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INSTITUTE OF DIPLOMACY AND
INTERNATIONAL STUDIES

FEDERALISM AS AN INSTRUMENT FOR PEACE AND
RECONSTRUCTION: THE CASE OF SOMALIA

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DECLARATION

I declare that this research project is my original work and has not been presented for a degree in any other university.

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ACKNOWLEDGMENT

I would like to pass my gratitude and acknowledgement to the university staff, family members and friends for their support and assistance. I would like to acknowledge my supervisor Dr. Ouma for his guidance and counsel in the research process. To friends, work mates, fellow post graduate students and expertise in relevant fields, thank you for the support and guidance.

DEDICATION

I dedicate this research project to my family

ABSTRACT

Somalia has been exceptionally prone to disputes over representation, making it difficult to identify representatives at the negotiating table who are both legitimate and authoritative. Somalia's susceptibility to political dynamics, exacerbated by the fractured nature of clanism, has made it especially difficult to maintain coalitions. Somalia is indeed constitutionally a federal state. However, a lack of clear understanding of how to apply and manage federalism to work in Somalia's context is pitting different political factions against one another. A major source of political factionalism is the absence of consensus on the division of power and responsibilities between the federal central authority and regional entities as well as lack of coherent guidelines for implementing the principles of the provisional federal constitution. Both issues are contributing to a stalemate in not achieving a speedy recovery, and the rebirth of sound public institutions in Somalia. The main objective of this research was to critically examine federalism in Somalia and recommend and on the finding. This is key in enriching the relevant field of policy analysis and academia on these complex issues. Greater understanding of the current debate and the options for an effective federal system in Somalia could support the current attempts for reconciliation and transformation of the conflict situation. The research therefore explored federalism as the most appropriate governance model, while also discussing the other three governance models. The research also examined the challenges: political, constitutional, security and social challenges that challenge the effective functioning of the federal model of governance. The study also discussed the domestic and external drivers of decentralization in Somalia and prop up the federalism and conflict management nexus. This examines the connection and relationship between governance and conflict, in this case federalism and reconciliation and conflict prevention, thus demonstrating the importance of federalism as a system of governance in preventing and managing the persistent conflict in Somalia. In a bid to study these aspects, the study reviews existing data in academia, policy making and other relevant fields to explain and answer the research questions and objectives to the study. The emerging issues were also highlighted and recommendations made that will assist future policy making and research in relevant studies. In order to explore these key concepts, the study's objectives were to examine the federal system of governance as a solution to the reconstruction of the state of Somalia; analyze the challenges in the implementation of the federal system of governance as a solution to the Somali conflict; and to determine how effective federalism can be achieved for attaining peace and reconstruction outcome in Somalia. To achieve these objectives the study employed both analyze the theories of federalism and the critiques testing and applying it to the African context of Somalia. Secondary and primary data was used to analyze past present and predictably future situations as emerging issues of the role of international and regional actors in the full realization of federalism arose.

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Democratization and peace are fundamental principles promoted in conflict ridden countries to increase and sustain stability. This is not difficult to understand, nor is it controversial. Supporting countries struggling to come to terms with systemic change in a positive way should always be at the forefront of international politics and development. Nevertheless, these two principles do not necessarily come hand in hand. Ultimately, states in conflict may find themselves having to choose between prioritizing one, possibly at the expense of the other.

This study attempts to bridge the gap between democratization and peace and conflict research by linking the federalization process in Somalia to the prospects of peace and stability in the country. The focus is on whether the proposed federalization in Somalia can contribute to peace and stability, or whether this democratization process hampers the prospects of peace in the country.¹

Federalism can be used as an instrument to reduce clan tensions and conflicts by proliferating the points of power so as to take the heat off of a single focal point, encouraging inter-clan electoral cooperation, promoting alignments based on interests other than clannism and reducing economic and social disparities between groups. Proliferation of points of power could help reduce inter-clan conflicts, particularly those aimed at controlling the political centre by providing political and economic resources for competing ethnic elites at local and regional levels.² This could help transform violent conflicts that competing groups undertake in their bid

¹ Rothchild, Donald, *Managing Ethnic Conflict in Africa. Pressures and Incentives For Cooperation* (Brookings Institution Press, Washington, D.C., 1997)

² Horowitz, D. *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985), 598-9

to control the political centre to intra-regional non-violent conflicts within local and regional administrations.

1.2 Background to the Study

The name federation is derived from Latin *foedus* meaning pact, alliance, covenant an arrangement entered into voluntarily and implying a degree of mutual trust and duration. Federalism as a concept of governance connotes a political system or arrangement erected on two or more levels of government. These levels deal with common and territorially diverse issues and policies. Such issues include economic disparities, representation and the sharing of resources that often bring forth civil strife³. That has not been the case with Somalia, which though a federal state, has suffered protracted conflict. The country remains a poster child of "fragile states" in the world, and many classify it as a "failed state". The country has gone through two phases of poor political and economic governance in 1960-90: the first nine years under inept representative parliamentary governments and the following 21 years under a military dictatorship that suspended the country's Constitution, dismantled proper governance organs, consequently eroded citizens' trust and credibility in the state institutions. The experiences of the early years of independence culminated in the onset of the prolonged and devastating clan wars and conflict that started in early 1991 that destroyed what social and economic capital was built over the centuries.⁴

In its conflict years, Somalia spent a lost decade in the 1990s marked by a frenzy of internal conflicts and destruction of state institutions, lives and properties, not to mention gross

³ Bagchi, Amaresh: Rethinking Federalism: Changing Power Relations Between the Center and the States, in: *Publius. The Journal of Federalism* Vol. 33, 4 (2003): pp. 21-42

⁴ Brancati, Dawn. *Design Over conflict: Managing Ethnic Conflict and Secessionism through Decentralization*. (New York: Cambridge University Press, 2003)

human rights violations. Successive transitional governments were set up in the Arta and Embagathi conferences, before the current Federal Government of Somalia was established in September 2012. Throughout the post-independence years, the country has been in search of good economic and political governance that has remained elusive. From the 2000 Arta process to the 2004 Embagathi political process, the political discourse was centered on a Unitary vs. Federal dichotomy of governance and the efficacy of one model over the other, of course with loads of emotions wrapped around the issue.⁵ Proponents of federal governance structure for Somalia contended that the manifest shortcomings of the Somali state in the past five plus decades cannot be rectified by a return to the status quo stake. In the circumstances, the political leadership and a large portion of the general public have supported efforts to build the new governments through decentralized and devolved power sharing under a federal constitution.

There are of course those who hold a contrary view that damage caused the leadership deficit in the Somali political elite of the past half century should not be attributed to the form of the unitary state of governance. They point to the role of poor leadership and abysmal record of human rights abuses as the core causes for the disruption of the uniquely cohesive social fabric of the Somali populace and the resulting clan conflicts in that period; while other unitary states like Tanzania created a unified and peaceful Nation state from diverse tribes during the same period.⁶ A unitary state system by this means a set of political arrangements where all powers - executive, legislative and judicial - are concentrated at the centre.

The proponents against federal governance argue for a strong central authority, and fear balkanization of Somalia, one of the smallest nations among least developed countries. It is in accordance with this preferred federal view that the Transitional Charter was adopted at the

⁵ CRD/ Interpeace, A History of Mediation in Somalia since 1988, CRD/Interpeace (2009): 44-45

⁶ Stephan, Alfred, "Federalism and Democracy: Beyond the U.S. Model." *Journal of Democracy*. 10(4) 1999: 19-34

Embagathi conference and a Transitional Federal Government established in 2004, with specific time frame to set up an Independent Federal Constitutional Commission and to complete the draft of the Federal Constitution.⁷ The study therefore examines the nature and form of federalism in Somalia, constitutional processes and aspects of implementing them, in order to understand in depth federalism and its opportunities and challenges as a structural instrument for peace in Somalia.

1.3 Statement Research Problem

While there is extensive research on the Somali conflict and alternatives for sustainable peace, less has been done in regard to federalism as a structure to offer ground for sustainable peace. There is a general lack of understanding of how to apply and manage federalism to work in Somalia's context. Lack of consensus on the division of power and responsibilities between the federal central authority and regional entities as well as lack of coherent guidelines for implementing the principles of the provisional federal constitution is a major cause for the deteriorating conflict.⁸ This has slowed down the reconstructive and recovery phase hindering the rebirth of sound public institutions in Somalia. However, certain domestic and international policy makers are apprehensive that the current conflict occurrences attending the issues of federalism and the entire state is an insurmountable crisis that can have negative implications for the stability of Somalia and the region as a whole.

Though federalism has been endorsed in the greater Somali constitution, the implementation of it has been a problematic process. Coupled with a general misunderstanding

⁷ Nancy Bermeo, "The Import of Institutions," *Journal of Democracy*, No. 13 (2002)

⁸ Kenning, D., "Somalia and Somaliland: The two edged sword of International intervention," *Federal Governance*, Vol 8, no. 2, (2011), 67

of the tenets of the layout and functioning of a federal system, part of general public as well as political elite have often criticized it as a western enforced system that cannot work for the Somali context, indeed it has many merits and demerits.⁹ The study seeks to examine the opportunities that a federal system can offer in bringing the very essential sustainable peace that Somalia so need. This articulates that federalism is an instrument that is already at hand for the Somali people to clearly understand its function-ability, opportunities and challenges (and how to overcome them). More so is the importance to understand federalism as a process rather than a static design, a process that involved all stakeholders in Somalia, its political system and conflict management mechanisms.

The Provisional Constitution upholds federalism as an instrument of reconciliation, peace-building and peace-making and most importantly, a blue print for negotiations on two very significant issues that have a nexus on the contentious issue of Federalism.¹⁰ The nature and form of federalism, in a spectrum of federalism that can best support the Somali community, including power sharing formula and jurisdictional demarcations within the federated units is the main focus of the study. Thus bringing forth an outcome of that included mediation structure between the centre and the periphery; and fiscal federalism which may encompass resource sharing; division of the revenue base and agreement on an equitable tax regime; equalization and transfer payments; powers of spending formula; and universality of access to services and benefits to all citizens.

⁹ Bryden, Matt (2013) Assessing the New Somali Federal Government ó Somalia Redux ó A Report of the CSIS Africa Program ó Center for Strategic and International Studies http://csis.org/files/publication/130819_Bryden_SomaliaRedux_WEB.pdf.

