military lacks the capacity and wherewithal to defeat the insurgents. However, Nigeria's embrace of militias to counter the insurgency has not been accompanied by their legalization or adequate funding, training or resourcing. They are at times treated as cannon fodder by the Nigerian military.

Moreover, lacking control over police forces or military deployments in their states, Nigerian political leaders in the North-East have embraced militia groups such as the CJTF for a wide set of purposes. The militias are now called upon to provide security in IDP camps and resettled communities, control crowds and even conduct official anti-crime and counter-

Although the groups exist outside of Nigeria's constitutional framework and official security architecture, they remain at the forefront of military operations against ISWAP and Boko Haram.

narcotics operations. Politicians in the North-East also embrace militia groups for parochial purposes, such as promoting their electoral goals. Based on the history of militias in other parts of Nigeria and in the North-East, observers remain concerned that the militias of the North-East could become tools of political repression, undermining pluralistic processes. Yet, Nigeria's politicians equally fear the militias and their potential to turn against their sponsors if those sponsors are unable to continue their support.

CJTF units are already at times challenging the authority of North-East government officials and traditional rulers. Some CJTF units have been taking on all kinds of functions that are legally outside of their purview, including enforcing traditional or sharia family codes and punishing alleged violators, suppressing crime (even as they participate in criminal enterprises

themselves), holding trials, and adjudicating disputes. The CJTF's forays into these areas have generated friction between local communities and local CJTF units, the extent of which varies with whether or not other sources of law and order and dispute resolution are present in the community.

The human rights record of the CJTF has improved as a result of a decline in offensive operations the group conducts, and perhaps also because of human rights trainings its members have received from NGOs. Yet, the CJTF and associated militias still remain a source of human rights violations, including severe ones. For example, the CJTF's guarding of school campuses appears to be associated with an increase in gender-based violence by the CJTF.

Like the Nigerian military, the militias have also become perniciously embedded in local legal and illegal economies. Not surprisingly, the lack of income and other financial and logistical resources for the CJTF and other militias, the pervasive absence of the rule of law, and no accountability for armed actors overall have created an environment in which the militias resort to predation on local communities, extortion, robberies and other forms of criminality, such as local illegal drug distribution and cattle rustling. They also sell access to markets to militants, even while ostensibly guarding against them. In fact, this ability to penetrate and control local legal and illegal economies reduces the incentives for the militias and the Nigerian military to end the conflict — even should they develop the capacity to do so.

In short, the militia groups, particularly the CJTF, are no longer merely security providers. In various ways, they are also providers of governance and regulation, including for illicit economies. Even as they perform law enforcement and "justice" functions, they are also a source of insecurity. By providing such governing functions, they at times gain greater political capital and authority and sometimes displace both traditional authorities and the State. Thus, they weaken the legitimacy of the State and of the traditional authorities.

In short, the militia groups, particularly the CJTF, are no longer merely security providers. In various ways, they are also providers of governance and regulation, including for illicit economies.

The fact that State as well as non-State actors increasingly turn to the CJTF for a broad range of governance functions only increases the group's political capital and power, while altering official and unofficial power structures in the North-East. For the North-East's many jobless, becoming a member of the CJTF and associated militias is not only an opportunity for income (from legal and illegal sources) but also an opportunity to acquire power and authority.

Both the militias and traditional Nigerian government authorities try to use and manipulate each other. They exist in a complex relationship of interdependency, symbiosis, and rivalry. "CJTF is not going anywhere," said a Nigerian security and political analyst interviewed for this study. "The government is hostage to the CJTF unless it radically changes its strategic posture and significantly increases state resources."²⁰⁹

Indeed, the militias have no intention of disarming and disbanding, even after conflict has ended. With vast poverty and employment rates in the North-East, few are likely to find alternative jobs or to abandon the sense of empowerment that belonging to a militia has given them.

Instead, the militias want to be legalized as supplemental police or security paramilitary forces, pointing to the examples of similar legalization and job creation for militias elsewhere in Nigeria, such as KAROTA and LASTMA. At minimum, they want to secure a years-long position on state payrolls, such as MEND has. Conversely, however, militia and vigilante groups in other parts of Nigeria, such

as in Lagos, are citing the CJTF as a justification for maintaining their state payrolls or codifying their status. What happens with one militia group in one part of Nigeria creates complex and widespread spillover effects throughout the country. In Nigeria, the spillover effects have been mostly negative, feeding the proliferation of militias around the country.

Lacking a coherent or systematic approach, the Nigerian Government and international donors have considered and implemented a variety of policies to address at least some of the risks posed by militias, including:

1. Integration of militias into Nigeria's military and police forces;
2. DDR and job training;
3. Human rights training and related efforts to improve the behaviour of militia groups.

All of these efforts remain opportunistic, sporadic and limited due to constraints on access or the unwillingness of militia groups or Nigerian politicians and government officials. The efforts have been applied to hundreds of militiamen (or, at most, only a few thousand), and often only to those operating close to Maiduguri. The lack of accountability for human rights abuses and political and economic crimes perpetrated by the militias remains the most glaring and urgent gap.

In the medium term, should violence substantially decline or end as a result of greater battlefield successes against militants or negotiations with them, the policy option most easily available to reign them in and to limit the militia's most dangerous aspects is that sought by the militias themselves: to be legalized and institutionalized as auxiliary police or military forces. Although such measures have been the predominant approach of Nigeria's federal and state governments towards militia and vigilante forces around the country, the challenge with CJTF and associated militias is their large size. Thus, creating an official legal auxiliary force of 30,000 carries far different budgetary implications — and spillover and demonstration

effects — than creating a legal auxiliary branch for 2,000 (as is more common in other parts of the country). A likely scenario is one in which some members of the CJTF are rolled into such a force, and others are left to their own devices and sporadic and fluid patronage from politicians of the North-East.

Such an outcome would be highly problematic, not just because it leaves the status of so many fighters unresolved, but also because it reinforces Nigeria's rampant cycle of militia and vigilante group proliferation and legalization. In a context of poverty and few opportunities, the formation of a militia can appear to be one road to the security of a state salary.

In the immediate context, while conflict is still ongoing and intensifying, the following recommendations would help mitigate some of the risks associated with the CJTF and other anti-Boko Haram and ISWAP militia groups operating in the North-East:

1 Integrate militias into official military and police forces only after diligent vetting.

Opportunistically enrolling militiamen into official forces without vetting them only exacerbates the key deficiencies of Nigeria's military — particularly its high rates of abusiveness and of human rights violations, and its consequent lack of legitimacy with local populations.

2 Improve human intelligence gathering of the Nigerian military, police and intelligence services, and improve defensive and offensive functions of the Nigerian Military.

Unless the resources and capacity of the Nigerian military improve, the temptation to rely on militia forces will persist — especially as some international donors, such as the

US, may be legally prohibited from providing support to military forces with such an egregious human rights record as the Nigerian military in the North-East. However, such donors could engage with the Nigerian military to vet units to locate those without a problematic record and deliver military training to them. Of course, the Nigerian Government and military would need to recognize — and admit — that they urgently need such international assistance.

3 Stop creating new militias and importing them from outside of their home states.

Importing militias from other Nigerian states or even abroad completely undermines the core presumed asset of militia groups — namely, their superior local intelligence capacity. It also removes some of the restraints on abuse — imperfect as they already are — that a militia's connection with a local community provides.

Equally, state-level authorities in the North-East should stop creating new militia groups or hiring new militiamen at least until a new systematic audit and registry is created of all existing CJTF and other militias operating in their state. Simply hiring new militia groups for security purposes or political patronage only exacerbates the scope of the militia challenge that needs to be addressed.

To overcome the resistance of CJTF leadership to submitting itself to completing an audited and auditable registry, at least some payments to CJTF members could be suspended until the CJTF is willing to collaborate in creating the registry.

Once such a registry is created, an assessment of the military capacities of the militias should be undertaken before any new militias are created. Ideally, international donors would participate in the creation of the registry and assessment, and then have access to it. Such a registry and assessment would also limit the tendency of North-East politicians to create patronage machines among militia cadres — machines they abandon, at loose ends, when they climb

the ladder of their political careers and move to Abuja, as senators or in other positions.

4 Continue and expand human rights training to militias in the North-East, but combine it with information collection on the militias.

Nigerian and international NGOs and multilateral partners should continue providing human rights training to the CJTF and associated militias. Ideally, this would be done in conjunction with the creation of the registry, but should happen even in its absence. A concerted effort should be made to expand human rights training to militia units beyond Maiduguri, and groups beyond the CJTF. Coupled with the training should be the creation of, and support for, human rights monitors who are present in communities far from Maiduguri and who, with appropriate protection mechanisms, such as safe hotlines, can report major human rights abuses — by the CJTF, militias and other armed actors — to NGOs and donors supporting human rights training.

As this study has shown, there is already some evidence that such training improves the behaviour of the militias. But even when it does not, it still eliminates the excuse that they perpetrate abuses because they do not know any better.

NGOs and donors delivering the human rights training should collect at least minimal information on the militiamen whom they train, such as their names, ages, units, commanders and addresses. Although the militiamen may object, they could be fed and paid during the human rights training as inducements to comply.

The collected information could be entered into a neutral joint database kept, for example, by the United Nations. Until an official auditable registry of CJTF exists, such a database could also serve as a basis for stipend allocations and further training, as well as for accountability for violations.

5 Expand engagement of militia groups and members in mediation and conflict resolution trainings.

Such efforts need to be combined with the development of effective monitoring and evaluation mechanisms for whether, and in what way, these ongoing mediation and dispute resolution training programmes are addressing communities' needs. Specifically, monitoring and evaluation must assess whether or not the trainings improve the behaviour of the militias. Not enough information is currently available about the impact of these programmes.

6 Continue job training for CJTF militiamen but combine it with monitoring of whether beneficiaries do, in fact, remain disengaged from the CJTF.

Former militiamen who graduate from job training programmes should receive assistance to locate jobs or empower their businesses, such as by linking them with government contracting.

It makes good sense to mandate that militia members who receive job training disengage from the CJTF and other militia groups and are struck from existing registries. However, systems need to be developed to monitor whether former militiamen do, in fact, remain disengaged from militia groups (whether their original groups or others) for a considerable period. An analysis should be undertaken of why beneficiaries return to militia groups; reasons might include a lack of legal income or psychological motivations, such as a need for belonging. Additional measures should be developed as required to mitigate those factors that pull beneficiaries back to militia life, including possible penalties and sanctions against individuals who rejoin militias.

7 Promote efforts to expose and limit political appropriation of militia groups by Nigerian politicians.

Nigeria falls far short of enforcing powerful laws that limit political appropriation of militias and the capture of politics by militias. Across the country, politicians develop and sponsor one or another type of armed cadre to obtain votes and hamper political rivals. Nonetheless, a Colombia-like "empty seat" law could serve as long-term guidance and a beacon of hope.²¹⁰ The Colombian law establishes that any politician with proven links to militia and paramilitary groups is not allowed to serve in Colombia's Congress, and the banned politician's party is not allowed to replace the person with another representative. (The party thus suffers "an empty seat.")

More immediately, international partners and Nigerian and international NGOs can mount education campaigns to prevent the use of militias during elections, and to expose and shame politicians and militia units that intimidate rivals and otherwise violently manipulate politics. Such campaigns may have to include providing asylum to monitors and journalists willing to document such abuses and publish exposés.

8 Subject militias to accountability and punish their violations.

Critically, militias in the North-East must be given not only inducements and training but also be subjected to sanctions and penalties for egregious human rights and other violations. In the context of pervasive impunity of all armed actors and the extremely weak rule of law, developing any such mechanisms is difficult. Such measures include NGO assistance to gather prosecutable evidence of violations of human rights by militia groups or their participation in economic or political illegality; the measures might also include suspension or discontinuation of state payments to militia units with particularly problematic records.

Militia groups and their political sponsors can be expected to attempt to sabotage any such measures, potentially with violence against those who seek to bring them to account. Militia groups could also attempt to violently retaliate against politicians and state officials who remove them from state payroll because of egregious human rights violations. Inevitably, many such measures will need to be easy and clear-cut cases at first.

For all of these reasons, whenever punitive measures against militia groups and members are undertaken, they should be widely advertised to deter retaliations. The implementors must carefully consider what means of retaliation the militias and their political sponsors have at their disposal, and attempt to prepare against them.

An eventual increase of public resentment against militia abuses could create a more fruitful environment for such measures, particularly if militant violence goes down.

Until then, punishments may have to be creative, even if highly limited, such as cutting off the access of the worst-offending militia units from access to American and Western banking systems, denying them visas or preventing them from enrolling in training programmes.

Similarly, opportunities to act against the economic crimes of Nigerian militias will

remain limited as long as the Nigerian military and police participate in such crimes as well. Nonetheless, since the militias may eventually become rivals of the Nigerian military and police in the illegal economy to such an extent as to threaten to displace them — as opposed to a non-threatening ally in illicit economies — the military and police may have an interest in acting against the militias, at least occasionally. Even sporadic interdiction operations will weaken the extent of entrenchment in and local domination of illicit economies by militia groups in the North-East.

In short, whenever a punitive action against egregiously misbehaving militias can be taken because of a momentarily permissive political and security context, it should be undertaken. Over time, enough cumulative effects can be achieved to reduce at least the most problematic behaviour.

Amidst the deteriorating security situation in Nigeria's North-East, persistent Boko Haram militancy and the entrenchment and strengthening of ISWAP, there is no way to roll back and dismantle the militia groups that operate in that part of Nigeria. Nonetheless, the above measures provide a way to begin mitigating at least the most pernicious dangers that the militias generate.

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The background of the entire page is a photograph showing the silhouettes of several armed men standing against a bright, hazy sky at sunset or sunrise. The men are holding rifles, and their dark forms are contrasted against the warm, orange and yellow light of the low sun. The sky transitions from a pale yellow near the horizon to a deep blue at the top.

Case 3

The Problem with Militias in Somalia

ALMOST EVERYONE WANTS THEM
DESPITE THEIR DANGERS

By Vanda Felbab-Brown

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Militia groups have historically been a defining feature of Somalia's conflict landscape, especially since the ongoing civil war began three decades ago. Communities create or join such groups as a primary response to conditions of insecurity, vulnerability and contestation. Somali powerbrokers, subfederal authorities, the national Government and external interveners have all turned to armed groups as a primary tool for prosecuting their interests. State-aligned militias help to offset the weakness of Somalia's official security forces, produce greater motivation and better intelligence and enhance bonds with local communities, perhaps even suppressing crime and intraclan violence.

However, Somalia's State-aligned militia groups are also an underlying *source* of insecurity, violent contestation, abusive rule, impunity and pernicious outside manipulation. They give rise to and allow the entrenchment of powerful militant groups such as the Al-Qaida-supporting, jihadist Harakat al-Shabaab al-Mujahideen, commonly referred to as al-Shabaab. As such, their increasingly central role in the fight against al-Shabaab is a double-edged sword: short-term military gains must be balanced against the militias' longer-term, destabilizing impact.