¹⁰ Crisis Group. Somalia: Continuation of War by Other Means? *Crisis Group Africa Report No. 88*, 21 December 2004 P.28 and Somaliland: Democratization and Its Discontents, *Crisis Group Africa Report N°66*, 28 July 2003

The study therefore used these notions to best analyze how Somalia can take advantage of the opportunities presented by the federal system, for the attainment of long-term peace, while being aware of the challenges and how to best cope with them.

1.4 Objectives of the Study

The overall objective of the study is to analyze federalism as an instrument for peace and reconstruction in Somalia.

More specifically the study aims to:

- i. Examine the federal system of governance as a solution to the reconstruction of the state of Somalia
- ii. Analyze the challenges in the implementation of the federal system of governance as a solution to the Somali conflict
- iii. Determine how effective federalism can be achieved for attaining peace and reconstruction outcome in Somalia

1.5 Research Questions

The study is guided by the following research questions:

- i. Is the federal system of governance a solution to the reconstruction of the state of Somalia?
- ii. What are the challenges to the implementation of the federal system of governance as a solution to the Somali conflict?

- iii. How can effective federalism be achieved for attaining peace and reconstruction outcome in Somalia?

1.6 Literature Review

The state as a political organism is erected on the bedrock of efficacious structural political organization. Thus, structural political organization is one of the indispensable determinants of administrative efficiency of any given state.¹¹ All over the world exist various types of structural political arrangement with varying degrees of relevance and utility. One of such organizations which have withered the test of time in most democratic politics of the world is federalism. It is a common thing to now accord federalism the characteristics of polity building hence, Schmitt¹² states that the benefits of statehood-liberty and autonomy-are gained through federal arrangement. Thus reincarnating Laski's position that 'liberty in a state cannot be preserved without a measure of federalism' embedded in its political process.¹³ The political utility of federalism as a policy building mechanism and an enhancer of people's liberty are deep-rooted in history. Since its adoption as a political organization, it has continued to gain vitality by ways of practical utilization in different countries all over the world.

1.6.1 Conceptualization of Federalism

Federalism is highly dynamic and the equilibrium of its power is continuously changing. In other words, the pattern of relationship among these levels of government as does their actions or inactions are rarely stable over a period of time.¹⁴ This has been so within all federating polities and, should be so in those that are claiming or want to claim to be federating. Thus, it has been

¹¹ Bernard Cullen. *Hegel's Social and Political Thought: An Introduction*. (New York: St. Martin's Press, 1979)

¹² Schmitt, N. History of Constitutional Making: European and Australian Experience. In: Friedrich Ebert Foundation: Constitution and Federalism. Friedrich Ebert Foundation, Lagos. Chapt. 2(1997): 19-72

¹³ Laski, H.: *A Grammar of Politics* (Allen & Unwin, London (1948)

¹⁴ Ibid

argued by Laski that federalism is a process rather than a static design.¹⁵ That it is a spectrum because it is not: absolute but a relative term, there is no specific point at which society ceases to be unified and becomes diversified. All countries fall somewhere in the spectrum which spring from a theoretically wholly integrated society at one extreme to theoretically wholly diversify?¹⁶

There is no doubt that a federal political arrangement is complex and demanding, looking at its various components which Schmitt likened to a car model with several different bodies parts, engines and several types of options. Smiley asserts that a federal system must attempt to deal with diversities which are territorially based either by conferring the power over some of these pervasive diversities on the state or by giving the constituent local government units a permanent voice - or function through decentralization or devolution - in the central government to make the citizens feel the impact or presence of the government. It equally explains the varying degrees of definitional elucidations given to the concept of federalism by most scholars.¹⁷

According to Friedrich, scholars such as Rodee and others have defined federalism as a constitutional division of governmental power between the national and the constituent units, other scholars have defined it as a non divisive system (from the central governance). For instance, according to Friedrich federalism is a union of group united by one or more common objectives but retaining their distinctive group being for other purposes.¹⁸ Thus it unites without destroying themselves that are uniting and it is meant to strengthen them in their group relations. Along this same analytical plane Akindele also defined a federal state as a political entity or country where powers and indispensable decisions are exercised and made at two or multilateral

¹⁵ Laski, H.: *A Grammar of Politics*, op cit.

¹⁶ Livingstone, W.S. "A note on the Nature of Federalism" In: J.P. Meekison. (Ed): *Canadian Federalism: Myth or Reality*. (Methven: Toronto, 1985), 25

¹⁷ Ibid

¹⁸ Friedrich, C.J.: *Man and His Government* (McGraw-Hill, New York, 1964), 585

levels of government in accordance with the strict mutually agreed constitutional provisions of the country concerned.¹⁹

These positions formed the basis of Kolawole's claim that federalism is definitely anchored on consentient relationship and, that of Eleazar who states that, federalism can exist only where there is considerable tolerance of diversity and willingness to take political action through conciliation even when the power to act unilaterally is available. These complexities have affected the thinking of various scholars on the concept vis-à-vis their theoretical constructs on it and its applicative subject matter.²⁰ This explains Akindele's argument that, the concept of federalism, because of many volumes already written on it, has not been free from the problem of definitional pluralism.²¹ In other words, it is not an exception as far as the problems of definition are concerned. It equally explains Idahosa and Aghahowa's argument that, there is no agreement among writers on a single definition of the term 'federalism'. These arguments notwithstanding, the basic characteristics peculiar to all federal political arrangements have been theoretically packaged by scholars of repute within the scholarship of political science and international studies as well as related disciplines.²²

1.6.2 Federalism as a Form of Decentralization

Decentralized federal constitutions are characterized by fairly autonomous provinces and a weak central authority in the powers granted to the executive and national parliament. The Brazilian and American versions both exemplify cases with strong regional states and a relatively weak

¹⁹ Akindele, S.T., Obiyan A. Sat. and Owoye, J. *The Subject Matter of Political Science* (College Press: Ibadan, 1998), 138

²⁰ Eleazar, D. J.: 'Federalism' International Encyclopaedia of the Social Sciences, Macmillan New York (1973).

²¹ Akindele, S. T.: Democracy of the amusement Park (Parts I and II), in (Opinion Column), Third Eye Daily February 12, (p8) and February 13 (p9) (1996), 95.

²² Ajayi, K. Federalism and Unitarism. In: D. Kolawole, (Ed): Readings in Political Science. Dekaal Publishers, Ibadan (Chapter eleven): (1997)149-165: 151

central government. In the American model, when coming together states voluntarily pooled their sovereignty and designed a constitution to protect their rights against encroachments by the central government, and hence to limited majority rule.²³ In the US Senate, each state is equally weighted, with two members per state, whether California or Nebraska, irrespective of the size of their electorate. The powers of the US Senate are also roughly counterbalanced by the House of Representatives. The US-model of federalism therefore limits the powers of the executive and the popular branch of the legislature. The Brazilian constitution also illustrates this model with a political system combining a fragmented multiparty system with 'personalistic' and undisciplined parties, the separation of executive-legislative powers, and vigorous state federalism.²⁴ As a result of divided government and the weaknesses of parties, Brazilian democracy has frequently experienced legislative-executive stalemate and policymaking logjams, generating what has been termed 'deadlocked democracy' or a crisis of governability.²⁵

By contrast, centralized federal constitutions grant only limited autonomy to states and allocate the predominant power and authority to the central government, whether the president and executive branch or the prime minister representing the largest party in the lower house of parliament. These cases are closer to the unitary model. In Austria, Belgium, and India, for example, the number of state representatives sitting in the upper chamber is weighted by the size of the electorate within each state, and the lower house retains greater powers than the upper. Moreover in cases of asymmetrical federalism, such as in India and Canada, some rights are limited to specific linguistic or cultural minorities, such as those granted to Franco-phones in Quebec or to Muslim family courts in India, rather than being universal. The Indian and Belgian

²³ Alfred Stepan. 'Federalism and democracy: beyond the U.S. Model.'*Journal of Democracy*. 10, no 4 (1999): 19-34.

²⁴ C. Souza. 'Brazil: The prospects of a center-constraining federation in a fragmented polity.'*Publius-The Journal of Federalism* 32, no 2 (2002): 23-48

²⁵ Barry Ames. *The Deadlock of Democracy in Brazil* (Ann Arbor: University of Michigan Press, 2001)

constitutions retained greater powers for the central state, with some concessions made to states' rights in order to contain pressures for succession.

In Malaysia, power is shared among a few main regions, with restricted political or fiscal decision-making among lower tiers of government.²⁶ During the early 1990s, powerful ethnically-based republics challenged the central authorities in the Russian Federation on key reforms, and a weak federal government appeared unable to counter their claims to sovereignty. The interpretation of recent developments remains a matter of dispute, with some observers seeing Russia persisting as a weak federation, while others suggest that regional prerogatives have been substantially curtailed since the election of 2000, with Moscow reasserting central control.²⁷

The advantages of decentralization should be particularly evident in deeply-divided plural societies. Different institutional forms of decentralization, notably federal constitutions, have long been recommended as the preferred mode of democratic governance designed to maintain stability within multinational states. Lijphart theorizes that if political boundaries for sub-national governments reflect social boundaries, diverse plural societies can become homogeneous within their regions, thereby reducing communal violence, promoting political stability, and facilitating the accommodation of diverse interests within the boundaries of a single state.²⁸ Plural societies are characterized by the existence of multiple groups, whether demarcated by class, linguistic, religious, racial, tribal, or caste-based identities. Federalism and decentralization are thought to be particularly important strategies for plural societies where groups live in geographically concentrated communities and where the administrative boundaries for political units reflect the distribution of these groups.

²⁶Gordon P. Means. "Malaysia." In Ann L. Griffiths, Ed. *Handbook of Federal Countries* (Montreal: Forum of Federations/McGill University Press, 2005)

²⁷G.P. Herd. "Russia: Systemic Transformation or Federal Collapse?" *Journal of Peace Research* 36 (3): 259-269.

²⁸Arend Lijphart. *Patterns of Democracy*. New Haven (Yale University Press (1999):196.

These arrangements allow spatially-concentrated groups a considerable degree of self-determination to manage their own affairs and to protect their own cultural, social, and economic interests within their own communities, for example to control religious teachings in school curriculums, to determine levels of local taxation and expenditure for poorer marginalized areas which have lost out to development, to administer internal security forces and justice systems, and to establish language policy regulating public broadcasting and official documents.²⁹

Federal constitutions represent only one form of decentralization and similar claims can be advanced for other related institutions. In plural societies, where ethnic groups are geographically dispersed, Lijphart³⁰ theorizes that administrative and political decentralization also helps to promote accommodation, for example allowing minorities to elect local representatives who could manage policies towards culturally sensitive issues such as education. Local forms of decision-making can be regarded as particularly important for the management of tensions among specific ethnic communities living within particular areas, by facilitating the inclusion of leaders drawn from ethnic minorities through municipal and state elections.