This study analyses the pros and cons of relying on militias for security provision and counter-terrorism

objectives in Somalia. It details the evolution, effectiveness and effects on stabilization efforts of several militia groups — Macawiisleeey, Ahlu Sunna Wal Jama'a, South-West Special Police, Mukhtar Robow's militias, Ahmed Madobe's militias (the Jubbaland State Forces), the Puntland Maritime Police Force (PMPF) and the Puntland Security Force (PSF). The study then assesses the effectiveness and shortcomings of existing responses to militias in Somalia, providing recommendations to national actors, policymakers and practitioners.

At the beginning of 2020, militias are once again at the forefront of a major policy debate about the strategy for State-building and security in Somalia. Since 2012, after helping to dramatically weaken a brutal, dangerous al-Shabaab regime that controlled much of the country, the international community has assisted in building State institutions in Somalia, which had been overwhelmingly destroyed in two and half decades of civil war. As part of its continuing efforts to combat al-Shabaab, the international community has partnered with Somalia's national Government to build Somalia's official armed and law enforcement forces and civilian institutions of governance, while advancing a plan to devolve power to the country's states (known as federal member states).

But eight years later, many of these efforts have not yet delivered results. Al-Shabaab remains one of Somalia's most powerful

political and military actors. In fact, since 2018, the group has gained momentum and deepened its political entrenchment, prompting some members of the international community to question whether the State-building model is the right approach. Despite USD \$1 billion of international financial assistance and international training since 2012, the Somali National Army (SNA) continues to lack the gamut of fighting capacities, relying instead on international forces to wrest territory from al-Shabaab, or even to keep the group from openly retaking other large territories, including major cities. Existing efforts to strengthen the SNA and other official forces are not producing adequate numbers of sufficiently competent Somali national soldiers. Intensified rivalries between Somalia's federal Government and the federal member states further hamper the deployment and effectiveness of the SNA.

As a result, countries such as the United States, Kenya, Ethiopia and the United Arab Emirates — the former three of which have military forces in Somalia — are losing their appetite for the State-building project in Somalia.¹ With the SNA chronically underperforming, these countries are poised to intensify their cultivation of pro-Government militias to fight against al-Shabaab. Even countries such as the United Kingdom and Germany (which have been at the forefront of multilateral efforts in Somalia) are increasingly motivated to support at least one set of militia groups — the State-supported paramilitary *darwish* (also known as “special police forces”) — through financial and possibly other non-lethal support.² These countries' rationale is that, although reliance on militia groups for counter-terrorism and security is problematic, it is equally unsustainable and problematic to rely on the small and incompetent SNA and the national Somali Police Force (SPF). The situation in Somalia is putting growing pressures on both the Somali Government and the international community to scale up the use of such militias.

This strategy based on auxiliary forces competes with ongoing efforts to bolster the State-building effort, including training of the official Somali national forces (which include the national military, police and intelligence

agencies), expanding a defectors' programme for al-Shabaab and efforts to integrate at least some of demobilized militias into the official security sector.

Embracing militias carries many risks: As this study details, the loyalties of militia groups are fluid, as they are susceptible to recruitment by their enemies and may prioritize their own interests — or those of an external patron — over those of the State. Militias also divert manpower and resources from Somalia's official forces, including by incentivizing defections. Worse still, Somalia's militia groups, particularly without supervision or assured sustainable income, tend to engage in predatory and, at times, violent behaviour, both on rival communities and even within their own. Deeply entrenched in the political economy of Somalia, militias have strong tendencies to appropriate political authority, strengthen authoritarian forms of rule, monopolize local economies and engage in other mafia-like economic and political activities. In these ways, they exacerbate local conflicts, increase grievances and enable al-Shabaab's political entrenchment in parts of the country. They compete with each other and, at times, with the federal Government. A poorly concluded defeat of al-Shabaab could actually plunge the country back into open fighting as the remaining militias compete for power. Foreign actors also instrumentalize Somalia's militias, undermining Somalia's sovereignty and entangling the country in geopolitical rivalries that could further destabilize the region.

At the same time, militias may be the best hedge against even more direct intervention by outside actors. If existing joint efforts fail to weaken al-Shabaab's military, political and economic power, intensified bilateral interventions such as US air strikes and enlarged deployments of Ethiopian and Kenyan forces grow more likely. These forces operate outside of the mandate and framework of the African Union and the United Nations, and harken back to the troubled period of Ethiopia's intervention in Somalia between 2006 and 2009. Other actors with substantial military assistance in Somalia, such as the Emirates and Turkey, may not be able to resist the temptation to intervene more forcefully.

Part of the risk of greater foreign intervention in Somalia arises from intensified regional and geopolitical rivalries, which shape local contestations in Somalia — and are also shaped by those local dynamics. The cold war conflict between Qatar and Turkey, on the one hand, and Saudi Arabia and the Emirates, on the other, intersects with and exacerbates conflicts and tensions between Somalia's Government and the country's federal member states, themselves already at a level of tension and suspicion not seen in years. For the Government, federal member states and international actors, militias are a favored tool against al-Shabaab, but their utility extends far beyond that fight. For instance, the federal member states — which carefully guard their autonomy, despite the existence of a formally agreed Somali national security infrastructure framework — see the militias as a crucial security hedge against the power of Mogadishu, Somalia's capital. The states can use the militias as a bargaining tool in their negotiations with Mogadishu over power distribution.

Many local communities deeply distrust and resent the SNA, which they perceive as more of a conglomeration of militias than as a competent State security service. The SNA is alleged to be unreliable in delivering basic security. Rather than respond to the military chain of command, many local SNA units display greater loyalty to their own clan and community interests; they use the SNA to abuse and exploit rival clans. In response, clan elders and local communities have bolstered their own clan militias as protection — not only against al-Shabaab, but also against the SNA.

The decision to double down on pro-Government militias to address the threats posed by al-Shabaab thus risks producing new drivers of conflict while perpetuating deeply rooted intercommunal tensions. As a United Nations official in Mogadishu put it, "We have tried to get to reduced killing in Somalia without ever resolving Somalia's conflicts."³ And in the words of an international military advisor in Baidoa: "Fighting a war through proxies is fraught with proxy problems downstream."⁴ There is growing evidence that embracing militias rewards

entrepreneurs of violence, reinforces impunity, and perpetuates violence.

Nonetheless, rolling back militias in Somalia does not seem feasible at this time, given al-Shabaab's new momentum and the lack of progress in building up the State's capacities. Instead, policies should be adopted to reduce at least some of the most pernicious effects of militias and to mitigate their worst tendencies, even while working through and with them. Steps should be taken to hold accountable the most egregiously behaving militias. Critically, the Somali Government, the federal member states and the international community should refocus efforts on reducing local conflicts, as part of the broader strategy to combat al-Shabaab and build stronger relations between State and society.

A. Outline of this study

This study first provides an overview of the evolution and current state of the political, economic and battlefield power of al-Shabaab, alongside the capacities and deficiencies of both the various Somali national security services and the African Union Mission in Somalia (AMISOM). These dynamics take place in a fraught political context: tensions have risen between the Government and the federal member states, and there is broader geopolitical and regional competition for influence in Somalia.

The second part of the study analyses the structural and political drivers of militia formation and persistence in Somalia. It also describes the pro-militia arguments made by Somali politicians, government officials, clan elders and international actors. The second section of the study also reviews various types of militia groups in Somalia, including clan-based forces, contract militias, federal member state paramilitary *darwish* and militias sponsored by external actors. To understand how these militias form and operate, the study provides a detailed portrait of several prototypical militia groups — namely, Macawiisleeey, Ahlu Sunna Wal Jama'a, the South-West Special Police, Mukhtar Robow's militias, Ahmed Madobe's militias (the

Jubbaland State Forces), the PMPF and the PSF. The section concludes with an analysis of the specific risks associated with the activities of the main militias across Somalia.

The third section of the study describes the lack of a consistent policy towards militia groups in Somalia and the increasing tendency of various international actors to embrace and bolster militias. This portion of the study explains the international community's dilemmas in deciding how to deal with these newly strengthened forces. It reviews current and potential policies for reducing the scale and negative effects of the militias, identifying the feasibility and likely effectiveness of each. The assessed policies include:

1. Integrating militias into formal security forces;
2. Putting them on payroll and providing them with non-lethal assistance without integrating them into formal forces;
3. Disarmament, demobilization, and reintegration (DDR);
4. Addressing local conflicts as an indirect approach to eliminating the impetus for militias.

The final section of the study, on recommendations, builds on the analysis of current responses and offers concrete steps that would enable the Somali Government and international partners to limit the risks posed by militias while also benefiting from their unique capacities. The recommendations focus on the following areas:

1. Avoiding or minimizing the creation of new militia groups;
2. Appropriate vetting of militias prior to integration into the Somali official forces;

3. Steps to end impunity for human rights violations;
4. Provision of human rights and civics training;
5. Establishment of a salary system for militia members integrated into the Somali national forces;
6. Creation of an international payroll for some militias (for example, *darwish*) conditioned on a serious vetting process for human rights abuses;
7. Establishment of a DDR programme for militias, possibly accompanied by a reconsideration of the existing "high risk defectors" programme for al-Shabaab;
8. Developing a strategy for al-Shabaab that prioritizes support to local conflict resolution within communities and across clans.

B. Methodology

In addition to reviewing the relevant existing literature, this study is principally based on fieldwork conducted in Mogadishu and Baidoa, Somalia, in January 2020. During that fieldwork, the author conducted 51 interviews with current and former officials of the Somali Government and the federal member states, current and former officers of Somalia's national security forces, Somali politicians, business leaders, representatives of nongovernmental organizations (NGOs), Somali clan elders, United Nations officials, international advisors to the Somali Government and international diplomats. The study also builds on the author's previous fieldwork in Somalia in March 2015 and December 2017.⁵ To protect the safety of interlocutors and to encourage them to speak honestly and openly, all interviews during this and previous fieldwork trips are reported without the use of names.

Conflict overview

The military battlefield in Somalia is highly complex and populated by many armed actors, though it is the radical jihadist group al-Shabaab that has captured international attention. More than 60 warring parties are present in the country, ranging from clan and warlord militias to various other militant groups. These groups include a faction that splintered from al-Shabaab, located primarily in Puntland, that calls itself the Islamic State (IS) and claims an affiliation with IS in Iraq and Syria.⁶

Since the early part of the first decade of this century, al-Shabaab has sought to overthrow the Government of Somalia. Between 2009 and 2011, it nearly succeeded in this objective, taking over large territories across the country and challenging the federal Government in Mogadishu. Al-Shabaab is merely the latest incarnation — although among the most radical — of Islamist groups that have been operating in Somalia for decades. With an allegiance to Al-Qaida and a long record of terrorist attacks in other parts of East Africa, al-Shabaab espouses a doctrinaire version of sharia considered extreme by most Somali standards.⁷ However, like its Islamist predecessors, the group has also succeeded in providing order, albeit through brutality, after years of civil war and interventions by foreign actors in Somalia. This record has won al-Shabaab significant support within some Somali populations.

Al-Shabaab's rule drew upon a specific interpretation of sharia (an interpretation largely rejected by Somalis and abroad), with beheadings, stoning, amputations and widespread repression against women. However, despite its brutality, deep administrative deficiencies and a lack of a vision of a modern State that could deliver socioeconomic progress in one of the world's poorest countries, al-Shabaab's rule has also allowed for municipal administrations to function and for basic security to be enforced. Its brutal but predictable regime proved viable for sustaining local economic activity, preferred by many business interests to the constant contestation among rival clans and warlords in parts of Somalia that were outside of al-Shabaab control.⁸

Despite its partial successes in governing territories, al-Shabaab committed a range of serious mistakes, quite aside from the routine brutality it used to enforce its religious doctrine. Most important of these mistakes was the group's hampering of the access of international humanitarian groups to Somalia during the 2010 drought and famine. The resulting deaths of over a quarter million people in Somalia in 2010–12 sapped much of al-Shabaab's popular legitimacy and support. As described below, however, the group maintains a large and powerful presence in strategic areas of Somalia, often replacing or challenging State authorities.

A. The Somali National Army: more militia than army

In 2012, a combination of international and domestic forces began wresting control of key territories of Somalia from al-Shabaab. These forces included AMISOM troops from Ethiopia, Kenya, Uganda, Burundi and Djibouti; clan and powerbrokers' militias; and the vestiges of the Somali national forces, including the Somali National Army (SNA) and Somali Police Force (SPF), supported by the US, UK, European Union, Qatar, the Emirates, Turkey and private contractors. Between 2012 and 2015, a coalition of as many as 22,000 AMISOM soldiers, the Somali national forces and militias progressively pushed al-Shabaab into smaller parts of the country, also taking greater control over Mogadishu.⁹

However, since 2015, the momentum has shifted. AMISOM and the Somali national forces have struggled to hold cleared territories, even losing some key areas in recent years.¹⁰ This is in part because of the lack of sufficient effective national and international forces. AMISOM's capacities vary widely across different parts of Somalia, and are poorly coordinated across the country (Ethiopia's forces are regarded as potent, while interviewees suggested that Burundi's are significantly less so). Likewise, the Somali national forces lack training, equipment, and discipline, as well as offensive, holding and defensive capacities. In some areas, the Somali national forces are also deeply infiltrated by al-Shabaab, with as much as 30 per cent of the Somali Police Force in Mogadishu believed to be compromised.¹¹ Lacking institutional coherence, members of the Somali national forces tend to rely on clan and community as a principal source of security, meaning they are often unreliable actors in defending territory against al-Shabaab.¹²

With an attrition rate comparable to British casualties in WWI (around ten per cent), and facing major shortfalls in the funding necessary to generate new forces, the SNA suffers from chronically poor morale and sustainability.

Officially numbering 27,000 soldiers (but more likely composed of around 23,000), the SNA is riddled with ghost soldiers, old and sick soldiers incapable of effective fighting or patrolling, and untrained units. Although vetting procedures for recruitment now exist on paper, they are not implemented, allowing a steady flow of unqualified people onto the army's payroll. Many soldiers do not own a weapon. Around 60 per cent of the army's personnel lack any real military capacity.¹³ The SNA also lacks logistical, sustainment and medevac capacities. Although Turkey now runs a respected military academy for non-commissioned officers in Mogadishu, and British training of the SNA receives high accolades, many SNA soldiers have not received even basic training, let alone training at the battalion level or higher.¹⁴ The army lacks embedded international advisors, with the exception of the Danab Brigade, which has been trained and mentored by US special operations forces. These shortfalls are remarkable, given the USD \$1 billion international investment in the SNA since 2012.¹⁵

All these deficiencies mean that, even if it has some 23,000–27,000 soldiers, a far smaller number of SNA fighters are actually capable of military operations against al-Shabaab. The army has struggled to defend its forward operating bases, let alone surrounding territories. Forward operating bases are regularly overrun and destroyed by al-Shabaab; thus, the SNA is often forced to pay off al-Shabaab units operating in the region to avoid an attack.¹⁶ At the end of 2019, the SNA's military operations to secure the arteries out of Mogadishu ground to a halt, as nearly 40 per cent of the force tasked with that mission simply disappeared.¹⁷

The SNA's poor performance points to a crucial characteristic of Somalia's army: it is more of a conglomeration of militias than a coherent fighting force. After its complete collapse in 2009, the SNA was reconstituted via a clan-based recruitment drive in which fully formed clan- and warlord-based militias were incorporated into the army. Many newly recruited units were merely handed booklets about their new role within the SNA, and received no additional

training or instructions about the chain of command.¹⁸ As a result, newly formed SNA units remained strongly linked to the dominant clans of their home areas. They continue to rely on clan leaders to receive any of the heavier weaponry for combat. Units are restricted in their geographic mobility, as clan leaders refuse to allow their weaponry and resources to be moved from their territory.