In England, for example, municipal councils facilitate the election of representatives drawn from the Bangladeshi, Pakistani, Indian, and Afro-Caribbean communities in the inner-city areas of Birmingham, Bradford, Leeds, and London, where minority populations are concentrated. Through decentralization, ethnic communities can protect their rights and defend their interests in specific local areas, even within unitary states.

Lijphart and other scholars have emphasized the importance of decentralization for stability, peace-building and democratic consolidation in fragile multinational states. For

²⁹ Treisman, Daniel. *The Architecture of Government: Rethinking Political Decentralization* (Cambridge UP, 2007)

³⁰ Lijphart, Arendt, *Patterns of Democracy: Government Forms & Performance in Thirty-six Countries, Second Edition*. New Haven: Yale University Press, 2012

example, when comparing data from the Minorities at Risk project, Bermeo adds that armed rebellions are three times more common among groups living in unitary than in federal states, while these groups also experience lower levels of discrimination and grievances.³¹ Stephan is also a strong proponent of this form of government, suggesting that plural societies such as the Russian Federation, Indonesia, and Burma/Myanmar will never become consolidated democracies without workable federal systems. All stable contemporary multinational democracies are federal, including Switzerland, Canada, Belgium, Spain and India. At the same time he warns that federal arrangements pose serious risks for the emergence of ethnic nationalist parties in transitional states emerging from autocracy where regional elections are held prior to nation-wide contests.³² Additionally, Gurr has also advocated power-sharing arrangements and group autonomy as a solution to deep-rooted ethnic conflict and civil wars.³³ Hechter also suggests that plural states such as India and Nigeria would probably not have survived without some form of decentralized governance.³⁴

Skeptics, however, challenge the assumptions and cast doubt on the evidence supporting these predictions about the benefits of decentralized governance. In terms of administrative efficiency, critics charge that, compared with a unitary state, decentralization may encourage overly-complex, duplicative, and wasteful forms of government, structures which are slow to respond to major challenges due to the existence of multiple veto points, and uneven development and inequality across constituency units. By generating another layer of government bureaucracy, some studies suggest that decentralization may generate increased

³¹ Lijphart, Arend. 1999. *Patterns of Democracy*. New Haven (Yale University Press, 1999)

³² Alfred Stephan.. "Federalism and democracy: beyond the U.S. Model." *Journal of Democracy*. 10 no 4(1999): 19-34

³³ Ted Robert Gurr. *Minorities at Risk: A Global View of Ethno-political Conflicts* (Washington DC: US Institute of Peace Press, 1993)

³⁴ M. Hechter. *Containing Nationalism* (New York: Oxford University Press, 2000)

costs, poorer service efficiency, worse coordination, greater inequality among administrative areas, and macroeconomic instability.³⁵ By contrast, centralized government is thought to enhance integration, decisiveness, uniformity, economies of scale, and cost efficiency.

The claims concerning participation and representation have also been challenged; in particular decentralization may encourage the fragmentation of party systems due to the growth of regional parties. Multilevel governance may also reduce clear channels of electoral accountability, due to overlapping functions and roles across national, regional and local governments. By contrast centralized governments have a clearer definition of responsibilities for where the buck stops in decision-making processes. Corruption may also expand in decentralized governance due to the spread of clientalistic relationships and elite capture which links local politicians, public officials, and business leaders.³⁶

In particular, the benefit of decentralization for accommodating political stability in multinational states has come under strong challenge. Critics highlight certain federations which illustrate the most serious risks associated with these arrangements, including the cases of persistent violence and continued conflict in the Russian Federation (in Chechnya), in the Basque region of Spain, in India (in Kashmir), Nigeria, and Sudan (in Darfur). Federations which disintegrated, whether peacefully or violently, include the West Indies (1962), Pakistan (1971), Czechoslovakia (1993), the USSR (1991), most of the constituent units in the Federal Republic of Yugoslavia (1991), and the expulsion of Singapore from Malaysia (1965). Federalism has had a checkered record in much of Africa, the Middle East, and Asia.³⁷ Critics argue that the creation of federal structures may encourage a dynamic unraveling and break-up of the nation-state, in

³⁵ Remy Prudhomme. "The Dangers of Decentralization" *World Bank Research Observer* 10, no 2(1995): 201-220

³⁶ Stuart Ranson and John Stuart. *Management for the Public Domain* (Basingstoke: Macmillan, 1994)

³⁷ Ann L. Griffiths. *Handbook of Federal Countries* (Montreal: Forum of Federations/McGill University Press: 2005)

which accession to demands for increased autonomy fuels the flames which lead eventually towards instability, partition, and even outright succession.

A number of reasons have been suggested for the apparent failure of federal arrangements in cases such as Pakistan, Czechoslovakia, and the Federal Republic of Yugoslavia. Extreme disparities in the population, size, or wealth of constituent federal units contribute towards stress, along with the special problems facing bi-communal two unit federations (such as Bangladesh's succession from Pakistan in 1971) and the peaceful 'velvet revolution' divorcing Slovakia and the Czech Republic. Moreover many cases of failed federations occurred where democratic institutions were weak or lacking, so that these cannot be regarded as genuine tests of the consociational claim. Watts argues that there have not yet been any cases of 'genuinely' democratic federations which have failed. Where federal borders are drawn along ethnic lines, this encourages local politicians to 'play the ethnic card' when seeking popularity. This process, he argues, heightens and reinforces ethnic identities in the electorate, generating stronger intra-ethnic rivalries, and destabilizing fledgling democracies, rather than rewarding politicians who seek to resolve or accommodate group differences. Cross-cutting cleavages, by contrast, moderate the sharpness of internal divisions, exemplified by Switzerland.³⁸

Federal states which possess a single core region which have dramatic superiority in population, such as in Nigeria and Russia, are regarded as particularly vulnerable to collapse.³⁹ In this light, Nordlinger excludes federalism from his recommended conflict regulating practices in divided societies, fearing that it may result in the breakup of the state. Some researchers

³⁸ Ronald L. Watts, *Models of Federal Power-sharing*. (Washington, DC: National Democratic Institute. 2006)

³⁹ Henry E. Hale, 'Divided We Stand: Institutional Sources of Ethno-federal State Survival and Collapse.' *World Politics* 56 (2004): 165-93

attribute the dramatic collapse of the USSR, Yugoslavia, and Czechoslovakia, at least in part, to federal arrangements, on the grounds that new post-Communist democracies with federal structures are more vulnerable to secessionist pressures.⁴⁰ According to Mozaffar and Scarritt Africa, due to the dispersion and intermingling of diverse multiethnic communities, territorial autonomy does not work well as a way of managing conflicts based on identity such as ethnic or clan. In this perspective, institutional arrangements which facilitate territorial autonomy in states or provinces may reinforce differences and provide resources for leaders who play the nationalist card, for example by providing access to media coverage and a public platform in the legislature, thereby promoting incentives for ethnic intolerance, and even in extreme cases nationalist succession, partition, or state failure.⁴¹ Thus for federalism to be effective such ills as corruption and clan-politics and ethno-politics have to be addressed.

1.6.3 Literature Gap

Achieving peace, in a conflict society particularly one with protracted kind of conflict continues to be a monumental task. Somalia is one of the states that have seen many attempts to bring peace and reconstruction to the state weakened by internal conflicts that are clan-based in nature. One of the solutions for reconstructing Somalia is in governance through decentralization of the kind of federalism. This has received much critic and poor implementation of a federal system. In this light, most literature on peace building and reconstruction in Somalia takes different forms. Though there is literature on the structure of federalism in Somalia, there is limited literature on that marriage of governance systems and post-conflict reconstruction. Thus the current

⁴⁰ Eric A. Nordlinger. *Conflict Regulation in Divided Societies* (Cambridge, MA: Harvard University Center for International Affairs, 1972)

⁴¹ Shaheen Mozaffar and James R. Scarritt. 1999. "Why territorial autonomy is not a viable option for managing ethnic conflict in African plural societies." *Nationalism and Ethnic Politics* 5

literature does not explore adequately federalism as a reconstructive system, its opportunities and challenges.

This study therefore, seeks to fill in the literature gap by exploring the opportunities of federalism as an instrument that enhances reconstruction and uphold the full implementation of federalism principles and the relations to attaining peace and reconstructing Somalia, rather than rebirthing Somalia. In this light, the study analyzed federalism as a solution to reconstructing Somalia, the challenges in implementing the system of governance and recommend measures to be taken.

1.7 Justification of the Study

Although a Provisional Constitution was adopted on August 1, 2012 which became the foundational basis of the current post-conflict permanent government, the implementation of the federal governance organs has not been properly attended to, and the issue of federalism in Somalia has generated more controversy than enlightenment. The envisaged debate as to what form of federalism could serve the nation has lately degenerated into presumed clan interests and finger pointing; with some offering irrational support and others opposing for no discernible reason. In some instances, the essential civil discourse on the optimum federalism that could serve the nation as a whole has been mishandled to endanger the effectiveness and credibility of the current government.

The findings of the research played a key role in the academic and practice arena of implementing and making the federal system of Somalia effective for the attainment of peace and reconstruction. This helped come up with further policies on how federalism can be made effective so as to achieve sustainable peace and enhance post-conflict reconciliation in Somalia.

Aside policy making, the study findings assisted in the field of academic by contributing to the existing but rather limited literature on the federalism as an instrument for peace and reconstruction. Additionally, the study contributed to the general public with better and clearer understanding of the importance of applying the principles of federalism in reconstructing Somalia. This also included sensitizing the public on the importance of being engaged in the process of federalization, and thus offer solution for the challenges faced in peace and reconstruction efforts for the Somali people.

1.8 Theoretical Framework

In this study the theory of federalism has a prominent place. Federalism theory is often seen as either an ideological theory of action, to promote European Integration⁴² or as a theory to explain the organization and functioning of federations, and it is often overlooked as a general theory of regional integration, as a quick glance through the most commonly used textbooks on international relation theory demonstrates.⁴³

According to Elazar's theory of federalism is based on principles that are concerned with the combination of self-rule and shared rule, therefore from this statement, what differentiates it from unitary states is that it consists of two or more levels of government: a number of member-states each with their government and the totality of the member states with its federal government. Thus in the state of Somalia, and by the Constitution, there are federal units that characterize self and shared rule. At least one policy area is assigned by constitution to the member states and cannot be overruled by the central legislative power.⁴⁴

⁴² Emilian Kavalski and Magdalena Zolkos (eds). *Defunct Federalism – Critical Perspectives on Federal Failure* (Ashgate, 2008)

⁴³ John Baylis and Steve Smith (eds.): *The Globalization of World Politics: An Introduction to International Relations*, Oxford University Press, 1999

⁴⁴ Daniel J. Elazar. *Exploring Federalism*, (University of Alabama Press, 1987), 5

Federalism theory is important to this study as it explains how federations emerge and how they are organized and are functioning and should not have a normative bend. To theoretically ground this study, it disembarks on a debate between two schools of thought ó one that argues for federalism as a means of safeguarding peace and stability in diverse countries, and the other that argues against it. Bermeo's term of peace-preserving federalism sufficiently encompasses the primary beliefs of the first of these schools.⁴⁵ Proponents of federalism as a means of managing ethnic tension hold that federalism allows ethnically diverse groups a level of autonomy and limits discriminatory practices. Federalism also provides checks and balances system between regional and national levels, reducing fears by minorities. Lake and Rothchild claim this checks system reduces the ethnic security dilemma, and thus decreases interethnic tensions.⁴⁶

In stark contrast to this school of thought stands the belief that federalism exacerbates prospects for peace and stability by providing regional groups with the ability to finance and mobilize armed violence to a larger extent. This is a particularly prominent phenomenon in ethnically and clan divided societies such as Somalia. Bunce for example, illustrates how the federal structures in the Soviet Union, Yugoslavia and Czechoslovakia provided an enabling environment for these states to collapse under ethnic tension.⁴⁷

Works by opponents of federalism as an instrument for peace and stability such as findings by Saideman offer an intermediary stance, in that federalism is likely to increase ethnic

⁴⁵ Nancy Bermeo. "The Import of Institutions", *Journal of Democracy* no 13(2002)

⁴⁶ David Lake and Donald Rothchild. "Containing Fear: The Origins and Management of Ethnic Conflict", *International Security* No. 21(1996)

⁴⁷ Valerie Bunce. *Subversive Institutions: The Design and the Destruction of Socialism and the State* (Cambridge University Press, 1999)

protest but decrease ethnic rebellion.⁴⁸ The findings prove somewhat inconclusive, but they still largely echo Lijphart and others in that federalism can be a means to manage intergroup conflict.⁴⁹ In increasing the likelihood of ethnic and clan tensions, perhaps it is not the notion of federalism itself that triggers further conflict, but a misguided approach from the state in handling such protests in post-conflict contexts. In other words, it seems possible that federalism is in and of itself a positive force for peace and stability, but if mismanaged can steer a country down the path of turmoil. The use of federalism theory is therefore important in this study as it displays the relationship between a working federal system and post-conflict reconstruction in the case of Somalia.

This study therefore adopted this as its point of departure: Federalism is in principle a useful mechanism by which conflict ridden states and in particular ethnically or clannish (for this study) diverse states, can limit fears and tensions, and is thus a force for peace and stability. To strengthen the analytical framework, the study relied on the in-depth systematic analysis of federalism and ethnic conflict proffered by Bakke and Wibbels. Using this as the theoretical framework for this study guided a part of the analysis in determining whether the federalization process in Somalia is likely to enhance the prospects of peace and stability.⁵⁰

1.9 Research Methodology

The study explores the research methodology that aims at addressing the research objectives and questions. The study sample and instruments for the study drew data from both primary and

⁴⁸ Stephen Saideman et al. "Democratization, political institutions, and ethnic conflict: A Pooled Time-Series Analysis, 1985-1998", in *Comparative Political Studies* 35 no 1(2002): 103-129.

⁴⁹ Kristin Bakke and Wibbels, Erik "Diversity, Disparity and Civil Conflict in Federal States", *World Politics* 59 no 1 (2006)

⁵⁰ Kristin Bakke and Wibbels, Erik "Diversity, Disparity and Civil Conflict in Federal States", *World Politics* 59 no 1 (2006)

secondary sources of information. Primary data was derived from interactive interviews and administration of questionnaires from staff in public and private sector in Somalia, government agencies, non-governmental agencies, civil society and other relevant bodies. These agencies are particularly those that serve as basis for policy making and implementation on Somali governance and conflict management as well as those that serve directly at the interest of the citizens of Somalia. Secondary data was sourced from a collection and review of published and unpublished material, journals, academic papers and periodicals. These were taken through intensive and critical analysis.

1.9.1 Research Design

Research design is the plan and structure of investigation so conceived as to obtain answers to research questions. The plan is the overall scheme or program of the research. The study adopted a design that seeks to describe a unit in detail and is a way of organizing educational data and looking at the object to be studied as a whole. A case study is a research method common in social science. In this study, the case study is Somalia and the dynamics surrounding its federal system and its implications on peace and reconstruction.

1.9.2 Population and Sampling Design

1.9.2.1 Population

Target population in statistics is the specific population about which information is desired. The available population for this research is the public and private sectors in relations to federalism as a system to enhance peace and reconstruction in Somalia.

1.9.2.2 Sample Frame

The sampling plan describes how the sampling unit, sampling frame, sampling procedures and the sample size for the study. The sampling frame describes the list of all

population units from which the sample was selected.⁵¹ The sampling design involves interviewing the population that has been involved in formulation and implementation or analysis of a federal system in Somalia and those involved in the conflict management exercises as well as the citizens of Somalia to whom all the interests of peace belong to. This means the target is the policy making and leadership arena in public and private sector and grass root. The grass root is important for the notion of ‘Somali solutions for Somali problems’. The questionnaires were given out to be filled and the interviews conducted by interviewing one person at a time. The findings from this information were analyzed and presented to the study.

1.9.2.3 Sampling Technique

The study used stratified random sampling. This involved a random sample from each stratum taken in a number proportional to the stratum's size compared to the population. Stratified random sampling technique was used since the population of interest is not homogeneous and could be subdivided into clans or strata to obtain a representative sample. Stratified random sampling was employed in the study in order to ensure fair representation and generalization of the findings to the general population.

1.9.3 Data Collection Methods

This study collected quantitative data using a self-administered questionnaire. The reason for choosing questionnaires as the data collection instrument is primarily due to its practicability, applicability to the research problem and the size of the population. It is also cost effective and gave adequate time for the respondent to carefully fill in and surrender. The questionnaire was open ended questions to allow the respondents to give their opinion and suggestions.

⁵¹ Cooper and Schindler, 2006. Business Research methods op cit.,

1.9.4 Research Procedures

The questionnaires designed by the researcher based on the research questions were pre-tested to ascertain the suitability of the tool before the actual administration. Pre-testing was done by administering the questionnaire to five respondents was selected randomly from the sample size. This enabled the researcher to fine tune the questionnaire for objectivity and efficiency of the process. The questionnaire is estimated to take fifteen to thirty minutes to complete. A research assistant, who is trained on communication and interviewing of respondents using the questionnaire, was also engaged to administer the refined questionnaire and in data entry.

1.9.5 Data Analysis Methods

When the questionnaires were received, were checked if they are duly filled in. Completed questionnaires were coded and arranged serially to make it easy to identify. Data analysis was conducted using descriptive statistics to analyze the findings from the raw data. This includes measures of central tendency (the mean), measures of variability (standard deviation) and measures of relative frequencies among others.

1.10 Chapter Summary

This chapter has introduced key concepts that the study has. Among these include the methodology, the theory of federalism, which the study seeks to test and apply in the African context, particularly in the case of Somalia. In addition, this chapter has highlighted the research purpose which is unique to this research study that is the specific focus of federalism as an instrument of peace and reconstruction in Somalia. Partly, this part of the study has already portrayed the importance of understanding federalism as a process, not just a static design. The subsequent chapters take up the objectives to analyze the key issues laid down, and give recommendations as well as unfold emerging issues.

1.11 Chapter Outline

Chapter One: Introduction to the Study

Chapter Two: The Federal System of Governance as a Solution to the Reconstruction of the State of Somalia

Chapter Three: Challenges in Implementing Federalism as a Solution to the Somali Conflict

Chapter Four: Achieving Effective Federalism for Peace and Reconstruction in Somalia

Chapter Five: Conclusion and Recommendations

CHAPTER TWO

THE FEDERAL SYSTEM OF GOVERNANCE AS A SOLUTION TO THE RECONSTRUCTION OF THE STATE OF SOMALIA

2.0 Introduction

As indicated in the the federal system of governance in Somalia was set to solve different concerns in Somalia that eventually and collectively translate to peace and prosperity of the lack of it. The federal system of governance adopted on August 1, 2012, has been both welcomed and criticized widely. Many Somalis are skeptical about the idea and some consider federalism to be quite a viable solution for the homogeneous Somali society, while others do not. The adopted constitution has indeed come a long way and will go even further in its full realization for peace and reconstruction in Somalia.⁵²

This chapter of the study examined the constitution building process for Somali's peace and reconstruction. It looked at the events leading to constitutional changes from unitary to federal. This is important in understanding the issues that lead to the proposal for the federal system to solve. It focuses on how the federal system is intended to work politically, economically and socially for sustainable peace in Somalia, for the benefit of its citizens.

2.1 Federalism as an Instrument to Reduce Conflict

Internal conflict in a country is often caused by a group feeling that its interests are not adequately protected by the existing government structure. There may even be more than one

⁵² Matt Bryden (2013) Assessing the New Somali Federal Government ó Somalia Redux ó A Report of the CSIS Africa Program ó Center for Strategic and International Studies http://csis.org/files/publication/130819_Bryden_SomaliaRedux_WEB.pdf.

group having similar grievances. A central task is to design institutions that respect the interests of the various groups, including the majority, if one exists. The groups need not be geographically segregated, in which case the proposal would require extensive relocation of people. If the groups are ethnically defined, this would imply ethnic or clan cleansing on a grand scale, and for other types of groups the consequences may be equally undesirable.⁵³ Moreover, in many areas of public life there is probably a real need for coordination on a national level. This can only be or at least most conveniently be achieved through a national government. Hence there is a considerable cost to abolishing the national government altogether, as is the case in Somalia.