Another consequence of the clan-based origins of the new SNA units is that units eventually deployed outside of their home communities often prey on civilians. Widespread theft of land, water and other resources have fed into deep resentment by local communities against the SNA, and has often triggered the formation of new militias to fight against the SNA presence (rather than against al-Shabaab). These militias, in turn, also tend to prey on communities in the surrounding regions, feeding a cycle of violence and the proliferation of armed actors. This troubling situation has prompted a debate among international donors as to whether the SNA should continue focusing on creating multi-clan units — an approach embraced by the US and Turkey — or merely accept the basic clan feature of the SNA. The answer to this question is of fundamental importance, given the lack of clan homogeneity in some areas, the need to have mobile troops to combat nimble al-Shabaab forces and the broader coordination requirements across the SNA.

A related issue is that of soldier loyalty to the SNA versus clan leadership. Strong clan connections within an SNA unit often mean that the unit follows the clan more than the chain of command. Within the international donor and expert community, a debate exists concerning how to reinforce loyalty to the SNA. One possible solution is more reliable pay to soldiers.¹⁹ Existing pay is between USD \$75 and \$150 per month for soldiers and USD \$270 for officers. These amounts fall far short of monthly expenditures, particularly in deployments away from home areas. Yet, even a small raise to USD \$200 is well beyond the Somali Government's current means. In any case, much of the current soldiers' pay ends up stolen by higher up officials

who control distributions. Efforts to break up clan-based SNA units aside, finding new sources of funding for soldiers appears a promising path towards greater cohesion and loyalty.

Like the SNA, AMISOM has conducted almost no offensive operations against al-Shabaab since 2016. This is partially a tactical decision, given that the SNA lack the forces necessary to hold any newly captured territory. Wishing to avoid still greater responsibilities to protect larger populations, AMISOM has remained mostly hunkered in "garrison mode."²⁰ Unannounced withdrawals in 2017 of several Ethiopian military contingents left behind significant power vacuums in key locations, which in turn were rapidly filled by al-Shabaab. The current AMISOM mission is authorized by the United Nations Security Council through 2021, but there is really no expectation that the AU forces could realistically be withdrawn even by then given the continued weakness of the SNA.

B. The turn to militias — a risk to civilians

The lack of a functioning, self-sustaining army has prompted the Somali Government, international supporters and local leaders to turn to militias to lead the fight against al-Shabaab. Especially since 2016, the number and types of militias has grown; some, like the *darwish*, have become institutionalized as paramilitary forces within the State, while a range of other militias have been recruited across localities to fight al-Shabaab. AMISOM too has resorted to militias for the few offensive operations it has conducted in recent years, despite the fact that the forces subscribe to no international standards of conduct and face no prospect of accountability for their actions.²¹ Here, the model is one where militias are expected to conduct offensive operations, hold territory and oversee the gradual resumption of basic security, eventually allowing State security services to take over.²² However, this approach has, to date, failed to deliver the anticipated territorial gains.

The use of militias has been criticized for allowing untrained, unaccountable armed actors into highly volatile settings, with a high likelihood of human rights violations. This is a valid concern — *darwish* forces have been accused of serious violations against civilians. But human rights violations are also perpetrated by the Somali military, police, and intelligence services as well as AMISOM, again with few, if any, accountability mechanisms in place.²³ According to the United Nations, al-Shabaab accounts for 51 per cent of investigated human rights violations, with another 13 per cent attributed to clan militias, 11 per cent to State actors, 4 per cent to AMISOM, and the remainder undetermined.²⁴

Within Somali forces, the SPF as well as member state police forces tend to be more frequent offenders than the SNA — the police being accused of rapes in camps for internally displaced persons (IDPs), uncontrolled shootings as a mechanism of crowd control and extrajudicial killings at checkpoints. *Darwish* forces are, at times, accused of similar human rights violations, but as they tend to wear the uniform of the SPF, local populations often cannot distinguish them from other forces.²⁵ This identification problem is compounded by the fact that police and army uniforms are widely available for purchase in open markets, with al-Shabaab also buying them and using them to disguise their attacks.

In areas where the international community closely trains, monitors and pays the SNA, such as in a British training programme in Baidoa, the human rights record of the SNA has significantly improved, perhaps because the SNA trainees will lose their stipends if they commit abuses.²⁶ But there are concerns that any significant diminishing of the international community's oversight would result in a substantial increase in human rights and humanitarian violations by the Somali national forces, with al-Shabaab in turn gaining political capital and power. In areas with a relatively robust international presence, SNA involvement in crime has gone down, particularly where it has been arresting, investigating and punishing alleged perpetrators, and reducing their pay. Those are, undeniably, major improvements. Nevertheless, the relatively low overall percentage of violations by SNA and

AMISOM may also reflect the static garrison posture of these forces, rather than a changed propensity for not committing abuses.

C. Al-Shabaab resurgent

As of early 2020, al-Shabaab remains in control of tracts of rural central, southern, and western Somalia. It also continues to control major roads throughout the country, including in areas AMISOM and SNA technically cleared, such as the states of Jubbaland and South-West and the region of Lower Shabelle. Emboldened since early 2019, al-Shabaab regularly takes over major towns and conducts deadly attacks on civilian and military targets alike — even in Mogadishu and across the border in Kenya. Al-Shabaab has been particularly bold when some AMISOM forces, such as those from Ethiopia, have withdrawn from an area, rapidly retaking those territories.

Al-Shabaab's strength is currently estimated at 5,000–7,000 active combatants.²⁷ That is a substantial increase from 2017, when its active combatant force was estimated at 2,000–3,000. Since 2017, it has intensified recruitment among Somalia's many unemployed young men. It also resorts to forcible abductions and recruitment of children from Islamic schools, taking them directly from families or mandating that clan elders recruit a certain number of fighters, including children, within a specified period.²⁸

Al-Shabaab's recruitment messaging for international audiences (including the Somali diaspora) tends to centre on a sense of belonging, global jihad and the protection of Somalia against "infidel" invaders. By contrast, recruitment messaging towards local youth tends to emphasize injustice and the abuse of power. Such messaging often exposes very specific local poor governance, corruption and grievances. Typical themes include how public resources are usurped for private gain; the corruption of Somali courts and politics; and the way the Somali system is biased towards elites, and thus perpetuates economic, political and social injustice.²⁹ Some two-thirds of al-Shabaab members have joined

either for economic reasons (due to a lack of legal economic opportunities) or as a result of grievances against clan discrimination or abuses and corruption of local authorities.³⁰ Of course, recruitment is a complex process that also varies based on location, the individual, and the needs of al-Shabaab at a particular time. Forcible recruitment and clan-negotiated recruitment also play an important role. As a result, today's al-Shabaab is a mixture of religious zealots, economic opportunists lacking alternatives or wanting to keep the war going for economic reasons, and individuals recruited from very local networks or delivered by clans, or born in areas under al-Shabaab control.

Although the militant group is strongest in the southern parts of Somalia, such as the Lower Juba and Lower Shabelle regions, it is not geographically confined. Al-Shabaab retains operational military capacity in the northern federal member states of Puntland and Somaliland, with presence south of Puntland as well. Al-Shabaab regularly conducts bomb attacks and assassinations in Mogadishu, as well as attacks targeting civilians abroad. Even major towns firmly held by anti-al-Shabaab forces can be surrounded by territories held by al-Shabaab. Kismayo, a city controlled by Ahmed Madobe's Jubbaland State Forces and supported by the Kenyan Defence Forces, is a prominent example. In the South-West State capital of Baidoa, where a major AMISOM garrison is stationed, al-Shabaab controls access to water, electricity and education services, and it has forced electrical companies to turn off electricity during its major military operations. Even in the city itself, the international community cannot access large segments of the population.³¹

Al-Shabaab remains mobile, adaptable and very well organized and trained. It runs large and effective training facilities in Puntland and southern Somalia. Mostly operating in small groups of dispersed fighters of no more than 20 and as few as three, the group manages to mass to 200 or 300 for attacks. In contrast to the SNA, it also maintains the capacity to sustain force and to effectively execute complex and far-flung operations. One example is its January 2020 attack on Kenya's Manda Bay military base,

which killed three US soldiers and destroyed USD \$50 million worth of equipment, including a US surveillance plane.³² The attack required al-Shabaab fighters to cross through a significant swath of Somali and Kenyan territory. The group also enjoys access to heavier weapons than the SNA, including many rocket-propelled grenades and man-portable air-defence systems (MANPADS).³³

Although al-Shabaab has mostly not sought to enlarge the area under its formal control, it has recently conducted offensive operations for two principal reasons. The first has been to secure supply lines and improve its strategic position, in which case it may attack local militia forces, *darwish*, and AMISOM and SNA garrisons. The second reason for operations has been to enforce the collection of taxes from local populations, Somali and international businesses, politicians, SNA units and forward operating bases and implementers of international aid.³⁴

Lacking other options, military organizations fighting al-Shabaab, including AMISOM and the Somali national forces, have increasingly relied on US air strikes, assisted by US special operations ground forces, to limit al-Shabaab's attacks against their installations. Yet the intensified US air campaign has suffered the same limitations as AMISOM offensives: the airstrikes merely disperse al-Shabaab to other areas, including to Mogadishu, from which they can easily regroup.

D. Fractures in Somalia's political system

The political context in Somalia remains even more fraught and fractured than the military battlefield. And while international attention tends to focus on the military operations against al-Shabaab, the group's strength is directly related to the deeply fractured politics of Somalia. Tensions across federal, state and clan levels open space for al-Shabaab's further entrenchment.



UN Photo/Tobin Jones

A young woman holds the Somali flag during a demonstration by a local militia, formed to provide security in Marka, Somalia.

Somalia's current organization into federal member states dates only to 2015 when a formal decentralization process supported by the international community began, though some regions — notably Puntland and Somaliland — declared autonomy much earlier. The process of state creation has been tense, with interstate and state-federal rivalries over territories, control of armed forces, resource-sharing and power-delegation. One of the key areas of dispute concerns the distribution of armed forces. Somalia's 2017 national security architecture — agreed between the Somali Government, federal member states and the international community — authorizes the SNA to have just 18,000 soldiers, well below its current level of about 23,000-27,000. In addition, it envisions that the national Somali police (the SPF) be capped at 30,000 members. This design assumes that some existing militias — specifically, the state-level *darwish*, which are not currently recognized

under Somalia's security architecture or constitution — will be integrated into the SNA and SPF. The national security architecture also envisions the establishment of state police forces and federal paramilitary forces, known as federal *darwish* (distinct from the state level unofficial *darwish*), to patrol borders, operate across state borders and handle national emergencies.³⁵ According to Somalia's policing model of 2015, state police forces are to conduct policing up to station level, leaving major crimes like massacres and cross-state offenses to be handled by the federal criminal investigative division of the SPF.³⁶

Despite this formal distribution of forces, some federal member states are reluctant to hand over or disband the *darwish* forces under their control. Instead, they re-label them "special police." This seemingly cosmetic name change allows the forces to stay under local control, and

avoids running afoul of the Somali constitution and security architecture. As such, the “special police” have become important tools for federal member states to protect themselves against Mogadishu’s attempts to centralize power. But whether named “*darwish*” or “special police,” they do not currently qualify for federal payroll or international financial support.

These long-standing centre-periphery rivalries became compounded after the 2017 election of President Mohamed Abdullahi Mohamed, known as Farmajo. Farmajo has sought to recentralize Somalia’s political and economic processes, running into severe opposition from various federal member states, which have complained that they are deprived of power and resources under his administration.³⁷ Farmajo has indeed meddled in the local affairs of the federal member states, orchestrating, for example, the highly visible arrest in December 2018 of militia leader and former high al-Shabaab commander Mukhtar Robow to ensure his preferred candidate would win election in South-West State.³⁸ Farmajo has also picked intense political fights with Ahmed Madobe, a powerful federal member state President in Jubbaland, also with prior ties to al-Shabaab and close support from Kenya. In 2019, Farmajo and his allies refused to accept Madobe’s re-election as President of Jubbaland, and instead recognized a rival as President, reportedly threatening Madobe with military force. Federal relations with Puntland also dipped precipitously when Farmajo worked to prevent commercial port concessions to Emirates-based companies, potentially costing Puntland hundreds of millions of dollars.³⁹

The consequence of these tensions between Mogadishu and the federal member states has been that Somalia’s National Security Council has not met since June 2018. Antagonized federal member states have withdrawn from the Council and sought to pursue independent policies, including with international actors, while rejecting decision-making processes in Mogadishu. State-level intelligence and armed forces of alienated federal member states have refused to cooperate with their counterparts at the federal level.⁴⁰ Moreover, in various parts of Somalia, no federal or even state-level

authorities are present. In the city of Xuudur in the Bakool region of the South-West State, for example, no SNA, federal government authorities or state-level authorities are present. Instead, the region is governed by a strong district governor with support of Ethiopian forces operating independently from AMISOM. The political tensions also feed leadership instability: since coming to power, Farmajo has changed the top SNA commander and his deputy five times, the top police commissioner four times, and the head of the National Intelligence and Security Agency (NISA) five times. With presidential elections in the 2020–21 period looming, tensions are likely to increase.

E. Al-Shabaab’s political entrenchment

Persistent clan and political infighting provide fertile ground for al-Shabaab’s growing ranks across Somalia. Since al-Shabaab is able to deliver security, justice and effective taxation schemes, the Somalis in many parts of the country often perceive the group as more legitimate than the rapacious and corrupt official ruling entities. And al-Shabaab has shown remarkable capacity to insert itself into clan rivalries, at times helping to mediate disputes and reduce conflicts over land and resources. In this regard, al-Shabaab has proven itself more than a purely Hawiye-based group — though it does draw its membership heavily from that clan. It has come to be seen as pan-clan.⁴¹

Al-Shabaab is also deeply entwined in the political economies of Somalia involving Somali political leaders and businesses. Many of Somalia’s powerbrokers rely on al-Shabaab to maintain security and protect their economic interests, in exchange for which they pay fees, which al-Shabaab terms *zakat*, or Islamic alms. Since they are already effectively paying a tax to al-Shabaab, businesses are reluctant to pay government taxes, which would go towards provision of better security services. Then, lacking such services, the businesses rely on al-Shabaab for security. Al-Shabaab is thus left to conduct its own pervasive taxation, which it does

through a combination of threats of violence and the provision of security. The group's income is staggering: in South-West State, for example, al-Shabaab generates USD \$70,000 per day from taxing roads and has been estimated to earn more than USD \$20 million a year in taxes, which support its fighters and organizational structures across Somalia.⁴²

In some respects, al-Shabaab provides a more consistent and viable set of security arrangements than State actors. In areas beyond al-Shabaab's control, a combination of militias, police and army units set up a variety of checkpoints with different fees and conditions attached to them. Lack of discipline and competition between these groups has led to killings and widespread reports of human rights violations.⁴³ In contrast, checkpoints manned by al-Shabaab tend to charge a single, uniform fee, as much as five times lower than fees imposed by militias and the SNA and the SPF. Unlike on roads manned by others, vehicles entering roads controlled by al-Shabaab receive a receipt, and the people and cargo are not robbed later down the road.⁴⁴

Al-Shabaab also outcompetes other actors in Somalia in its capacity to deliver justice and dispute resolution. It retains a reputation for delivering swift, effective, and — crucially — non-corrupt rulings to disputes, based on sharia. In contrast, the State's judiciary is perceived as overwhelmingly corrupt, dominated by certain clans, and operating on the basis of outdated 1960s statutes, thus delivering dispute outcomes based on bribes and clan standing.⁴⁵ Other forms of justice, such as the traditional *xeer* processes, are primarily used to resolve interclan reconciliation needs. They offer little fairness to marginalized clans and women, nor do they ensure accountability for serious crimes.⁴⁶ Thus, even people from government-held territories, and by some anecdotal accounts occasionally even police officers, approach al-Shabaab for dispute resolution.⁴⁷

While effective, al-Shabaab's justice contains no formal safeguards and it is underpinned by the ruthless use of force: disobedience of a ruling results in swift execution. There is also

brutal punishment supposedly based on sharia statutes — such as stoning or cutting of limbs, unacceptable to most Somalis. Beyond these unpopular measures, al-Shabaab also demands taxes in the form of children and onerous financial or livestock payments, such as during periods of drought, punishing those who cannot pay with death or forced displacement. Forced marriages are widely practiced in Somalia irrespective of al-Shabaab, sometimes involving children, and sometimes involve horrific abuses. But al-Shabaab also uses children for brutal terrorist actions and suicide attacks.⁴⁸ Like the SPF, al-Shabaab members are also regular perpetrators of rapes, targeting women travelling to fetch charcoal, water, or sell milk, and women leaving IDP camps.

F. Geopolitical context

The rivalry between the Saudi Arabia and the Emirates, on the one hand, and Qatar, aligned with Turkey, on the other hand, increasingly shapes the political and security dynamics in Somalia, with effects on the role of militias and the relationship between the centre and the periphery.

Broadly, the Emirates has treated all Islamist movements — including al-Shabaab — as a threat, while also partnering with Saudi Arabia in a long-standing rivalry with Iran. Given that Qatar has been sympathetic to groups like the Muslim Brotherhood, the Emirates has equally cast Qatar as dangerous to its interests. These rivalries play out along the coastline of the Horn of Africa, where the Emirates has sought to develop a range of commercial ports.⁴⁹ In 2006, the company DP World, majority owned by the emirate of Dubai, won a 50-year concession to operate Djibouti's Port of Doraleh.⁵⁰ Since then, the Emirates has actively sought to cultivate port opportunities in Somalia, such as in Berbera and Bosaso, as well as a military rear base for its operations in Yemen.⁵¹ The Emirates has also been a prominent actor in efforts against Somali pirates, building up a large militia in Puntland, the PMPF, to operate against them.

However, though Farmajo was close to Turkey and Qatar, he allowed his relations with the Emirates to deteriorate precipitously. The Somali President, for example, refused to participate in the Saudi-Emirati blockade of Qatari goods. Qatar allegedly supported Farmajo's presidential campaign with major financial donations, provided the Government with USD \$385 million in infrastructure, education and humanitarian assistance, and is seeking to develop a port in Hobyo to rival the Emirates' operations in Berbera and Bosaso.⁵² This alignment between Farmajo and Qatar has led the Emirates to actively work against Mogadishu, instead supporting the federal member states, often in direct opposition to the President.⁵³ The Emirates has hosted federal member state leaders and provided them with resources, hoping to weaken their dependence on the Somali capital. Relations reached a particularly low point in April 2018, when Mogadishu seized USD \$10 million from an arriving Emirati airplane, alleging the money was meant for "bribes" for federal member state politicians. The Emirates, for its part, claimed that the money was meant to support its military training mission in Somalia.⁵⁴ The Emirates subsequently withdrew from Mogadishu, where it had supported a military training camp and a hospital.

Ethiopia and Kenya also have a long history and strong interest in the internal workings of Somalia. Having repeatedly put troops on Somalia's soil, Ethiopia sees the border areas as a buffer zone against Islamist groups and clan-based separatism.⁵⁵ Even today, Ethiopia maintains forces in Somalia that operate outside of AMISOM's structure. The Ethiopian Government and its forces in Somalia, whether as part of AMISOM or independently, have long worked with a range of anti-Islamist militias. The Ethiopian Government and military have become very close backers of Farmajo's Government, with the two countries announcing a joint

investment in four unspecified seaports in June 2018.⁵⁶ Farmajo has consistently used Ethiopian forces to go after his political rivals, such as Robow.

Having borne the brunt of al-Shabaab's international attacks on military and civilians such as in the 2013 notorious Westgate Mall attack and in the January 2020 attack on a Kenyan military base, Kenya too sees value in creating a buffer zone against incursions of Islamist groups.⁵⁷ Kenya also hopes that by shaping security and politics in Somalia, particularly its southern parts, it will minimize recruitment by Somali jihadist groups in Kenya and prevent the radicalization of Kenyan Muslim residents, as well as reduce the flow of further Somali refugees to Kenya.⁵⁸ It also seeks to extend its maritime rights into the contested areas offshore.⁵⁹

These regional dynamics are only the latest chapter in the long history of Somalia as a theater for geopolitical rivalry. As the analysis below underscores, they have led to foreign actors' willingness to support proxy forces within Somalia, often creating new risks for civilian populations and undermining the prospects of improved stability in the longer term. Addressing the problem of militias in Somalia cannot be separated from the interests of regional powers and their involvement with Somali powerbrokers.

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Auxiliary groups in detail

The State's deficiency in providing security is not the only reason that militias and auxiliary groups in Somalia persist. Crucially, they also exist because the State is distrusted by communities, clans, powerbrokers, politicians, subfederal authorities, businesses, and regional and global powers. Here, militias function both as an extension of the State and as a hedge against it. They perform a variety of roles, from protection of elite interests to income generation, from purely military functions to governance. Militias have thus become indispensable actors in the highly fluid, fractious and lucrative conflict landscape of Somalia.

Broadly, supporters of militias offer four reasons that they should be used instead of relying solely on the Somali national forces to address the threats posed by al-Shabaab:⁶⁰

1. Militias provide a much-needed boost to the SNA's inadequate capacities and number of soldiers;
2. Militias are more capable and determined than the unreliable SNA; militia fighters often bring their own weaponry from their respective clan bases;
3. Militias possess greater local knowledge and intelligence in areas where al-Shabaab has influence;
4. Under some circumstances (such as in the Lower Shabelle region), spontaneously created self-defence militias can operate against al-Shabaab without State support.

Some interviewees also pointed to militias' effectiveness — quite aside from their utility in fighting al-Shabaab — in suppressing crime and preventing intraclan violence.⁶¹

However, militias vary significantly across Somalia, not only in their character and conduct, but also in the roles they play in the underlying conflict dynamics. Given the enormous number of local militias operating across the country, this study does not attempt to review all of them. Instead, it presents key types of militia groups, allowing for an understanding of the main roles they play.⁶² This analysis is followed by more detailed portraits of the most powerful militias, which tend to occupy the bulk of international attention.

A. Clan militias

Clan militias are the most prevalent type of organizational structure of armed actors in Somalia. Their primary focus is to protect or expand the clan's access to water and land for farming or pasture. Their persistence reflects

the lack of official regulation and enforcement of access to resources, and the lack of reliable dispute-resolution mechanisms. Clan militias play a vital role in the bargaining over political and economic power at both federal and local levels. They vary in their conduct — including in their propensity to raid neighbours or perpetrate human rights violations — but tend to be highly networked across the country, meaning their actions tend to have broader ripple effects beyond their communities. Importantly, clan militias do not have static positions against or in support of al-Shabaab. For example, the Bimal clan militia in the Shabelle region originally allied with al-Shabaab, not due to any ideological affinity, but because it wished to fight the local SNA brigade composed of a rival clan (the Habar Gidir) challenging Bimal's control of land. AMISOM, acting in support of the SNA, also became aligned with the Habar Gidir clan as a result of this conflict. But in 2016, al-Shabaab and AMISOM switched their clan allies and the two groups — the local SNA and the Bimal militia — essentially agreed not to fight each other. Still, the Bimal militia has refused to demobilize.

B. State *darwish* paramilitary forces

The term *darwish* refers here to a composite militia force carrying out military and police functions, operating independently from the SNA and directed by federal member state presidents.⁶³ Regardless of their origin, *darwish* forces constitute an important power base for elite political actors, a sort of praetorian guard providing protection and the threat of force against rivals. However, because the Somali constitution does not permit federal member states to command armies of any kind, state governments have renamed many *darwish* forces “special police,” allowing them to be retained within the national structures. Although they often operate fully independently of and potentially against the SNA, they are often used to secure territories from al-Shabaab attacks. Increasingly, Somali and international actors are exploring whether the *darwish* could be used as the primary forces to hold territory

any future SNA/AMISOM clearing operations manage to retake from al-Shabaab.⁶⁴ But in some settings, such as in Puntland, *darwish* forces have expanded their functions to include regular police operations.

The *darwish* are increasingly seen by some members of the international community as a vital source of force generation against al-Shabaab. This is so despite the fact that *darwish* forces vary significantly in their own capacities, sometimes having as little operational effectiveness as the SNA, though they often carry more local legitimacy than the national forces.⁶⁵ Reliance on *darwish* forces is increasing, but because they are not formally recognized within Somalia's security architecture, they do not receive any support from international donors. As a result, their salaries, equipment, benefits, and logistical and medical support depend fully on what can be provided by the federal member states. States that have taxable ports, such as Juba and Puntland, have a far easier time supporting their *darwish* forces than states without rents, such as the South-West State.

C. Warlord and contract militias

Militias of prominent warlords characterized much of the fighting of the 1990s and early part of the first decade of the twenty-first century. These militias gave rise to successive iterations of Islamist groups. Many continue to exist, but some have changed their uniforms and have become formally integrated into other militia groups, including the *darwish*. In some cases, they still exist unanchored in other structures or under other labels, such as the militia group of Mukhtar Robow (described below). These groups predominantly serve the economic and political interests of their powerbroker sponsor, augmenting his political might, suppressing opposition and prosecuting economic rent interests through unaccountable means that are often predatory and exclusionary. Sometimes, such as in the case of Robow's militias, they may fight al-Shabaab, though rarely in conjunction with state forces.



UN Photo/Tobin Jones

A large industry in Somalia also exists around contract militias — in other words, mercenary forces. These are essentially private security forces pulled from clan and warlord militias, state-aligned *darwish*, and often include moonlighting soldiers of the SNA or officers of the SPF. They are hired to protect business interests, such as buildings and cargo transport, as well as to undermine or eliminate business opposition.

D. Externally created and sponsored militias

A final set of militia groups are those created by external sponsors to prosecute their interests, such as anti-piracy or counter-terrorism interests, or to defend

buffer zones. These groups often have primary loyalties to the external sponsor — provided the sponsor is reliable in paying them and otherwise supporting them. Such groups have little to no accountability to local communities or state or federal authorities.

The memberships within and across these various types of militia groups are often highly fluid, with many individuals belonging to multiple groups. Often, entire units have multiple hats and sponsors. For example, a part of a clan militia may be temporarily hired as a contract militia or to join a powerbroker's praetorian guard.

Fundamentally, much of Somalia's economic activity revolves around the service industry of protection against physical dangers and rival actors. Al-Shabaab is merely one actor that bids, albeit highly effectively, in this protection-for-

sale economy. Selling the business of protection, such as through militias, is very profitable, and the most significant source of paid employment in Somalia.

E. Portrait and evolution of selected militia groups

This section illustrates how security forces evolve over time, at times taking on roles far beyond their original purpose and producing complex economic and political effects.

1 Macawiisleey

Operating in the Lower Shabelle region, the Macawiisleey is an example of a newly constituted clan militia. Its recent formation shows clan militias are not static or necessarily long-standing. Named after the long sarong-like skirts its members wear, it is a militia of some 200 men — pastoralists and farmers — who organized recently to fight al-Shabaab's excessive taxation. Supported merely by voluntary food contributions of their community, the group has succeeded in recovering some villages from al-Shabaab. Its success is likely due to the fact that the area is not a priority for al-Shabaab, which does not have a contiguous distribution of fighters, and instead operates in pockets. Nonetheless, the Macawiisleey has managed to survive multiple battles with al-Shabaab. As a result, it attracted attention from Somali Members of Parliament who in 2019 met the group's leadership to show their support (and take credit for its achievements).⁶⁶ However, the sustainability of the Macawiisleey remains a major question, as the group has no support from the SNA or AMISOM; even road movement in the part of the Shabelle region where the Macawiisleey is active is currently prevented by al-Shabaab.⁶⁷

The formation of Macawiisleey shows that key challenges in Somalia are not merely the integration and regulation of existing militias, but also the continual formation of new militia groups. For example, new militia groups have

recently formed in the Hiiraan, Xunduur, and Bakool districts of the Middle Shabelle region, also to oppose al-Shabaab taxation.

2 Ahlu Sunna Wal Jama'a

Ahlu Sunna Wal Jama'a is a militia group formed in 1991 by Sunni Sufi Muslims to oppose jihadist groups that arose before al-Shabaab existed.⁶⁸ Operating mostly in Galmudug and the Hiiraan region of Hirshabelle, Ahlu Sunna Wal Jama'a became an important anti-Shabaab actor and loose ally of Somalia's transitional Governments.⁶⁹ By 2017, it was estimated to have at least 5,000 fighters.⁷⁰ In addition to its religious orientation, the group also has a clan base. It has engaged in some of the fiercest fighting with al-Shabaab, far surpassing the intensity of fighting that clans are ordinarily willing to undertake. For years, it has managed to hold areas liberated from al-Shabaab. This resolve reflects perhaps both Ahlu Sunna Wal Jama'a's religious orientation (al-Shabaab persecutes Sufis, though they are also Sunnis) and the fact that it includes many pastoralists — often fierce, heavily-armed soldiers who have experience fighting cattle raiders. As a result of its battlefield effectiveness, the areas of its operations in Galmudug are some of the only areas in Somalia, apart from Puntland and Somaliland, where unfettered travel on roads is possible for 200–300 kilometres.⁷¹

For years now, Ahlu Sunna Wal Jama'a has enjoyed close support from Ethiopia. It has been one of Addis Ababa's important tools of power projection and political influence in Somalia. For years, Mogadishu viewed the group and its foreign sponsor as sowing political discord in Somalia advantageous to Ethiopia, as well as shaping the battlefield to Ethiopia's advantage.⁷²

The group's battlefield success, however, rapidly translated into its political ambition. Ahlu Sunna Wal Jama'a transformed from a religious-clan militia into a potent political actor profoundly influencing politics in Galmudug. Politicians representing and allied with Ahlu Sunna Wal Jama'a have been accused of authoritarian tendencies, including the use of the group as

a praetorian guard. Accusations of human rights abuses leveled against Ahlu Sunna Wal Jama'a include random shootings of civilians and extrajudicial killings.⁷³ Such accusations are all the more concerning because formal law enforcement and judicial courts do not function in Galmudug. This pervasive lack of rule of law and dispute resolution mechanisms also produces many revenge killings in the state, and consequently a steady supply of militiamen.