This may perpetuate a situation in which group division is the main conflict dimension. As things develop and the situation is normalized, it may be that the ordinary political dimension comes to dominate in people's minds, but borders once drawn, cannot easily be abolished or redrawn.⁵⁴ Dividing up the country under decentralization such as federalism could even create group conflicts where none existed before, but it is often assumed that the point of departure is the existence of groups which feel that their interests are not adequately protected by the existing government structure.

On the other hand, a case can be made for dividing the country into regional units, which are given a considerable degree of autonomy. This amounts to introducing a federal structure of government. If the regional units approximately correspond to the groups whose interests are at stake, federalism can contribute significantly to the reduction of conflict. Alternatively, this solution usually creates another problem, namely that of the minority within the minority.

⁵³ Huckabee, David C. (2001): "The House of Representatives Apportionment Formula: An Analysis of Proposals for Change and Their Impact on States", Congressional Research Service. Available electronically at <http://www.rules.house.gov/archives/RL31074.pdf>

⁵⁴ Mansfield, Edward D. and Jack Snyder (2005): *Electing to Fight: Why Emerging Democracies Go to War*, Cambridge, Massachusetts: MIT Press.

Unless the population structure is or is made perfectly segregated, some people will live in a regional unit dominated by another group. Their interests must also be taken into account when the post-conflict institutions are designed.⁵⁵ The objection that conflict lines may be perpetuated, applies to federalism as well, but it is not as important as in the case discussed above, where the proposal was a division of the country into separate states

2.2 The 2006 Federal Constitution-Building Process in Somalia

Reliance on a constitutional process as part of a transition from a peace agreement to a legitimate elected government is an increasingly common methodology. It acknowledges that those at the table during peace negotiations may not represent all the interests in a country, that in many cases the range of issues that need to be debated in a constitution are too vast for a peace negotiation, and that many of these issues are best debated at a slower pace, in a more inclusive fashion.⁵⁶

This was certainly the case in Somalia. The peace agreement took the form of a transitional constitution ó the Transitional Federal Charter of the Somali Republic ó and set out many provisions that could be part of a constitution, including a federal governance structure and Islamic Sharia as the basic source for legislation. However the Charter had been adopted by unelected participants in a peace negotiation. It did not have the approval and involvement of the Somali people and lacked the legitimacy required to establish a workable peace and a viable state. Hence Article 71(2) of the Charter provided that a federal Constitution based on the Charter was to be drafted (within 2.5 years) and adopted by referendum during the final year of

⁵⁵ Elster, Jon (2004): *Closing the Books ó Transitional Justice in Historical Perspective*, Cambridge University Press.

⁵⁶ Sarah Phillips (2013) University of Sydney Research Paper Political Settlement and State Formation: the Case of Somaliland ó Development Leadership DLP

the transitional period.⁵⁷ The TFG had a three-year window and a consortium of donors, NGOs and international agencies was formed to support this process.

The Charter provided for the creation of a Federal Constitutional Committee (FCC), the members of which were to be proposed by the Council of Ministers and approved by the parliament. The first step therefore was to create this commission. Undoubtedly some difficult negotiations took place among the ministers and parliamentarians in putting together a list of 15 members, who were ultimately chosen on a clan basis using the ‘4.5 formula’, like the parliament.⁵⁸

Discussions with Somalis revealed that many of the core concepts that had been negotiated during the peace agreement were not well understood. Federalism, and in particular the fact that federalism requires relinquishing some power and control by the central government in favour of the states or regions, had not been internalized, as became clear in discussions with members of the TFG.⁵⁹ A lot of emphasis was put on the need for a public dialogue and an inclusive process in order to ensure that the final draft had legitimacy and would be accepted at the public referendum.

In June the parliament established the FCC in the Somalia Constitutional Commission Act (June 2006). This established guiding principles for the Commission, namely that it was to take account of: the Charter, the principle of Islam, democracy and social justice, and a process that: (a) promotes public participation, transparency and accountability to the people; (b)

⁵⁷ Mary Harper (2012) *Getting Somalia Wrong* of Faith, War and Hope in a Shattered State
Sarah Phillips (2013) University of Sydney Research Paper Political Settlement and State Formation: the Case of Somaliland of Development Leadership DLP

⁵⁸ Adan Hire (2013) *Federalism and Somalia*.

⁵⁹ Sarah Phillips (2013) University of Sydney Research Paper Political Settlement and State Formation: the Case of Somaliland of Development Leadership DLP

accommodates the diversity of Somalis and their opinions; and (c) promotes stability, peace and reconstruction.⁶⁰ This was key for future peace for Somalia and good basis for reconstruction.

According to the federal system, the members of the FCC would not be powerbrokers within their clans, but they were respected clan members with professional backgrounds that ranged from former judges to religious elders. They convened for the first time at a week-long workshop hosted by the UN Development Programme (UNDP) in August. The members of the commission proved to be engaged and interested, aware of the risks and challenges they faced and determined to take their responsibilities seriously.⁶¹

One of their first decisions was to change their name to the Independent Federal Constitutional Commission. During the workshop, the IFCC drafted their rules of procedure and agreed on the following methodology and procedural steps:

A civic education program: This would run the entire three years- up to late 2009 and empower the people of Somalia to understand why a constitution was being made and what their governance choices were. This was to be overseen by the commission but implemented by a Secretariat with civil society collaboration.⁶²

A consultation process: This was a nine months period following an initial period of civic education, in which the commission would initiate a national dialogue to bring divided and fragmented groups together to discuss a common future for the state.⁶³

The preparation of the draft constitution: It would take six months, and the commission would request comparative and expert assistance as they identified their (Somalis) needs. The draft would be the subject of further civic education before the referendum. There

⁶⁰ FCC in the Somalia Constitutional Commission Act (June 2006)

⁶¹ Adan Hire (2013) Federalism and Somalia. Available at www.somalilandpress.com/federalism-somalia/html
Accessed on March 26th 2015

⁶² Independent Federal Constitutional Commission Workshop, 2006. Rules of Procedure. FCC

⁶³ *Ibid*

was discussion of a representative validation meeting before the referendum, but it had not been decided on.

The international consortium agreed to support the process on this basis and allocated a substantial budget to so do, in the order of 10 million Euros, However all of this activity was taking place against the background of the rise of the Islamic Courts Union (ICU) in Mogadishu (June 2006) and its standoff with the TFG. Even as the constitutional process seemed to be opening up an opportunity for dialogue and negotiation between all Somalis, including the Islamists, it was apparent that the ICU and the TFG were facing off for another round of conflict.⁶⁴

2.3 Post-Federal System Establishment in Somalia

The federal system has been met by sceptic and positive views in Somalia. The state formation in Somalia and overall post federal system state-building process has been hampered by irreconcilable actors. In the absence of a hegemonic group, Somalia depended upon the formation of a political settlement among the different violent actors. This was stunted by the fact in the absence of any hegemonic the incentive structure of the post- Barre environment was to maintain maximum violence potential.⁶⁵

On the other hand, the political struggles amongst the international community members themselves made Somalia the worsened case scenario because the solution of the problems of Somalia cannot be solved by internationally mandatory project, but diagnosing this chronic insecurity conditions in Somalia, locally driving and locally led approaches can be more

⁶⁴ Independent Federal Constitutional Commission Workshop, 2006. Rules of Procedure. FCC

⁶⁵ Duffied, A. S. when do rebels become state builders: a comparative case study of Somaliland, Puntland and South ó Central Somalia, (2014), 15

effective instrument than the external interventions based on the neo-colonialism, and realism concepts of the Western overriding platform of politics and security.⁶⁶

Thus, competing over the natural resources is an indicative measure that has no any proper legal accounts but it is more ad hoc or nullified process that can raise a new paradigm of conflict in Somalia. Somalia is slowly emerging from two decades of protracted civil wars but still carries numerous scars from a state collapse. External influence, particularly the Cold War contest over Somalia's strategic position on the Horn of Africa and its internal dynamics led to the collapse of the military Dictatorship of Siad Barre in 1991.⁶⁷

Meanwhile the Somali Federal Government in South- central and its regional and wider international supporters have, until now, put most efforts into top-down political dealings giving cover for externally - driven military objectives, rather than working locally to win legitimacy,⁶⁸ this notion which has been described by the ICG is the central to all narratives towards Somalia state-building process, because many domestic and even international actors do believe that the state- building of Somalia must be stimulated within the consent of the citizens in Somalia and decreasing the level of dependence of the external supports, Somaliland which is declared its independence in 1991 is classical example and champion as such a inspiring model of the bottom up state- building process.

Based on the above mentioned in depth analysis, there are arguments and counter-arguments about the possibilities and chances to form workable state structures in Somalia, notably, the possibilities to form a decentralized power sharing based on a Federal System of

⁶⁶ *ibid*

⁶⁷ Ministry of Foreign Affairs of Denmark- DANIDA(2014)Somalia Policy Synopsis -2014-2017

⁶⁸ International Crisis Group (2014) Policy Briefing Somalia: Al- Shabab- it will be a long war African briefing N099 Nairobi to Brussels, 26- June -2014. P.20

Somalia is not an authentic and valid choice at moment but may not be forever.⁶⁹ Currently the attitude and assumptions of the entire society in Somalia is so hard to sort out due to many enclaves, brutality among vicinities, and possibility to identify community activists who are willing to defend or being devoted the harmony, and national identity of Somalia.

In some extent both groups have plenty of justifications, but building the foundation of the central system based on the power sharing model deserves to be accentuated for and most elites in Mogadishu are encouraging such opinion but in contrary the Garowe elites are entirely vary from this perspective, because they have very strong concentration on the federalism system that they are hopefully believe it is worthwhile and only credible representation that Somalia can today wish to survive on the expenses of internationally led efforts.⁷⁰

Since the Transitional Federal Government, there were some inconsistent of power sharing because mainly President mostly comes from Hawiye clan, Prime Minister comes from Darood clan and speaker of the parliament comes from Digile and Mirifle groups. In other words, the Hassan Sheikh government is often blamed avoiding the concept of federalism which was the legitimate reconstitution of the current government of Somalia, power sharing issue has stifling effect in the arena of Somalia politics. The Somalia federal Government's new policy of doing away with the federalism that brought it to power poses a threat to the country's progress towards stability.⁷¹

The current administration of Somalia has a provisional constitution at hand without implementation tools in place. Moreover, the constitution is not complete and has not been publically ratified. This leaves the entire constitution wide open to disparate and divergent

⁶⁹ Ibid

⁷⁰ Warah, Rasna (2014) War Crimes ó How warlords, politicians, foreign government and aid agencies conspired to create a failed state in Somalia.