3 The South-West Special Police

The South-West *darwish*, now mostly referred to as the South-West Special Police, represents an example of state paramilitary forces established only very recently — in late 2014 — as much to retake territory from al-Shabaab as to strengthen the bargaining capacities of South-West State politicians vis-à-vis Mogadishu.

The *darwish* fighters were selected by clan elders who had to certify that the recruits were of good discipline and morals. At first, their fighting morale was high. Deployed on the perimeters of an Ethiopian base, they complemented Ethiopian forces in the anti-Shabaab fight and ventured as far as 60 kilometres away to fight al-Shabaab. However, these clearing operations by the *darwish* stopped in 2017 and a portion of the militia force disintegrated when Ethiopian forces unexpectedly packed up their base. At loose ends, the *darwish* around the base lost the capacity to sustain themselves. They lacked the coordination, leadership and incentives to continue fighting al-Shabaab.⁷⁴ Soon after, the attrition rate of the *darwish* dramatically shot up when al-Shabaab mounted an effective campaign to get them to desert, telling militia members' mothers that their sons could return without being killed if they gave their weapons to al-Shabaab and stopped fighting the militants.⁷⁵ Other fighters reverted to clan militias, becoming embroiled in fights for even small plots of land and water access points and driving up the lethality of clan conflicts in the area. Some *darwish* also colluded with SNA and illegally bought SNA uniforms, setting up checkpoints in rival communities to extort those communities and vehicles passing through them.⁷⁶

The remaining South-West Special Police have functioned to advance the political and economic interests of the state authorities. Yet, members of the Special Police have had no formal vetting, whether for al-Shabaab connections or human rights abuses. Neither have they been subjected to any recruitment standards or qualifications. Moreover, state authorities used the existence of the Special Police as a pretext to acquire large numbers of weapons from Ethiopia. Ostensibly to equip the Special Police, the authorities procured weapons such as AK-47s and heavier machine guns in Ethiopia for USD \$200 and \$2,000 respectively. But in Somalia, the guns were sold to the highest bidder (usually for USD \$800 and \$9,000, respectively). Buyers included clans, for whom machine gun ownership conveys prestige, and al-Shabaab.⁷⁷

Currently numbering 2,900, the South-West Special Police is deployed to eight districts (with a 300-man contingent in each) and the capital of Baidoa, where 500 Special Police are believed to operate. Despite its problematic background and record, the group is increasingly seen by local, federal and even some international actors as a source of force generation for the SNA, since the SNA in South-West state continues to take very large casualties almost daily, and lacks the capacity to replenish its ranks.

A completely separate entity with a similar name, the South-West State Police, is an official entity formally recognized under Somalia's security architecture. It is composed of 824 officers and 12 US-trained investigators, and has had recruitment and vetting procedures in place since 2016. Somali authorities report that all officers were recruited according to the recruiting and vetting procedures, but the international community has no capacity to verify these claims. Although recruitment is based on clan presence in an area, there is some semblance of equity in recruitment. The force is tasked with community policing, traffic policing, criminal investigations and countering gender violence — though there is no clear delineation of functions from the national-level SPF, which also has 270 officers present in South-West State, in supervisory positions at police stations. In practice, local communities cannot distinguish

between State Police and SPF officers, but State Police officers prefer to be enrolled instead into the national-level SPF where they are more likely to be paid salaries and receive benefits.

Because of international human rights training and international payments of salaries tied to human rights performance, the frequency of human rights violations by the South-West State Police has decreased. That, in itself, is a very significant accomplishment. Although allegations of police corruption and checkpoint extortion do arise, the State Police appears to have become better at policing its own ranks. It has even arrested police officers for shooting suspects, a crucial improvement, particularly if the investigated officers are actually punished, as now happens.⁷⁸ Nonetheless, when the international community froze payments to the South-West State Police because of their shooting of protestors during an altercation with the warlord-cum-politician Mukhtar Robow during his December 2018 arrest, human rights violations by the South-West State Police significantly increased. The State Police upped its involvement in extortion, as officers felt the need to generate livelihoods for themselves and their families.

4 Mukhtar Robow's militia

The militia of the warlord Mukhtar Robow also operates in South-West State. This militia is an example of a warlord's militia drawn predominantly from the Rahaweyn clan and its Laysan sub-clan, which is Robow's power base. A prominent founding member of al-Shabaab and one of its top commanders, Robow defected from the militant group in 2017 after years of strained relations with the rest of al-Shabaab's leadership.⁷⁹ He then made a deal with Farmajo — a deal criticized as opaque and unaccountable — that at first appeared to give Robow a problematic full amnesty in exchange for his promising to mobilize additional Rahaweyn militias to fight al-Shabaab.⁸⁰ Soon, however, Robow showed he had other ambitions, and campaigned to be President of South-West State, challenging the political interests of Farmajo and

the local politicians Farmajo supported. Robow was also successful in recruiting new militias — not to fight al-Shabaab but to support his political and economic ambitions.

Farmajo claimed that Robow violated a part of the secret deal (the case for the claim was neither clear nor compelling) and in December 2018 had Ethiopian troops arrest him.⁸¹ The arrest turned into a bloody firefight between forces representing Farmajo's interest — the South-West State Police and the Ethiopian army — and Robow's militias, with casualties in the hundreds.

The arrest shook Somalia and cast an aura of authoritarian centralist tendencies around Farmajo. It also alienated much of the Rahaweyn clan, who campaigned for Robow's release and who resented that the pro-Farmajo Administration in South-West State was excluding them from patronage.

Fascinatingly, however, Robow's militia group did not turn out to be a significant source of instability. Some 250 of the fighters he recruited since his defection from al-Shabaab were integrated into the SNA — with no vetting of their record and capabilities. Between 100 and 200 of his original militiamen, who were part of al-Shabaab and defected with him, have neither been integrated nor demobilized. Instead, NISA (the national intelligence agency) has placed them on its payroll, supplying them with weapons and money. But there is little transparency as to the conduct and operations of the group, which operates in the Xuddur district, where NISA does not even have a permanent presence.⁸²

5 Ahmed Madobe's forces

The President of Jubbaland State, Ahmed Madobe, is one of Somalia's most powerful warlords-cum-politicians. Since 2012, he and his militia group, predominantly drawn from the Ogaden clan, have been in charge of the port of Kismayo, the premier transportation hub in southern Somalia and one of the biggest sources of revenues and rents in the whole

country. During the first decade of the twenty-first century, Madobe was a high commander in the Ras Kamboni Brigade, an Islamist militia that fought Somalia's transitional federal Government (from 2004–12) and had a fluctuating relationship with al-Shabaab.⁸³ Eventually, a faction led by Madobe, the Ras Kamboni Movement, split off and began to aggressively fight al-Shabaab, rapidly gathering support from Kenya. Kenya has remained a strong ally of Madobe since, even at the expense of intense political tensions with Mogadishu. In 2012, Madobe managed to wrest control of Kismayo and surrounding areas from al-Shabaab, a territory he has been in control of since.

Although Madobe has repeatedly been elected President of Jubbaland State, he hardly controls all of its territory. Al-Shabaab remains in charge of a large portion of the state, including its most fertile areas. It also imposes taxation throughout much of the state.⁸⁴ The northern Gedo region of Jubbaland, comprising six districts, is under the control of a distinct regional administration. With support of Ethiopian forces operating outside of AMISOM, and President Farmajo who has a clan base there, this administration acts independently of Kismayo and Madobe. Moreover, Madobe's rule has been contested by clan warlords and other groups, such as Barre Hiiraale's Maharen militias in 2014, which Madobe eventually defeated. In August 2019, Kismayo and Jubbaland opposition leaders elected a rival Jubbaland President, Abdirashid Mohamed Hidig, whom Farmajo recognized.⁸⁵

After 2014, Madobe's Ras Kamboni Movement was transformed into Jubbaland Darwish, purporting to be the state's paramilitary police but still drawing predominantly on the Ogaden clan for members. Its loyalty remains anchored to Madobe and to the Ogaden clan, not to any Jubbaland administration.⁸⁶ Madobe also operates a Jubbaland intelligence service, the Jubbaland Intelligence and Security Agency (JISA). JISA, Jubbaland State Police, and the Jubbaland Darwish are together known as Jubbaland State Forces, all loyal principally to Madobe and consisting of perhaps as many as 5,000 individuals, though a precise count is not

known. A 2014 experiment to force Madobe to bring fighters from 20 other clans into his forces did not produce pan-clan integration: the new fighters languished in a camp for two years before returning home.⁸⁷ The Jubbaland State Forces, while independently supported by Kenya, have not received official United Nations-approved financial assistance and training, including human rights training, from actors operating under a United Nations framework. Madobe thus needs to raise money by licit and illicit taxation in and around Kismayo to maintain his forces.

There are also SNA units in Kismayo, mostly drawn from the Ogaden clan and trained by Kenya several years ago. But these units have disintegrated since Kenya's training. However, their remnants and reconstituted versions cooperate closely with Madobe because of the shared clan basis.⁸⁸ To the extent that the SNA units in Kismayo retain members from non-Ogaden clans, their integration has been difficult. In late 2019, one such clan section of the SNA tried to break away and return to its home clan area, alleging that Madobe, who as President of Jubbaland State refused to pay them — even though Mogadishu and the SNA posted in Jubbaland expected a part of the Jubbaland budget to go towards that purpose.⁸⁹

In contrast, the separate SNA brigade and two battalions in the Gedo region are drawn from Farmajo's clan, the Maharen, and, along with the Ethiopian forces that support them, side with the federal Government. Speculations are rife that Farmajo will seek to use Ethiopian forces to detain Madobe, as he did for Robow. But any such move would risk an armed confrontation not only with Madobe's Jubbaland State Forces, but also with Kenyan forces.⁹⁰ Indeed, such a regional confrontation was on the cusp of fully breaking out in March 2020 when Madobe's Jubbaland State Forces clashed with the federal SNA in the Balad Hawo district of Jubbaland and resulted in several deaths.⁹¹ Although, as this study went to press, the situation had temporarily quieted down, the political rifts remain unresolved and threaten to break out again.

Kismayo, which is Madobe's base, and has been one of the safest areas in Somalia with respect to al-Shabaab attacks — far safer than Mogadishu. But although Madobe's militia security system protects the city from al-Shabaab, it is also highly partial, engaging in political repression and mafia-like economic racketeering. Suppression of freedom of expression and land grabbing are its most glaring manifestations.

Jubbaland State Forces function as Madobe's praetorian guard and private enforcement entity against rival politicians, clan leaders, business leaders and other independent voices. They suppress any opposition political activity. Somali interlocutors widely attribute assassinations of clan elders who have spoken up against Madobe to Madobe's forces.⁹² Opposition politicians or NGOs often cannot operate in Kismayo and leave for Mogadishu. No fair and transparent elections have been held in Kismayo since 2012. During the 2019 elections, Madobe banned opposition members from running for or casting votes in Jubbaland's Parliament.⁹³

Land grabbing from minority clans and vulnerable populations without arms has characterized Madobe's rule.⁹⁴ The taxes his administration levies are seen as biased, with higher fees for rival clans and opposition groups. Madobe's forces also ensure his dominance of Kismayo's licit and illicit markets, including cargo and contraband — such as charcoal — going through Kismayo. Al-Shabaab nonetheless maintains its taxation networks in the port and controls roads to Kenya and other parts of Somalia.⁹⁵ However, as tensions between Madobe and Farmajo have escalated, Farmajo has been trying to cut down Madobe's revenues. The Somali President's methods include trying to muscle ships into docking in Mogadishu instead of Kismayo and preventing airlines from landing in Kismayo unless they land in Mogadishu first.

Moreover, the dispute between Madobe and Mogadishu, and by extension between their Kenyan and Ethiopian backers, has produced a deterioration of security and a rise in al-Shabaab attacks in Kismayo itself.⁹⁶

6 The Puntland Maritime Police Force and the Puntland Security Force

Puntland, in Somalia's north-east corner, has long operated as an autonomous territory within the country, even before the federal member state formation started formally taking place. Puntland also has a long history of hosting a plethora of militia groups. Today, these include *darwish* forces, similar to those present in the South-West State, as well as militia groups originally set up by international private security companies, but later supported by the Emirates, US, and, to a lesser extent, Ethiopia.

Hart Security, a British private security firm, was first brought in to Puntland in 2000–2002, to help reduce illegal fishing, but withdrew amidst violent political divisions in the state that were affecting and splitting its local recruits.⁹⁷ A Canadian-Somali firm, SomCan, replaced Hart Security for several years.⁹⁸ In 2010, Sterling Corporate Services, based in Dubai and hired by the Emirates, started training what would become the PMPF.

Supported and paid by the Emirates, the PMPF originally had a mandate to tackle Somali pirates on land in Puntland. International and national anti-pirate flotillas furnished by NATO, Australia, China, India and Russia began patrolling the seas and arresting pirates. Cargo ships started building defensive citadels and hiring private security firms to board ships and defend them against pirates. But the pirates' land havens and networks remained untouched. Determined to secure safe ship and cargo passage through the Gulf of Aden, the Emirates sought to rectify this gap through the creation of the PMPF. The militia's tasks were to gather intelligence, dismantle the pirate networks, camps and safe havens, and to identify and disrupt pirate enablers and financiers.⁹⁹

In the initial years, the South African private security company Saracen (with an apartheid-era tainted membership) ran the training mission — with dismal outcomes.¹⁰⁰ A *New York Times* investigative report described conditions

in the training camp as “something out of the Wild West,” with nearly 500 fighters going without pay for months and extensive human rights abuses.¹⁰¹ Eventually, however, the force became heftier.

Even so, the PMPF’s overall impact against the pirates’ land networks has been limited. At first, it managed to collect some local intelligence; but it never achieved strategic effects and the pirates’ networks have not been dismantled by the PMPF or any other actor.¹⁰² Instead, the pirate networks lie dormant, but ready to spring to action. Ship citadels and private security firms do hamper pirates. They also may be deterred to some extent by international prosecutions in Kenya and the Seychelles, where convicted pirates are imprisoned. But the pirate networks still attempt sea attacks. In November 2019, for example, they held an Iranian dhow for three days.

Critically, the pirate networks retain popular and political support. The vast sums of wealth and economic activity they brought to poor, remote fishing villages and other parts of Puntland translated into significant local and clan political capital.¹⁰³ Pirate commanders at times ended up leaders of their communities and even ran for office in Puntland’s state-level parliamentary elections. The pirates’ money and political capital also attracted attention and backing from Puntland’s key clan powerbrokers and politicians.¹⁰⁴ Pirates maintain their political clout and connections.