⁷¹ Mohamud M Uluso (2013) Somalia: IHS Jane's spin on Jubbaland trap -2013-05-16, Issue 630 <http://pambazuka.org/en/category/comment/87408>

interpretations and as such could be corrupted by an administration that does not support key provisions in the current constitution. For example, according to Section 1 of Article 1 of the new provisional constitution adopted on August 1, 2012, Somalia is defined as a federal, Sovereign, and Democratic Republic founded on inclusive representation of the people, a multiparty system advised by social justice towards the country's different regions.⁷²

Although, this constitutional framework has at least provided some demarcation between government officials but there are recurrent conflict based on power struggle between three constitutional bodies of the state as the President, the Prime minister and the Speaker, therefore, this is depicting a structural conflict must be inevitable. Furthermore, Section 6 of Article 49, whose original intent was to mediate between the interests of the center vs. the periphery regions, states that based on a voluntary decision, two or more regions may merge to form a Federal Member State.⁷³ Instantly, Somalia is dilemma managing either federalism system or unitary state, international community domination in this state-building project of Somalia has posed a lot of shortcomings included the approaches of top down state initiatives and poor understanding of the Somalia problems in terms of state formation arena.

Undeniably, it is incredible to reconstruct the viable state in Somalia, without consent inclusion and the case of Somalia looks like a doctor that writes prescription in every time without diagnosing the patient, in this scenario Somali proverb says a patient is advised by hundred persons.⁷⁴ In fact, the protection and safeguard of international community and regional forces had many implications in the short and long term prospect of Somalia due to the conflict of interests and historical disagreements.

⁷² Section 1 of Article 1 of the Somali Provisional Constitution adopted on August 1, 2012,

⁷³ Institute for Horn Africa Studies and Affairs (IHASA) (2013) Challenges to the Reconstruction of the Somali State: from a Unitary to a Federal State <http://www.wardheernews.com>

⁷⁴ Ibid

Moreover, the power devolution is a central argument, attaining a fair resources distribution and representation, however, Somalia needs akin as Kenya attempting to adopt, although yet not pragmatic but it is constitutional, Kenya to be federal system based on counties: the territory of Kenya is divided into the counties specified in the First Schedule; The governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.⁷⁵ This Kenya's type of federalism is more advisable decentralization system where regions are presumably anticipated to exercise some of self-governing system but the complexity of Somalia political situation is really unattainable to reach a level of trust that likely encourage inclusive politics, compromise and acceptable political behavior that should prevent the peril actions.

2.4 The Nature of the Society and Characteristics of the Federal System in Somalia

It is indisputable that people of Somalia are egalitarian society who mostly rely on pastoral and ecological resources, it is estimated that more than 90% are peasant society, who are below under the poverty line of live Sub- Sahara of Africa, and Muslim Suni, social organization of so fragmented move from one place to another by seeking grass and water resources. Tribal affiliation, clan superiority, retaliations, individualism, stereotyping and clan politics dominated the entire spectrum of political settings and social demographic settlements.⁷⁶

It is worth to note that Somalia's model of federalism is merely theoretical, compared to the nature and characteristics of federal states which few African countries practice. It is for this reason that one can argue how Somalia is far from fulfilling the required criteria for federalism;

⁷⁵ Kenyan Constitution, 2010

⁷⁶ Institute for Horn Africa Studies and Affairs (IHASA) (2013) Challenges to the Reconstruction of the Somali State: from a Unitary to a Federal State <http://www.wardheernews.com>

even the Somalia Constitution which was approved in late 2012 has not defined and outlined clearly the concept of federalism.

Moreover, countries that practice workable federal systems have qualified either through separate colonial systems of the federating parts or ethnic variations. Somalia has not attained these features due to the fact that it had only one colonial experience (that of Italy), and since British Somaliland has dissolved the union or reclaimed its independent and self-determination in 1991.⁷⁷ For instance Ethiopia has more than 80 ethnic communities; hence, ethnicity is the underlying organizing principle of Ethiopia's federal parliamentary democracy. Article one of the 1996 Ethiopian constitution states that Ethiopia is a federal State. The Parliament is made up of the House of Peoples' Representatives and the House of Federation, whose members are elected either by state councils or through popular elections. The highest executive authority in Ethiopia resides in the Prime Minister. Federal powers deal with issues of national concern, including economic and social development, national standards and policy criteria for health and education, defense, federal police, foreign policy, foreign commerce and immigration.⁷⁸

In contrast to Somalia, it is difficult to perform this criteria based on phenomena of advanced decentralized power sharing. Since Somalia has many deficiencies to form a federal system, taking lessons from the above mentioned countries that put the federal system into practice, it is widely clear that Somalia is extremely lacking the experiences and attributes needed to be acquired prior to the establishment of the federal system, in order for Somalia to put together a feasible federal system and there is strong demand from the public currently Somalia leadership to rectify the past mistakes made both post-colonial history and post-Siyad Barre

⁷⁷ Forum for Federations -the Global Network on Federalism and Devolved Governance - <http://www.forumfed.org/>. Accessed March 2015

⁷⁸ Forum for Federations -the Global Network on Federalism and Devolved Governance - <http://www.forumfed.org/>. Accessed March 2015

regime.⁷⁹ Somalia needs to follow the successful lessons and experimentations made by its fellow African countries and the advanced world as well, otherwise it seems to be a political delusion that cannot address and pursue agreeable framework that may accommodate the current fragmentation in Somalia. The federal system that Somalia aspires is really contrary to the popular doctrine of the federalism for example in every main clan wants to establish its own autonomous region which is unlikely to match the pre-determined criteria of federalism, if the federalism in Somalia is based on clanism or tribal affiliation, the concept of statehood formation in Somalia is indispensable to encounter a biggest constrains and new political trajectory that can trigger or accelerate a cycle of conflict and hostility among clans who live side by side in same locality.

The Somali clan distinctions reflect historical experiences and social class differences; for instance in the Southern inter-riverine area inhabited by the Rahanweny farming communities, who are traditionally less aggressive clans compared to those of nomadic background and speak a distinct Somali dialect called May serious human rights violations have taken place. The Darood clan family communities who long surrounded the Rahanweny despised them and treated them as second class citizens, even during the three decades of modern Somali independence. It was no coincidence that the farmers around Baidoa and Bur Hacaba suffered the worst atrocities by Darood and Hawiya militias in the mayhem that followed the overthrow of Siyad Barre in 1991.⁸⁰

In this scholarly point of view, Gesheker has demonstrated rightly the cultural domination and marginalization phenomena that exist among inhabitants of Somalia, in the

⁷⁹ Ibid

⁸⁰ Gesheker (1997) Mending Rips in the Sky- options for Somali Communities in the 21 century. (Ed) by Hussein M. Adam and Richard Ford

meantime it is clear and unbiased portrait that Somalia reveals a country that had never settled its unity and identity.⁸¹ In order to further illustrate this case, it is argued that the Union of British Somaliland and Italian Trust Territory of Somalia had never, ever established the legitimate State that both sides arranged and wanted and this is a shocking history that has propelled the current puzzlement in Somalia state formation caused by political disaffections among social settings.⁸² Thus, those examples seem to be transpired the incompatibility of the federalism within the context anticipated to regulate.

The demise of Pan-Somali harmony in the post- colonial period has hugely become the evidence of the total failure in Somalia, in other words, the historical mistakes occurred in Somalia is again showing the length of the problems in Somalia and its implications to narrow down without in depth diagnosing the characteristics of the root causes of the persistent conflict. Therefore, without good treatment the historical grievance that compelled Somaliland people to dissolve the merger in 1960, Somalia problems will be continually take this dynamic shape and probably is unpredictable.⁸³

On the other hand, the political and social crises of Somalis during the past three decades exposed unanswered questions on causes of violence, trauma, and instability raging today.ø Many of the attempted quick fixes ó like massive international peacekeeping forces and expensive reconciliation conferences (at least 15 of them) in plush hotels abroad ó failed to produce the intended outcome demonstrating that ancillary contributor have been mistaken for

⁸¹ Ibid

⁸² Gesheker (1997)Mending Rips in the Sky- options for Somali Communities in the 21 century. (Ed) by Hussein M. Adam and Richard Ford

⁸³ Matt Bryden (2014) The reinvention of Al- shabaab February, 2014. A strategy choice or necessity- A Report of the CSIS African Program Center for strategic and International Studies

the primary and fundamental ones.⁸⁴ Twenty years later, south ó Central Somalia is still mired in violence and chaos while the international community imposes a function of state that has neither authority nor legitimacy to govern.

Moreover, the empirical views coupled how this divisive society and donor ódriven state building agenda could not prevail in such accelerated period from 2012- 2016, the complex picture of Somalia is a instrumental indicator that three main vital responsibilities will be difficult to accomplish concurrently, (1) building viable federal system of Somalia for this short period of time (2) free and fair constitutional national referendum and (3) holding democratic multiparty free and fair elections.⁸⁵

It is therefore unconcealed that this is so ambitious agenda which both international community and Federal Government of Somalia could be difficult to realize, way ahead (difficult, not impossible), Somalia has humanitarian and security priorities, which until now was not succeeded to respond sufficiently, the humanitarian crises accompany with present poverty depicted continues helplessness of the entire society particularly disadvantaged groups.⁸⁶ In addition, the security is under rampant situation even, after huge number of the AMISON troops deployed across the main cities, as a result, the plan of the federal government of Somalia is unlikely to realize the possible options of diminishing of those structured and unstructured violence that constantly bring the widespread insecurity dilemma.

Furthermore, the internal power struggling between different fractions of Somalia range from central to regional but it must be primarily settled down before proceeding the state

⁸⁴ Hussein A. Burhan (2013)losing The Art of Survival and Dignity ó Transition From Self-Reliance to Dependence and Indignity in Somali Society

⁸⁵ International Crisis Group (2014) Policy Briefing Somalia: Al- Shabab- it will be a long war African briefing N099 Nairobi ó Brussels, 26- June -2014

⁸⁶ Rasna Warah (2014) War Crimes ó How warlords, politicians, foreign government and aid agencies conspired to create a failed state in Somalia

building arena. perhaps it is apparently testified that the recurrent power struggling among President and Prime Minister is harder than anything else, because the President often seems to be intervening the mandated activities of the Prime minister and the country attempts like more presidential system, therefore, this controversy is preventing to forge mutual constructive relations between government bodies and in any time the incomprehension both legal perspective and practicality is not far away from within.⁸⁷ Hire, states that Somalia with its current situation cannot implement neither unitary nor federalism smoothly by itself without the help of the international community. With real leaders with greater vision they could do it.⁸⁸

Escalation of the Conflicts in the Post-Transitional period in Somalia over the past decades, Somalia has accustomed to a predatory and exploitative environment that include daily events of killing, kidnapping, rape, bombing, piracy and other evils which has ordinarily followed throughout the social and political sphere. Therefore, the post ó transition has indeed exposed the new threats that can likely regenerate to resuscitate the previous conflict among factions of Somalia, there was an immediate tension over the course of federal principles implementations which Hassan Sheikh government appeared hesitantly on the eyes of federalists.⁸⁹

During the civil, religious and political conflict, Somalia has widely experienced the complete disintegration the first place and this has weakened the concept of õsame clan- ethic society, religion, language, and traitsö because there is extensive social polarization which is driving the forces of archaism, stateless conditions, tribal competition and current escalation of

⁸⁷ Ibid

⁸⁸ Adan Hire (2013) Federalism and Somalia op. cit

⁸⁹ Rasna Warah (2014) War Crimes ó How warlords, politicians, foreign government and aid agencies conspired to create a failed state in Somalia

the communal conflict in Somalia is very serious backward across the region and needs measures of political and security deterrence.

As a result, the society is mostly peasant and figment society which their emanate customs suffered alongside this period of African partition, in contrast to Somaliland, traditional elite groups had been empowered throughout Somaliland British protectorate indirect rule, and indeed this has enabled Somaliland with more political compromise, consensus building, cultural perseverance, and vibrant civic participation.⁹⁰ Eventually the post- transition process has intended to introduce new political trends to Somalia; but there is too slow recovery of political and economic activities yet except rapid foreign diplomatic engagement to Somalia amicably.

In this era of federalism, there are so many parallel events taking placing across Somalia, before the complete framework of the federalism principles, one of the misguided concepts are mostly indicative that both building blocks - self-autonomous regions and the international community's multidimensional approaches of the Somalia state-building process are many times contradicting one another.⁹¹ However, it is commonly symbolic that federalists are at risk due to several key factors include the apparent clan or tribal disequilibrium, inter-clan or intra-clan long term hostilities and poor bottom up analysis or engagement how this idea can work in Somalia as inclusive, participatory and remedy avenue, because both federalists and anti-federalists have rights to measure their argument.

The central philosophy of the Somalia state-building process has become more internationally dominated scheme that local actors have no choice. It is ostensible that disagreement on issues of federalism principle reached to rejuvenate new conflicts based on clan

⁹⁰ Sarah Phillips (2013) University of Sydney Research Paper Political Settlement and State Formation: the Case of Somaliland & Development Leadership DLP

⁹¹ Matt Bryden (2014) The reinvention of Al- shabaab February, 2014. A strategy choice or necessity- A Report of the CSIS African Program Center for strategic and International Studies

to clan fighting within same region- Interim Jubba Administration, Interim South West Administration and Puntland are classical examples how deep the resentment among clans in Somalia since all administrations characterized many political and social stalemates because of clan domination is the central phenomena.⁹² Thus, what activates the conflict is both social and political mentality not far away from the attempts to dominated one clan to another where egalitarian Somali cultural is sensitive such overriding concept and manipulation.

Reasons of International Community to accentuate in the Post-Transition in Somalia Despite, the international community's exhausted efforts and ambition for Somalia restoration of peace and stability for too long, there are also the growing risks Somalia to remain uncertain and unsecure place of dumping ground for weapons and bearing other negative elements of the conflict.⁹³ Consequently, international community attempts to respond the long term failure of their shoulders since Somalia was away from the international arena for more than two decades, presumably the current simultaneous efforts of the international community is because of following reasons firstly, lessons learnt from many disappointments of Somalia pre- transitional period that international community had never appreciated. Second, international community now is so fatigue and attempting to explore the ways and means that Somalia problems to be domesticated and leave within.

Third, the international community has fears and apprehensions towards the raising risks of the Al-Shabaab movement, in which Western countries as well as regional states see undeniable threat across. Four, eventually, the well coordinated international efforts is primarily a reaction but not coherent both hard and soft, many attempts are focusing on military means

⁹² Institute for Horn Africa Studies and Affairs (IHASA) (2013) Challenges to the Reconstruction of the Somali State: from a Unitary to a Federal State <http://www.wardheernews.com>

⁹³ Governance, Social Development. Humanitarian. Conflict (GSDRC) (2013) Key actors mapping: Somalia - Evie Browne and Jonathan Fisher *Rapid Literature Review* November 2013

other than influencing the heart and minds of the public.⁹⁴ Nevertheless, the untapped natural resources particularly extractive industries as oil reserves are more potent resources that may lead another conflict if not properly planned. The Western conventional development modalities attempted to help Somalia for such extreme humanitarian crisis and poverty but the recovery of the sociopolitical and economic development still far behind to achieve in short, medium and long term time due to so many accumulated problems realized over the past decades of anarchy and fragility.

2.5 Chapter Summary

From the situation analysis in Somalia in this chapter, it is clear that, the improvement of security in Somalia remains critical aspect for all patterns of socio-economic and political process; many views assert and advocated for Somali to look forward in placing viable mechanisms under the federal constitution for all reconstruction measures and security apparatus. From this part of the study, it is clear the federal system is a difficult process for its full realization for sustainable peace in Somalia. It is a governance structure that is heavily criticized as being imposed, but the characteristics of it are importance for the clan-based conflict and a solution for power and resource sharing.

⁹⁴ Matt Bryden (2014) The reinvention of Al-shabaab February, 2014. A strategy choice or necessity- A Report of the CSIS African Program Center for strategic and International Studies

CHAPTER THREE

CHALLENGES IN IMPLEMENTING FEDERALISM AS A SOLUTION TO THE SOMALI CONFLICT

3.1 Introduction

Federalism has been used as a tool to end the violent conflict in different states in the world. However, the ideology of federalism as well as the federal state institutions have been considered constructs of international actors and not indigenous to states like Somalia. As a consequence the idea of federal statehood remains challenged from all sides in Somalia today. The previous chapter has examined federalism in Somalia: its components and development. This chapter will analyze the federal system and what challenges it from becoming a solution to the protracted conflict in Somalia. The challenges confronting peace, reconstruction and development efforts are many, especially in light of the vastly different situations in the various regions, decades of deterioration of infrastructure and the gap in access to services and income-earning opportunities, the sociological impact of decades of war and insecurity on an entire generation of young people.

3.2 Political and Governance Challenges

Years of dictatorship and political mismanagement, in the past, have created widespread misgivings regarding government, which has been, and in some cases, still is perceived to be an oppressive instrument for the benefit of a minority, rather than a critical provider of public services to the Somali people. The Federal Charter specifies that Somalia shall have a decentralized system of administration based on federalism with four tiers of administration - federal, state, regional and district. However, many of the specifics regarding the role and

functions of the various levels of government is yet to be clarified and accepted. Even some of the items that are specified in the Charter (for example, the assignment of trade taxes to a federal government) do not appear to be widely accepted. Meanwhile, Somaliland and Puntland both have their own constitutions.⁹⁵

The federal system is challenged by an array of political challenges that hinder its operationalization. These include: loss of governmental institutions, social and human service networks, security, freedom of travel even by politicians in different political units due to an unpeaceful environment, the emergence of warlords, pirates on the high seas, and ideologically-driven, religious leaders with militias and power; loss of national leadership in international and regional forums that would generate needed financial and political capital to the nation, and the loss of official representation in foreign capitals to provide consular advice assistance to Somali nationals overseas even as the federal constitution is mandated to the Somali diasporas who are key in development and economic growth. Additionally, loss of unity in achieving the national agenda, and the emergence of parochialism and divisive tendencies to fight for one's sub-clan and village in place of the commonwealth is destabilizing efforts to implement federalism fully.

Governance if effective can serve as a potent conflict de-escalator, yet experience of Somalis with a repressive state under Siad Barre made them generally suspicious of centralized governance, considering it an instrument of accumulation and domination, enriching those who control it. After collapse of the government, when the state divided across regional lines, south-central Somalia and the two northern regions of Somaliland and Puntland followed different routes and achieved different levels of success in governance. In the south-central regions, faction leaders created narrow geographical areas of control, exerting control over

⁹⁵ Bryden, Matt, 2013. Somalia Redux? Assessing the New Somali Federal Government, Center for Strategic and International Studies.

constantly shifting boundaries where their authority is repeatedly challenged. In Puntland, a regional administration has been established that provides for relative peace and law and order, but that can be easily undermined. Finally, Somaliland's budding democratic institutions assure relative stability and peace.⁹⁶

Traditional local governance structures that have played an active role in peace and consensus-building efforts in Somaliland and Puntland also form the basis for a decentralization process at village and district levels and at the neighborhood level in urban centers. They provide a prime source of governance, with primary responsibility for land management and dispute settlement, coexisting with shari'a and secular courts to provide justice. This phenomenon can become a building block for formal governance structures, provided adequate provisions are made for developing representation, participation of all citizens – in particular emphasizing and sustaining women participation - transparency, and accountability.⁹⁷ In order to increase credibility and legitimacy of local governance structures, emphasis has to be put on empowering local communities with special attention to women in facilitating and monitoring service delivery.

3.3 Social and Identity Challenges

Social reconciliation can be identified as a prerequisite for a successful implementation of federalism in Somalia echoed through an array of interviews. It is very crucial and is one that is surprisingly highly desired by all Somali abroad and within Somalia. The current Somali conflict has created serious social problems for the Somalis. Civil war wounds have not been properly

⁹⁶ Elmi, Afyare Abdi, 2014. Decentralization Options for Somalia. The Heritage Institute for Policy Studies

⁹⁷ Collinson, Sarah, Elhawary, Samir, Muggah, Robert, 2010. States of fragility: stabilisation and its implication for humanitarian action, in Disasters, Vol. 34, No. 3, 275-296.

healed. In some cases, assets such as real estate and farms are unjustly held. This is unacceptable and remains a major roadblock to genuine reconciliation. Vision 2016 calls for the formation of a Truth and Reconciliation Commission. A commission comprised of individuals of national standing would go far to heal wounds and ultimately bring about closure for most people. Service provision can also boost people's confidence into proving the practicality of a federal system. Service provision has been poor and a hindrance to proper implementation of the federal system structures.⁹⁸

The nation's factories, hospitals, banking and financial systems, schools, public buildings, and water systems have all been ruined, or taken over by squatters, and homeless people as shelters. All legal records, public documents, and official statutes are no longer available and the new administration has to build those resources anew.⁹⁹ The professional and technical classes have left the country, and even in the unlikely event that development capital was available, technical manpower is not. It is important to note that social service initiatives cannot be implemented in a vacuum, and that successful reconstruction and development will depend on the creation and adaptation of appropriate policies, financing, legislation, development of sufficient capacity (both government and private), and provision of incentives, skills training and gender equity programmes.