The pirates also invested money into a variety of legal economic activities in Puntland, producing complex tangles of political and business alliances and rivalries, including with key militias, such as the PMPF. The case of Isse Yulux, a well-known pirate, is exemplary of these political complexities.¹⁰⁵ Despite fluctuating relations with Puntland elites, Yulux was eventually able to bring his 350-man ex-pirate militia back into Puntland and set up operations in seven Puntland cities, transitioning from piracy into business and politics. One of his cousins became a key official in Puntland’s security ministry, and another the owner of a company hired to handle millions of dollars of procurement for food, transport and payroll for the Puntland State as well as the PMPF.¹⁰⁶

Two years ago, when the Emirates pressured the President of Puntland to take the contract from the Yulux-linked company and hand it over to another company, Yulux attacked both the PMPF and the new logistical company. Both are now allegedly engaged in a clandestine war with Yulux’s militia.¹⁰⁷ In November 2019, Yulux reportedly mobilized 50 men with heavy artillery and temporarily blocked the port of Bosaso, seeking to pressure Puntland’s President to return the logistical and procurement contract to the original operator. Many recent attacks in Bosaso have been linked to this fight. At the same time, Yulux manages to maintain relations with al-Shabaab and IS. Hassan Sheikh Mumin, the leader of IS in Somalia, is another one of Yulux’s cousins.

Instead of making significant progress against pirate land bases, the PMPF rapidly became involved in Puntland politics and embroiled in clan rivalries. It took on the role of praetorian guard for former Puntland President Abdirahman Farole, acting against his political opposition and neutralizing his business rivals.¹⁰⁸ It has remained the praetorian guard of subsequent administrations, including for current Puntland President Said Abdullahi Dani.

Although the PMPF has no basis in Somalia’s constitution and operates outside of Somalia’s security architecture framework, it has been regularly used by US special operations forces and the Emirates to combat al-Shabaab and IS in Puntland.¹⁰⁹ The US eventually set up its own separate private auxiliary group in Puntland, the PSF, which also operates outside of Somalia’s constitution and security architecture. These two groups are arguably the only militias in Somalia that are truly loyal to external patrons — as long as the external patrons pay them well.

Numbering some 500 and 1,000 men respectively, the PMPF and PSF are both better trained and equipped than Puntland’s *darwish* (and the SNA), and attract more capable and educated recruits, limiting the availability of more competent fighters to the official forces of Puntland and Somalia. But as al-Shabaab has aggressively targeted both forces, they have sustained high casualties. Their movement to markets for supplies is often limited —

al-Shabaab ambushes along roads are a favorite tactic.

Since both al-Shabaab and IS ally with marginalized clans, actions against the militants have further embroiled the PMPF and PSF in clan rivalries. IS's 200 men are mostly restricted to the area of Qandala in Puntland. But the terrorist group also operates safe havens in the strategic port of Bosaso, which gives the PMPF a counter-terrorism justification for conducting a wide-ranging set of questionable raids in the city. These raids suppress political and economic opposition to PMPF's political sponsors.¹¹⁰

In fact, the PMPF has usurped varied policing functions in Bosaso, also under the guise of conducting anti-pirate operations and intelligence gathering against pirates and *potential* pirates. This arrogation of powers has generated human rights violations.¹¹¹ As the PMPF has no adequate human rights training, the raids into people's houses have at times proven deadly to civilians. Its general "anti-crime" raids often do not distinguish between innocent citizens and criminals. They round up people from neighbourhoods and place them in detention without charges for days.¹¹² As a Western law enforcement advisor put it: "You can't put the words 'civil liberties' and 'Puntland' together in the same sentence."¹¹³ Such illegal mistreatment stokes fear and antagonism in communities. It also, perhaps, risks the radicalization of some residents and their susceptibility to recruitment by al-Shabaab, IS or pirate and criminal groups.

At the same time, PMPF's anti-crime activities in Bosaso have produced a degree of political capital for the group in the city, despite its human rights violations. But its activities also undermine and detract from the capacities and authority of the growing Puntland State Police, the official anti-crime agency.¹¹⁴

Worse still, the PMPF has come into political conflict over jurisdiction with official Puntland law enforcement agencies, the Puntland State Police and the Puntland Maritime Police (PMP). The nascent PMP is a formal security actor embedded in the new Somali security

architecture. Between 100 and 200 men strong, the PMP so far has essentially no enforcement capacity; it does not even have any vessels. While almost inactive in terms of anti-piracy operations, it has fought the PMPF over access and control of Bosaso.

Nonetheless, the PMPF has acted with important restraint on several occasions. By 2014, Farole had overstayed his time in office, but refused to step down. Puntland was feared to be on the verge of civil war, as rival clans clamored for control of the presidency. The Emirates restrained the PMPF from supporting Farole's violence against rivals and pressured him to step down from the state presidency. Farole ultimately negotiated a one-year extension, as a compromise. The fact that Farole's own clan eventually pressured him to agree to the compromise and resign was crucial as well. Apparently, the Emirates emphasized in negotiations with Farole that the PMPF not be seen as his personal militia, but rather as a tool of the Puntland presidency.¹¹⁵ Farole's successor, Abdiweli Gaas, replaced the PMPF leadership but managed to control the group, again molding it to serve his interests.

The PMPF also abstained from becoming involved in military exchanges between Puntland and Somaliland that in the spring of 2018 almost escalated into a full-blown war. Once again, the Emirates' role in restraining the PMPF was crucial — with the Emirates seeking to cultivate a close relationship with both states.

But if the Emirates or the US withdrew their financial support from these militia groups, the Puntland government (and Somalia) would have a massive problem on its hands. Even while receiving port revenues, Puntland cannot easily afford to pay for the militias. Deprived of the funding they are accustomed to, the militia groups might become militias for hire, join militants or perhaps even be hired by pirates.¹¹⁶

Moreover, the Emirates' patronage has involved the PMPF in geopolitical conflicts playing out in Puntland. The PMPF has, at various times, attacked Iranian ships, claiming they were illegally fishing in Somali waters. (Iran and the

Emirates are rivals.) During one such incident in October 2017, the Iranian captain of the ship was killed.¹¹⁷ Similarly, bombings in Bosaso, at first believed to be carried out by al-Shabaab, have been alleged to be sponsored by Qatar, with the goal of driving the Emirates out of Puntland and taking over Bosaso port operations.¹¹⁸ The violence in Bosaso is meant to frighten Emirati businesses, particularly P&O Ports, which manages the Bosaso port. In February 2019, two attackers disguised as fishermen killed the P&O Ports' manager and wounded three other employees, with al-Shabaab claiming responsibility.¹¹⁹ In turn, the PMPF has been seeking to eliminate alleged Qatari proxies. Interviewees reported that rumors (unverified) were circulating in Somalia that Qatar has used al-Shabaab in Puntland to target Dubai's interests and the PMPF, while the Emirates has used the IS to attack Qatar's interests in the country.¹²⁰

F. The dangers of militia forces

Somalia hosts a wide variety of different militias, each with distinct relationships with the State and the communities of the country. Many have stepped in where the SNA has proven unable to address major security risks — including that of al-Shabaab — and in several cases, the militias present an attractive alternative to State forces. However, taken together, these forces also create their own risks, not only to vulnerable civilian communities, but also to longer-term peace prospects in Somalia. Some of the most relevant risks are listed below.

1. Militias can undermine the authority of the central Government, potentially exacerbating already fraught centre-periphery dynamics;
2. The capabilities of militia groups are highly varied, but many lack training, officer leadership skills, and unit cohesion, thus delivering a highly uneven performance against their designated enemies, such as al-Shabaab or pirate networks;
3. Local powerbrokers use militias as their praetorian guards, solidifying authoritarian forms of rule; preventing the formation of more inclusive, pluralistic governance; and preventing the building of institutions;
4. It is difficult to predict or control how militias will evolve; they have strong tendencies to shift allegiances, potentially undermining their original utility;
5. Militias cost the federal member states significant amounts of scarce budgetary resources, without providing commensurate tax benefits back to the state;
6. Underfunded and logistically unsupported militia groups often prey on local communities, at times perpetrating serious human rights violations. There are essentially no formal accountability mechanisms to deter or punish such behaviour, so militias often contribute to underlying grievances;
7. Militia groups profoundly shape local political economies and can enable exclusionary and mafia-like economic practices, undermining the legitimacy of national and local authorities;
8. Militias frequently exacerbate local and clan conflicts over land, water and other resources. These conflicts, in turn, create justifications for the persistence, and formation, of more armed groups;
9. Militant groups such as al-Shabaab may exploit clan and community conflicts and economic grievances exacerbated by militias for their entrenchment, sustainability, military power and political appeal;
10. At the same time, the loyalties of militia groups and their members are highly fluid and unreliable. The groups are susceptible to defection and recruitment even by erstwhile enemies, as fighters'

and entire groups' loyalty is to individuals or clans, rather than institutions;

11. Externally created and sponsored militia groups may have minimal loyalties to Somalia and Somali actors, potentially undermining Somalia's sovereignty and serving the interests of the external patrons at the expense of Somalia's national interests. But without providing sustained large payments, even external sponsors of militia groups cannot be assured of those groups' allegiance;
12. Militia groups do not simply supplement the Somali national forces and international forces in Somalia. They also undermine, displace and detract from building up the Somali national forces by drawing away the best recruits and other resources. They intensify the risk of defections from the Somali national forces, providing alternative and sometimes more lucrative sources

of licit and illicit livelihoods for official Somali soldiers and police officers.

These risks tend to accumulate over time, meaning that militias pose a much greater longer-term risk to the fabric of Somalia. Many experts interviewed for this study suggested that, even if al-Shabaab were comprehensively defeated, a range of militia and paramilitary forces would likely fill the power vacuum, competing viciously for control of key territories, and perhaps triggering the next civil war.

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Current response

S omalia's militia fighters number in the tens of thousands, but there is no constitutional or security framework authorization for them, nor any overarching policy for managing them. Members of the international community and the Somali Government hope that some of the *darwish* militias will be integrated into the SNA, the SPF, NISA and official state police forces. And, as detailed below, in some cases such integration is taking place, though haltingly and with difficulties. But the expected integration is unlikely to cover all of the *darwish* militias. Beyond the *darwish*, there is no plan for how to address the plethora of Somalia's other militia groups.

Moreover, the international community and Somali internal actors are fundamentally divided as to how to address the militia groups. Key actors including the US, Ethiopia and Kenya have soured on the struggling institutional development efforts in Somalia, particularly the construction of Somalia's official forces. Instead, they are increasingly looking to militia groups to pursue their counter-terrorism and anti-militancy objectives. Other members of the international community have also called for the *darwish* to generate forces to fight al-Shabaab.¹²¹ Over the past five years, the shortcomings of the SNA have prompted greater reliance on militias, resulting in the creation of new forces to tackle al-Shabaab and other antagonists.

The trend of militia proliferation is unlikely to be reversed, despite the pervasive risks

associated with them. In fact, some members of the international community are contemplating an even more scaled-down version of the SNA and still greater support to militias. There is a very plausible scenario in which, in the medium term, a large part of Somalia's security, counter-terrorism, and even national defence functions is taken over by militias.

Yet, other members of the international community are troubled by these tendencies and are seeking to minimize the formation of new militias and refocus on State-building. They argue that State-led efforts should lead the fight against al-Shabaab, with a focus on significantly boosting defections from the extremist group and doubling down on the building of institutional capacities. In the medium term, this approach anticipates a reduction in the security risk posed by al-Shabaab, resulting in a gradual dismantling of militias, as the need for them dissipates.¹²²

Somali actors are equally divided and conflicted. Key federal member states do not want to give up their militias, or have them integrated into formal Somali federal and state armed services. This is, in part, because they see militias as crucial protection against Mogadishu's federal Government. Clan elders, too, have pushed the federal member states, the Government, and international donors for greater support for their own clan-affiliated forces.¹²³

The following section reviews existing and considered policies for reducing the scale and negative effects of the militias, the circumstances that make their adoption feasible, and the challenges they encounter. The assessed policies include integrating militias into formal security forces; putting them on official payrolls and providing them with non-lethal assistance without integrating them into formal forces; disarmament, demobilization, and reintegration (DDR); and addressing local conflicts as an indirect approach to eliminating the impetus for militias.

A. Integration into official federal and state-level forces

Although mostly applied only to *darwish* forces, integration of some militias into the formal Somali security services has been the dominant mechanism for scaling back militias. Under optimistic scenarios, up to 20,000 *darwish*-like forces could be integrated into Somalia's official security and police forces. However, no integration plan currently exists for militias that are not already federal member states' paramilitary forces.

Even for the *darwish*, the process has been complicated by distrust between the federal Government and federal member states. States want the integrated *darwish* to be paid for by the federal Government, but to remain under their command and control. Not surprisingly, the federal Government prefers the very opposite or, if it is to pay for integrated *darwish*, to also obtain command and control over them, including being able to post the forces to any part of Somalia.¹²⁴ The *darwish*, which tend to be linked to specific communities and territories, also do not want to be subject to deployment anywhere in Somalia. While they do not necessarily object to raiding a neighboring community or creating monopolies in their home states, they do not want to be posted far away from their communities.¹²⁵ If clan militias were eventually to be considered eligible for enrolment into official Somali forces, the issue of control over deployment would loom large.

Current tensions between the Farmajo Administration and federal member states only amplify these long-standing power divisions. According to some analysts, the federal Government has come to see efforts to reinforce any local or regional forces as a threat, despite being officially permitted by the Somali constitution and security framework.¹²⁶ For example, while the new policing model, the formal police design programme in Somalia to which the federal Government agreed and which the international community supports, allows for the creation of state police (and some already do exist), the federal Government has at times tried to hamper the development of such forces.¹²⁷ Moreover, the federal Government has at times refused to pay *darwish* forces integrated into Somalia's formal armed services, alienating federal member state leadership and motivating leaders to recall the "integrated" members back from federal institutions, to return them to local control.

Another obstacle is that Somalia's National Reintegration Commission, charged with integration of units within the SNA and of *darwish* into Somali national forces, is very focused on the SNA as the predominant agency for integration of *darwish*, neglecting opportunities for integrating militias into the SPF or NISA.¹²⁸ Given that the existing size of the SPF, including state-affiliated *darwish*, is currently estimated at 8,000 (out of an authorized 30,000), the force could absorb a substantial portion of militias.

However, there are very large risks of bringing in poorly vetted militias into any of the official forces. Already, NISA is widely assessed to be deeply infiltrated by al-Shabaab.¹²⁹ Enrolling some of the more capable and less problematic militias into the SNA may enhance its fighting capacity, especially if existing SNA older and unwell soldiers were either retired or moved into non-operational roles. In addition to regularizing the militiamen and mitigating their chance of going rogue, a pipeline of vetted militiamen could prevent a large SNA manpower gap (if sick and old soldiers were retired). Here, the long-anticipated but not yet approved Pensions and Gratuities Bill is a critical mechanism for removing unfit soldiers from the SNA and for

creating space for militia integration. However, the legislation has not yet been passed, and international funding for it remains uncertain. Lacking secured pensions, older or disabled soldiers thus refuse to retire, or might join existing militias or form new ones.¹³⁰

These risks may well be outweighed by the need to develop trusted, effective local police and security forces that will build legitimacy in local communities. Such forces are necessary hedges against the predatory characteristics of militias, can counter the pervasive culture of impunity, and will go a long way towards addressing the deeper sociopolitical grievances that drive al-Shabaab's recruitment in many parts of Somalia. Absent legitimate government-run forces, the Somali national project will remain stalled.

Comprehensive vetting of ex-militia members, including for human rights abuses, must be accompanied by adequate training if these new State security forces are to become effective and legitimate. Although vetting criteria exist on paper, it is not clear how scrupulously, if at all, they are actually implemented. Somali national and state actors often lack the capacity and motivation to scrutinize the background and human rights record of militiamen in Somalia, including the state paramilitary *darwish*, often merely relying on an oral approval from one or a few clan elders. While the clans often have a reasonably good picture of the behaviour of some of their clan members, they also have varied interests that can undermine diligent, objective scrutiny — namely, getting their militiamen legitimized and placed on a steady payroll.¹³¹ The international community, for its part, lacks the capacity to conduct such monitoring.

But without diligent vetting, merely folding new militias into the SNA and SPF only means replicating the deficiencies and problems of the SNA: its weakness, its lack of motivation, its lack of loyalty to the Somali State, and its predatory and abusive behaviour. Inadequate vetting also risks creating a force that would easily come apart as a result of exacerbated clan tensions, or tensions between the federal Government and the federal member states, replicating the collapse of the Somali army in the early 1990s.

All of these risks will be even more amplified if the international community decides to support only a very light and small SNA, and primarily prosecutes its counter-terrorism and other security and geopolitical interests through an increased outreach to and embrace of militias and local regional actors.

B. Cases of ongoing integration

Below, this study outlines four cases of ongoing, or halted, integration: the South-West Special Police and Robow's militias in South-West State; Ahlu Sunna Wal Jama'a in Galmudug; and the *darwish* of Puntland.

1 South-West Special Police and Robow's militias

After months of refusing to proceed with the integration of its *darwish* forces into the SNA and SNP, the South-West State conceded to such integration in 2019. As of January 2020, between 600 and 700 members of the South-West Special Police were integrated into the SNA in the Bakool region. The expectation is that all of the 3,000-strong South-West Special Police will be similarly integrated in several other regions. However, it appears that no actual vetting has been applied to the militia members, with the first group brought in as a whole unit — essentially relabeled and transferred to the federal payroll.

Three factors were critical for this integration to take place: First, unlike Puntland and Jubbaland, the South-West State has no ports to tax or otherwise generate revenues. It has long been in severe debt. Government employees often go for months without being paid. It was thus looking for a way to shed the financial burden of maintaining the *darwish*.

Second, in 2018, Farmajo managed to maneuver an ally into South-West's presidency, Abdiaziz Hassan Mohamed, known by his nickname, Lafta Gareen. Moreover, political patrons of

the Special Police also bargained and obtained appointments in the South-West State and federal administrations and parliaments, with the integration essentially partially paid for with political appointments.¹³² It is highly doubtful that the previous President of the state, Sharif Hassan Sheikh Aden, who was often in opposition to Farmajo, would have agreed to the integration. Instead, he sought to keep the *darwish* as his independent force, even though he lacked the resources to pay them.¹³³

Third, Ethiopia has substantial influence in the state and is currently closely aligned with Farmajo, so much so it was willing to act as Farmajo's weapon against Robow and alienate important South-West clans. Ethiopia's push for integration clearly played a role.

An even more ad hoc and opaque process of integration took part with a portion of Mukhtar Robow's militias. Some 250 men — all presumably recruited only after he worked out an amnesty deal with Farmajo, had left al-Shabaab, and started campaigning for the South-West presidency — were rolled into the SNA after his arrest in 2018. Given the intense clan tensions that Robow's arrest caused, addressing his militias and negotiating compensation with the aggrieved clans were seen as critical to prevent major eruption of violence. Once again, no vetting seemed to have been applied to Robow's militiamen brought into the SNA. But their loyalties to him were seen as weak, with stronger allegiance to their clans. Putting them on the SNA payroll was also seen as a part of the package to appease the clans.¹³⁴

2 Ahlu Sunna Wal Jama'a

In Galmudug, the integration of at least parts of Ahlu Sunna Wal Jama'a started taking place in July 2019.¹³⁵ As in South-West State, financial motivations were a key factor in why Ahlu Sunna Wal Jama'a and the Galmudug administration agreed to allow for at least a part of the militia to be integrated into Somali national forces, though they struggled to financially sustain the force. An underlying prior political agreement and reconciliation between Galmudug authorities

and the federal Government were critical. Moreover, there are essentially no SNA and SPF forces in Galmudug, so the state administration faced little security threat from a national force rival if they gave up Ahlu Sunna Wal Jama'a.

Even so, the negotiations dragged on for more than two years, as neither the Galmudug authorities nor the leadership of Ahlu Sunna Wal Jama'a wanted to give up command of any Sunna unit integrated into the Somali national forces and hand it over to the federal Government. Ultimately, neither the militia nor the state got all of the control they asked for, but they still retained control of much of the chain of the command.¹³⁶

As in South-West State, a political payoff was a critical part of the deal: Ahlu Sunna Wal Jama'a obtained some 20 seats in Galmudug's 89-seat Parliament (though it had sought more), and the group's political patrons obtained appointments in the federal Government.

The support of external powers was also critical. For years, Ethiopia used Ahlu Sunna Wal Jama'a to pursue its own interests in Somalia. After a close alignment between Farmajo and Ethiopia emerged, Ethiopia started pressuring Ahlu Sunna Wal Jama'a and Galmudug leadership for integration of the militia into the Somalia national forces. Qatar, also close with Farmajo and exercising influence over Ahlu Sunna Wal Jama'a, pushed for the same integration.

Perhaps even more so than in South-West State, it remains to be seen whether the process will actually create meaningful integration, or if it will remain a cosmetic relabeling of forces whose loyalties rest with local Galmudug actors and not Somali national authorities.

And as in South-West State, there appears to have been no vetting of the integrated Ahlu Sunna Wal Jama'a militiamen for human rights violations, despite such previous problems, or other key disqualifications, including whether children from the group (expected to be among Ahlu Sunna Wal Jama'a's fighters) are rolled onto the federal Government payroll as soldiers for the SNA.¹³⁷ Ahlu Sunna Wal Jama'a's leadership,

in fact, allegedly refused to permit the vetting.¹³⁸ Moreover, reports have emerged that Ahlu Sunna Wal Jama'a leaders and Galmudug state authorities are already recruiting new militias from the interior of a state.¹³⁹ Moreover, as this study went to press, in March 2020, fighting broke out between the federal Government and those Ahlu Sunna Wal Jama'a's fighters not integrated into the Somali national forces.¹⁴⁰

3 Puntland darwish

Not surprisingly, no integration of the PMPF or PSF is under discussion. However, the previous Puntland administration of Abdiweli Gaas (President from 2014–18) agreed to integrate 2,400 *darwish* into the SNA. Yet, despite the existence of a trust fund dedicated to the purpose, the Farmajo Administration failed to pay the integrated soldiers for 18 months after the integration supposedly occurred. When Dani assumed the presidency of the state in 2018, he was at odds with the federal Government over the issue and worried that the *darwish* forces turning loose or defecting to their communities. At the beginning of 2020, he recalled the integrated soldiers — who had been biometrically registered with the SNA — and designated them a special police force under his control.¹⁴¹

Arguably, the failure to integrate the Puntland *darwish* has been a critical mistake of the Farmajo Administration, and has set back the national State-building process. If the integration had proceeded well, the SNA would have been strengthened, reducing the number of militias and potentially addressing long-standing centre-periphery tensions. Instead, following the aborted integration process, tensions between the federal Government and Puntland have significantly worsened. This has further contributed to a deterioration of relations between the Emirates — Puntland's external sponsor — and Mogadishu, potentially making future integrations harder to negotiate.

The combination of an integration mishandled by Mogadishu, and the subsequent decision by Puntland to recall the *darwish* forces, sets a

problematic precedent for Somalia. At the time of writing, both Madobe and the Galmudug administrations were also considering recalling some of their currently SNA-hatted forces, to be renamed “special police” under their control.¹⁴²

These cases suggest that four key conditions must be in place for a successful integration of *darwish* forces (or indeed others) into the national security services: (1) Relations between the federal member states and Mogadishu must be on relatively good footing; (2) Federal member states must have a financial incentive to agree to the integration (in other words, they must be unable to afford to pay the forces on their own), and may need additional political payoffs; (3) Integrated forces must receive regular and sufficient pay; and (4) Some alignment between Mogadishu and external patrons (such as the Emirates or Ethiopia) is often required.

C. Payrolls and non-lethal assistance

Some members of the international community — namely, Germany, the UK, and the EU — are currently exploring options to provide payments to state *darwish* forces, and many observers increasingly believe that policy is heading in this direction.¹⁴³ The stipends would be analogous (though not necessarily matching) to the stipends the international community supports through its financial aid for the SNA and SPF. At the time of writing, no such formal funding stream supported with an international aid framework for Somalia exists. This type of funding would be separate from private funding for militias paid for foreign intelligence agencies and special forces, such as those provided by the US to the PSF or the Emirates to the PMPF. Some policy proposals also call for the provision of other non-lethal aid, including logistical support, medevac, and human rights training. While such aid could be positive, the international community does not currently possess adequate resources in Somalia for such support. For example, logistical support from the United Nations Support Office for Somalia for the SNA is capped at 10,900 SNA members — in other words, half of the force

authorized at 18,000 and actually numbering over 20,000.

The proposal to pay *darwish* forces is motivated by several distinct hopes for what the funding could achieve. The first such hope is that it would augment the capacity to fight al-Shabaab. The second hope is that it would ease friction between Mogadishu and the federal member states. Third, the funding might help anchor loyalties of the *darwish* forces to sub-federal institutions. And fourth, it might prevent *darwish* forces from defecting, going rogue, or engaging in extortion and abuse of local communities.¹⁴⁴ As a Western advisor in Mogadishu put it: "When militias are left alone, they are more likely to become spoilers."¹⁴⁵

In addition to addressing the SNA and SFP's chronic inability to recruit adequate numbers of troops and police, several precedents motivate the proposal to provide greater support to *darwish* forces. As discussed above, most observers believe that both the SNA and SFP are less likely to abuse communities and defect if they are well paid. Particularly in localities where international advisors have worked closely with SNA units (for example, in Baidoa), the SNA's human rights record has significantly improved. This outcome is attributable to close oversight by the international community and fear on the part of the SNA unit that it would lose international funding. Conversely, when the international community temporarily suspended payments to the SFP in Baidoa as a punishment violence against demonstrators protesting Robow's arrest, the police's predation on local communities significantly increased.¹⁴⁶

Similarly, NISA's decision to start paying the core element of Robow's militia after his arrest is considered to have prevented the militia from turning against the Government or defecting back to al-Shabaab.¹⁴⁷ (It is questionable, however, whether al-Shabaab would have accepted them back, instead of killing them in revenge.)¹⁴⁸ Putting the militia on NISA's payroll appears to have reduced its predatory tendencies in local communities as well, though clan oversight also plays an important role. Importantly, the payroll approach so far appears

to limit predatory behaviour without requiring NISA's permanent local presence.¹⁴⁹

Putting militias on regular state or international payroll is also the preference of many clan elders and local political powerbrokers. They argue that using clan militias or *darwish* forces is the best way to fight al-Shabaab — but only as long as they are supported well and consistently, such as with medical assistance, logistics, stipends and weapons. Under such circumstances, clan elders argue that militias will not prey on local communities.¹⁵⁰ These arguments should be balanced against the fairly obvious fact that such support would also bolster local clan militias against rival clans. Additionally, militias will likely use funds to purchase weapons instead of food and shelter, and funding could make its way into the hands of al-Shabaab (in contravention of various legal regimes among international donors).

Clan elders have also argued that internationally- or government-supported *darwish* or clan militias should only be posted within their respective clan area. This would reduce the likelihood of interclan violence and predation, but would also severely limit the utility of such forces against al-Shabaab, a highly mobile militant group. It also presumes that local areas are homogeneous in clan terms, which is frequently not the case.

Drawing on this analysis, several conditions appear necessary for a successful process of putting militias on payroll without integrating them into formal forces:

1. Financial support needs to be coupled with mandatory, robust human rights training, and vetting for prior human rights abuses;
2. Robust monitoring of militia units is required (possibly by international or Somali subcontractors);
3. Anti-impunity measures should allow for suspension of stipends, legal action, and expulsion from programmes if militias are found to have violated human rights or engaged in predatory practices;

Without these conditions, the international community risks significant moral and practical failures. Militia groups will be perversely incentivized to engage violently, attract attention, and be put on payroll, without mechanisms to ensure that they are using the support appropriately or adhering to basic human rights norms. Even with such mechanisms, it is possible that militia groups will fracture and reform around new financial incentives, requiring extremely robust monitoring of any payroll scheme.¹⁵¹

D. Amnesty and DDR

No formal amnesty has been promulgated for militia groups. However, no militia groups or their individual members currently face any formal prosecution for even severe human rights abuses. The result is that justice and accountability are largely dependent on inter-clan rivalries rather than the State, contributing to cycles of violence and playing into al-Shabaab's hands.

Nor is there any DDR policy for Somalia's tens of thousands of militia members.¹⁵² The only active DDR programme in Somalia is for low risk al-Shabaab defectors, such as cooks or menial workers, but not those who engaged in fighting on behalf of al-Shabaab.¹⁵³ The low risk requirement means that militia groups that at some point fought along al-Shabaab or as part of it cannot qualify, unless an exceptional deal is struck for them (as was the case with Robow) and they are labeled "high value" defectors. For example, the part of Robow's militia was recruited while he was part of al-Shabaab and fought on behalf of al-Shabaab (as opposed to the segment he recruited after he had struck the high-value amnesty deal with Farmajo) cannot qualify for the DDR programme and cannot be integrated into the SNA or SPF. In that case, an important opportunity is being missed to vet and hold Robow's forces accountable — many of which have been accused of serious human rights violations. In contrast, many al-Shabaab defectors, including presumably high risk ones,

do find their way into State security forces due to opaque and faulty vetting procedures.¹⁵⁴

The international community is currently reviewing whether and how to expand the al-Shabaab defectors programme and its associated DDR-like component. Despite various improvements in the programme over recent years, including a facility for female defectors, it has managed to attract and process only a small number of defectors. For example, in 2019, the Mogadishu Serendi facility processed fewer than 100 defectors, and the Baidoa facility slightly more than 200.¹⁵⁵ Such results do not seem to be making a strategic difference on the battlefield, nor are they robustly reinforcing stabilization efforts in Somalia; in fact, al-Shabaab's numbers are believed to have increased over the past three years.

One challenge is that the current programme disqualifies high risk defectors from DDR-like assistance, relegating them to military courts where they may be sentenced to death or lengthy prison sentences. As a result, al-Shabaab members may be deterred from defecting in large numbers.¹⁵⁶ Including a high risk category in the DDR-like programme could increase defection from al-Shabaab, and also from other militias like Robow's forces or others that have temporarily aligned with al-Shabaab. But it also carries risks of disloyalty and violence against the State and civilians.

Moreover, severe resource limitations and other constraints hamper the possibility of creating an effort sufficiently large enough to generate legal, non-violent livelihoods for the thousands of al-Shabaab members and tens of thousands of militiamen. Somalia's economy revolves around selling protection; many militiamen will simply not become barbers, plumbers, and taxi drivers even if provided with such training, because there is inadequate demand for such services. This situation raises a number of questions: Could Somalia's thriving private trading sector be mobilized and leveraged to generate new livelihoods for former militiamen? Or would their legal livelihood be analogous to the legal livelihoods of some Somali pirates who became



UN Photo/Stuart Price
Somali women and soldiers of the Somali National Army sit along a wall while a Kenyan troop (left) serving with AMISOM, the African Union mission, looks on, in Kismayo, southern Somalia.

guards on the ships they previously robbed? In short, would the most likely legal employment for most militiamen be as private security guards? And would that constitute the kind of fundamental change that Somalia needs in order to move towards stability?

Some Somali security experts and ex-military officials are promoting a “DDR on steroids” process for what they estimate are the 50,000 militiamen in Somalia. Modelled on Rwanda’s post-civil-war efforts, the programme, which the experts refer to as “national mobilization” rather than DDR, would include sending all militiamen to central mobilization centres (or a single such centre). At these centres, the ex-militiamen would receive either military training or learn civilian skills, such as tailoring and plumbing, *and* education in national civics and human rights. In addition to serving militias, the centres

would also provide to victims of conflict similar civilian jobs training and other support, such as medical services.¹⁵⁷ While potentially promising, the resources necessary for such a programme far outstrip current discussions in the international community.

E. Indirectly constraining militias through conflict resolution

An indirect, but potentially very fruitful way to deal with militias, is to address some of the underlying causes of militia formation and persistence. These can involve informal clan and community reconciliation efforts run by Somali or international NGOs, or Somali Government-

led efforts. Currently, Somalia's Government has taken an ad hoc approach to conflict resolution, supporting measures that serve parochial goals rather than building a broader national strategy.

However, at least one conflict resolution effort is under way. The British government has sponsored a small pilot programme 35 kilometres outside Kismayo that may serve as a positive example and source of lessons. The programme seeks to empower local communities by embedding a community mobilizer to facilitate intracommunal discussions. In the pilot case, the community had mobilized forces to oust the Jubbaland State Forces, which are the *darwish* forces of federal member state President Madobe, and which the community considered abusive. An embedded conflict resolution advisor intensively engaged with the community, and international diplomats worked with Madobe. A deal was eventually struck that involved a change in the command of both the Jubbaland State Forces and the SNA of the Lower Shabelle. Eventually, Madobe agreed to withdraw his forces and instead send in representatives of line ministries to deliver basic services. Other partners came in and invested

in other programmes, such as health projects. A community ten kilometres away was impressed with the changes, and sought to be included in such efforts, a sign of success, including positive spillover effects.¹⁵⁸

While such approaches are very promising, scaling up community conflict resolution has been a challenge in Somalia. It appears to succeed only when local community empowerment does not directly challenge the interests of local or federal powerbrokers, and/or where the area is not of strategic interest to anyone. Moreover, the time and resource investment are considerable: in the Jubbaland pilot, a year of efforts was required for the community to accept the mobilizer's presence, allowing him to begin bringing the key actors together. And high-level international diplomats had to become involved in orchestrating the military changes in the SNA and working with the regional powerbroker to pull his forces out. Nonetheless, despite these challenges, community reconciliation appears to be one of the most important elements of a comprehensive approach to al-Shabaab. But despite its importance, it is, as yet, largely missing.

IV

Conclusions and recommendations

No overarching Somali or international strategy exists for how to deal with the tens of Somalia militia groups and tens of thousands of militiamen who operate outside of Somalia's constitutional framework and security architecture. Moreover, the international community and Somali internal actors are fundamentally divided as to how to address the militia groups.

This study has shown that the international actors are increasingly relying on militias to defend their interests in Somalia. The tendency to rely on such irregular forces has grown since 2016 and has particularly intensified since 2019. Deepening geopolitical tensions — involving the Emirates, Saudi Arabia, Qatar, Kenya and Ethiopia — have also made external sponsors increasingly to develop militia proxies. Such geopolitical rivalries also exacerbate and shape the growing tensions between Somalia's federal Government and federal member states, prompting the latter to protect their control over militias all the more closely.

At the same time, the Somali federal Government and other members of the international community, including the United Nations, hope that some of the *darwish* militias will be integrated into the SNA, SPF, NISA and official state police forces. They are calling for doubling down on State-building efforts, including

bolstering the SNA. They are exploring ways to induce al-Shabaab fighters to defect and to reintegrate some of those defectors, possibly including some who are currently excluded from eligibility.

But beyond the *darwish*, there is no plan for how to address the plethora of Somalia's other militia groups. Fundamentally, these groups persist because the State has not been able to deliver security, order and legitimate non-violent dispute resolution mechanisms. Clan militias' entrenchment reflects the lack of official regulation and enforcement of access to water, land and other resources, and the lack of reliable dispute-resolution mechanisms.

But militias and auxiliary groups in Somalia persist not merely because the State is deficient in providing security. They are also the result of deeply held mistrust in the State by local communities, powerbrokers, federal member states and regional powers. Even the SNA acts more as a conglomeration of militias, caught up in the same dynamics of interclan rivalry and community protection.

Militias should not be considered exclusively through a security lens. Their role in the political economy of Somalia is crucial as well. Militias are tools in economic warfare, guarantors of control over key resources, and are also driven by their

own pursuit of economic survival. Solving the problem of militias requires addressing their economic and political needs and countering their predatory tendencies.

As such, a strategy for Somalia's militias must be able to balance their benefits and their risks. On the one hand, the use of militias presumes they will be an effective force generation against al-Shabaab or other groups, more reliable and effective than the SNA, better informed and capable of building intelligence against al-Shabaab, and able in some cases to suppress local crime and interclan violence. While in some cases militias do deliver on these promises, they also carry significant risks. These risks include a tendency to exacerbate centre-periphery fissures; empower local powerbrokers to the detriment of more pluralistic, institutional forms of governance; create mafia-like, extortionist economies; augment conflicts over scarce resources such as land and water; perpetrate serious human rights abuses with impunity; divert resources and manpower from formal State forces; and entrap Somalia in regional and geopolitical rivalries.

Importantly, the notion of militias as monolithic supporters of the State against al-Shabaab is misleading. As described in this study, Somalia's militias are highly fluid and unreliable, susceptible to defection and recruitment into a wide variety of groups, including al-Shabaab. Groups formed with foreign backing may have *de minimis* loyalty to Somalia, potentially undermining the country's sovereignty. Demanding constant flows of cash to at least behave loyally to the State, such groups constitute a significant draw on resources.

Lacking a coherent or systematic approach, international donors and the Somali Government have considered a variety of policies to address the many risks posed by militias, including (as detailed in this study), integration; salary payment and non-lethal aid without integration; amnesty and DDR; and local conflict resolution. Each of these approaches carries some promise, but must be planned and implemented carefully to avoid exacerbating underlying patterns of violence and predation across Somalia.

In particular, this study has outlined the necessary conditions for pursuing integration. The conditions for integration include a better relationship between the federal Government and federal member states; financial needs of and political incentives to federal member states for integration; regular and sufficient pay for integrated forces; and a permissive regional diplomatic context.

A crucial deficiency of all integration efforts in Somalia to date is their lack of any meaningful vetting procedures for ex-militiamen, even for severe human rights abuses. Integration without vetting replicates the problems and deficiencies of Somali national forces, feeding cycles of violence and undermining longer-term peace prospects. For any integration process to build legitimacy and counteract the endemic predatory behaviour of the many forces across Somalia, diligent vetting must be accompanied by a serious increase in human rights training.

Placing militias such as the *darwish* forces on payroll could well have positive impacts, such as augmenting their fighting capacities against al-Shabaab, anchoring their loyalties to the State, and preventing large-scale defections. Consistent payments will also reduce the risks of predatory behaviour, and may well ease centre-periphery tensions. However, the promise of money may create perverse incentives, causing militias to engage in increasingly violent behaviour to attract attention and be placed on payroll, while potentially creating a kind of revolving door for new militias to form in the hopes of obtaining funds.

The lack of amnesties for militias is largely irrelevant in Somalia — they already have implicit amnesty, since there is a complete absence of any formal prosecution for any of their many human rights abuses. Local communities and clan leadership take justice into their own hands, often by violent retaliation, including in collaboration with al-Shabaab.

Similarly, there is no DDR policy or defectors programme for militias, despite one existing for “low risk” al-Shabaab members. Resource constraints mean that little effort has gone into

reintegration packages for demobilised militias, leaving them few economic incentives to put down arms. Here, the international community is considering how the al-Shabaab defectors programme might be expanded to also include “high risk” al-Shabaab, to substantially weaken the militants on the battlefield and obviate the need for militias. Separately, some Somali experts are exploring the possibility of a future DDR programme for which the militias would also be eligible. While this could offer promising pathways out of militia membership, it also raises real questions about the capacity and willingness of the Somali State and its international partners to invest in livelihoods for ex-militia members.

A potentially promising course for Somalia is local conflict and dispute resolution. This could reduce the proliferation of militias and weaken al-Shabaab’s influence. Early signs of this promise can be seen in the UK-sponsored pilot projects, which have already reduced violence in some areas. Unfortunately, the Somali Government and international community have not invested adequately in such efforts. Conflict resolution efforts have so far been largely ad hoc and opportunistic.

These challenges point to the need for more coherent strategic approaches to the problem of militias in Somalia, leveraging the benefits of all possible courses of action while mitigating the immediate and longer-term risks. Specifically, this study offers the recommendations detailed below.

1 Minimize creation of new militias.

The international community must develop strategic patience with Somalia’s troubled State-building process. Otherwise, desires for short-term battlefield shortcuts will constantly undermine the long-term objective of a stable Somalia from which dangerous jihadist groups no longer operate. Such patience may require making aid more conditional on improvements in governance and anti-corruption. It may also require rethinking the size of the SNA. Rather than focusing support on militias, expanding the SNA — such as the US-trained and highly-capable

Danab Brigade forces — would carry long-term benefits, including a gradual improvement in the behaviour of the SNA vis-à-vis local populations.

2 Vet militias before integration.

The international community must insist that the Somali Government stops folding unvetted, unaccountable militias into the SNA and other armed and law enforcement forces. Major donors should develop an effective monitoring capacity of the vetting process, insisting on having its own monitors embedded in intake and vetting, rather than merely taking Somali officials’ word for granted. The vetting must not be limited to whether a militia group was part of al-Shabaab at some point. Rather, it must also consider the human rights record of its members. Militia members with egregious human rights violations should be disqualified from joining official armed and law enforcement forces. The risk of further corrupting, weakening, and delegitimizing Somalia’s official forces outweighs that of keeping existing problematic militias and militiamen outside the SNA.

3 Punish misbehaving militias.

Whether foreign powers such as the US or the Emirates operate on their own or within the multilateral framework, the international community, Somalia’s Government, and the federal member states must develop the capacity to punish and neutralize misbehaving militias, at least for their most egregious violations. This includes suspending payments and having a reaction force at the ready to arrest them if they resort to increased extortion in response to payment suspension. It also means prosecuting militia members and commanders for extrajudicial killings, rapes, and the most predatory and debilitating forms of extortion. In some cases, a militia’s ties to powerful powerbrokers may make such punishment difficult to exact in the short-term; however, a strong public message — that accountability will feature strongly in the approach going forward, along with more steps to seize foreign assets and restrict travel of some of the major militia leaders — will go a long way.



UN Photo/Stuart Price
A Kenyan soldier with the African Union Mission in Somalia (AMISOM) keeps watch on a street in the city centre of Kismayo, southern Somalia.

4 Provide human rights and civics training to militias.

The international community — possibly working through Somali NGOs — and the federal Government should provide human rights and civics training to Somalia’s many militia groups. The international community and the Government should then only work with militia groups that have undergone both training and vetting. There is strong evidence from trainings provided to the SNA that such efforts do tend to reduce human rights violations. Even if the training fails to achieve major changes in behaviour, it lays a groundwork for holding groups accountable.

5 Appropriately pay militiamen integrated into the Somali national forces.

Regular, adequate payment of any integrated militias is absolutely crucial for the success of any future or ongoing integration processes. Payments should be conducted via a biometric system and pay-by-mobile-phone service to reduce corruption and theft. This will require a significant shift in the way the government has allocated and tracked resources, and strong pressure from the international community to ensure follow-through. An appropriate payment scheme will avoid the kind of “reverse integration” witnessed in Puntland, will build higher degrees of loyalty and is a necessary measure to curb predatory behaviour.

6 Vet all militias before putting them on international payroll.

Putting militias on international or state payroll without integrating them into the official forces will be far more likely to produce the desired outcomes of minimizing their abusive behaviour and maximizing their capacity to fight al-Shabaab if the following steps are taken in tandem. First, there must be mandatory vetting of militiamen for severe human rights violations and other violations; disqualification of those who fail the tests; and robust human rights training of those who remain eligible. Second, there must be robust post-training monitoring of the militia units, requiring some international or Somali subcontractor presence in the area during the vetting and afterwards. Third, punitive mechanisms must be established for misbehaving militias, such as suspensions of stipends while preventing them from intensified abuse of local communities during the period of suspension; and legal prosecutions of their abuses, such as arrests or at least expulsions of particularly bad individuals.

7 Build DDR programmes for militias and rethink high risk defectors' programme.

Many militiamen in Somalia have little interest in disengaging from their activities under the current circumstances. But occasionally some may want to stop fighting, at least as their principal daily activity. Somalia's peacebuilding and stabilization efforts would be greatly enhanced if such individuals, as well as militiamen who were rejected from integration into Somali official forces, could take advantage of DDR processes similar to the defectors' programmes for al-Shabaab.

High risk al-Shabaab defectors or militia groups that split off from al-Shabaab cannot be simply released to local communities or integrated

into Somali security services. But they will have few incentives to leave the battlefield if they can expect the death penalty or lengthy imprisonment. The international community and Somalia's Government can explore more lenient penalties of several-year imprisonments with mandatory de-radicalization retraining.¹⁵⁹

8 Support local conflict resolution within communities and across clans.

One of the most powerful, if painstaking, ways to address Somalia's militias and reinforce stability in the country is the one that gets the least attention and resources — namely, supporting local reconciliation. It is hardly a panacea, but the international community and the Government of Somalia should elevate this component of their stabilization strategy to the forefront and adequately resource it. Such efforts can involve informal clan and community reconciliation efforts run by Somali or international NGOs or Somali Government efforts.

The problem of militias in Somalia is as complex as can be expected in a fractured country that has endured 30 years of civil conflict. It is made the more difficult because of Somalia's position at the crossroads of international geopolitics. The solutions to centralizing and stabilizing the provision of security in the country will not be simple to achieve. However, with a careful understanding of the context on the ground, and a more long-term approach, the international community and the Somali Government can begin to chart a path towards gradual improvement. The worst likely mistakes are easy to avoid, if there is a will to do so. And some of the most important improvements are straightforward to identify — even if acting on them requires more resolve and cooperation than has recently been on display.

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