Public institutions cannot be the sole providers of basic social services if the desired levels of coverage and access are to be achieved, and local government partnerships with religious and humanitarian organizations, NGOs and the private sector, as well as community

⁹⁸ "Decentralization options for Somalia" by Dr. Afyare Elmi. February 2014. http://www.heritageinstitute.org/wp-content/uploads/2014/01/Decentralization_Options_for_Somalia-ENGLISH.pdf

⁹⁹ Collinson, Sarah, Elhawary, Samir, Muggah, Robert, 2010. States of fragility: stabilisation and its implication for humanitarian action, in *Disasters*, Vol. 34, No. 3, 275-296.

participation in service provision, planning and implementation, need to be strengthened.¹⁰⁰ At the same time, appropriate mechanisms need to be established to ensure that external partners address nationally agreed-upon priorities, and that capacity is transferred to local authorities as new institutions and trained staffs become operational. Adequate social structures and amenities will enhance the process of federalizing Somalia.

Throughout Somalia, the coverage and quality of social services such as health, education, and water and sanitation provision are extremely low, especially in rural areas. This situation, combined with high levels of poverty and unemployment, is reflected in negative welfare outcomes such as unacceptably high infant and maternal mortality rates, critical malnutrition levels, low primary school enrolment rates, and extremely limited access to safe water and sufficient dietary quantity and diversity. Conflict and recurring natural disasters exacerbate the situation, and have caused widespread internal and external displacement.¹⁰¹ Certain groups are more disadvantaged in their access to services and more vulnerable to adverse health and social problems because of their age, gender, livelihood type, or minority and displacement status.

Clan identities are a double-edged sword, acting as both conflict escalators and de-escalators. Nearly all armed conflicts in contemporary Somalia break out along clan lines. Yet clan identities are not the basis for conflict; it is rather their deliberate manipulation that creates and exacerbates divisions. Clans have the potential both to drive conflict and to act as

¹⁰⁰ Bryden, Matt, 2013. Somalia Redux? Assessing the New Somali Federal Government, Center for Strategic and International Studies

¹⁰¹ Menkhaus, K. (2010) "Stabilisation and Humanitarian Access in a Collapsed State: The Somali Case" *Disasters* 34(s3): S320-S341.

constructive forces and traditional conflict moderators. Clan elders use traditional laws to settle disputes in non confrontational ways.¹⁰²

Clan-elites are openly divided along clan-lines when it comes to the emerging regions. For many Digil & Mirifle and Hawiye politicians, there should be only four regions where the Isaaq clan would control Somaliland; the Darod clan would control Puntland; Hawiye would have central Somalia; Digil & Mirifle clan would dominate the six regions of southern Somalia including Jubba; and Mogadishu would be the capital city of the country. In contrast to this, the Jubba administration and many politicians from the Darod clan in other regions advance a five-region-proposal. In this case, the south-west would be divided into two regions and the Lower Jubba, Middle Jubba and Gedo would be the fifth state under Darod control. Digil & Mirifle clans would control Bay and Bakol and Lower Shabelle. The current final proposal grants two regions to Darod clans and two regions to regions to Hawiye clans while leaving one region each for the Digil and Mirifle and Isaaq clan. This has brought the notion of clan federalism and not true federalism hindering the full realization of true federalism in Somalia for reconstruction and sustainable peace.¹⁰³

Moreover, Somalia is not a multi-national or multi-religious state. It is a largely homogeneous society.¹⁰⁴ Other than issues that relate to the two main dialects, there are no linguistic or religious cleavages that necessitate federation. Federation would be useful if some communities did not share certain values with the majority, but in Somalia there are no religious

¹⁰² Balthasar, Dominik, 2014. Somalia: Puntland's Presidential Poll & Election of Gaas Likely to Strengthen Moves Towards Federalism, in *allAfrica*, 22 January 2014, <http://allafrica.com/stories/201401230158.html?viewall=1> (accessed 201403-04).

¹⁰³ Ahmed Samatar's speech, "Prof. Samatar Waa in laga Baxo Afdubka Siyaasadeed Duopoly (Daarod & Hawiye)", available at <https://www.youtube.com/watch?v=3yJssNTKjU#t=266>

¹⁰⁴ Ali A. Hersi, "Democratic Devolution of Powers in Somalia: Administrative Decentralization or Federalism for Self-Destruction", *Somalia Online*, April 23, 2004, <http://www.somaliaonline.com/community/showthread.php/37273-AdministrativeDecentralization-or-Federalism-for-Self-Destruction>

or linguistic values that separate communities. The entire population is Muslim and Sunni, and almost all speak the Somali language and its different dialects, as evidenced by the national media outlets, which broadcast in both main dialects of May and Mahatiri.

3.4 Economic and Infrastructure Challenges

Competition among clan groups over access to and control over resources has been a key driver of the conflict in all parts of Somalia. Clashes over crop production, animal grazing and use of water points have been common. Negotiations over return of property and land are thus an integral part of achieving peace, but could also potentially further escalate conflict. The fundamental, most chronic form of resource conflict occurs between pastoralists and agriculturalists, and is exacerbated by water crises and environmental degradation and desertification.¹⁰⁵

The study brings to the realization that any serious effort at rebuilding the Somali economy under the federal constitution would require an acceptable state of peace and tranquility, and an effective national government to plan, coordinate, and distribute available funds to the regions. There is no such government in Somalia today. The Transitional Federal Government (TFG) has no budget, civil service, offices, or adequate security services to guarantee their own safety if they decide to move to the capital.¹⁰⁶ The foremost task facing the Somali people is to create a peaceful environment where the donor countries can be comfortable with. Economic development and reconstruction plans cannot be realized without massive infusion of funds from

¹⁰⁵ Hammond, Laura, 2013. Somalia rising: things are starting to change for the world's longest failed state, in *Journal of Eastern African Studies*, Vol. 7, No. 1, 183-193

¹⁰⁶ [http://www.africanews.com/2012/05/24/somalia-reconstruction-plans-cannot-be-realized-without-massive-infusion-of-funds-from-donors/](#)

overseas. Reconstruction funding similar to the US Marshall Plan for Western Europe after World War II is needed here after Somali reconciliation programs have succeeded.¹⁰⁷

For physical infrastructure (such as roads, other transport facilities, and power), the needs are immense. Limited maintenance and investment over the past 16 years has resulted in widespread deterioration of infrastructure. Although the severity of the situation differs from region to region, the infrastructure deficit increases the cost of doing business and causes isolation that in turn contributes to and sustains poverty. Improving access to markets by addressing rural isolation and rebuilding infrastructure generally is a key element in the poverty eradication strategy and is important for political and social integration.¹⁰⁸ All areas need improvements in infrastructure, but limitations on absorptive capacity and resources mean that not all infrastructure needs could feasibly be met within the five-year RDP period.

Moreover, the challenge of prioritizing and implementing infrastructure improvements is compounded by extremely weak or nonexistent institutional and implementation capacity and the depletion of human resources over the past two decades. In addition, to avoid the risk of exacerbating tensions and doubts regarding favoritism and geographic imbalance, the rehabilitation of infrastructure needs to follow strict and transparent selection criteria.¹⁰⁹ Lessons from other post conflict situations show that infrastructure investments will serve four main purposes in development and poverty reduction: first, they bring direct benefits by increasing access to basic human services such as education, health care, and water supply; second, by reducing production costs and providing access to markets they contribute to job creation; third,

¹⁰⁷ Marangio, Rosella, 2012. *The Somali Crisis: Failed State and International Interventions*, Istituto Affari Internazionali, IAI Working Papers 1215.

¹⁰⁸ Nussbaum, T., E. Zorbas and M. Koros (2012) "A New Deal for Engagement in Fragile States", *Conflict, Security & Development*, 12(5): 559-587

¹⁰⁹ Menkhaus, K. (2009) "Somalia: They Created a Desert and Called it Peace (Building)", *Review of African Political Economy* 36(120): 223-233.

if investment programs are well designed, they employ people directly in rehabilitation and maintenance programs; and fourth, by linking areas together, improving communication, and encouraging communities to work together for common goals, they play a key role in fostering reconciliation and deepening peace.¹¹⁰

Each of these four elements is desperately needed. Rehabilitating transport infrastructure will help re-establish the physical links destroyed by war, facilitate the strengthening of social links, and expand regional trade. The various reconstruction and development initiatives are closely interlinked, and increased security and demining will be critical preconditions to successful rehabilitation of roads. Success will require a clear policy environment, with the responsibilities of each level of government clearly delineated.¹¹¹ A key constraint to infrastructure network rehabilitation and expansion will be implementation and absorptive capacity.

The future and prosperity of the Somali people will be heavily influenced by the state structures that are established, and significant thought will need to be given to the further consolidation and development of the decentralized governance system, regardless of its political leaning, and the roles of Puntland and Somaliland. While there have been positive developments to this end over the past two years, any future governance system in Somalia will have to be viewed in the context of the legacy of state failure and existing structures that emphasize regional differences and localized power bases. Therefore, it is important to recognize that any reconstruction and development effort needs to look for solutions that are adaptable within the

¹¹⁰ Menkhaus, Ken, 2007. Governance without Government in Somalia: Spoilers, State Building and the Politics of Coping, in *International Security*, Vol. 31, No. 3, Winter 2006/07, 74-106.

¹¹¹ Andersen, L.R. (2012) "The Liberal Dilemmas of a People-Centred Approach to State-Building & Conflict," *Security & Development* 12(2): 103-12

Somali context.¹¹² During the years of state collapse, civil society and local traditional community structures have emerged as important social and political forces, playing roles in both peace and governance, and service delivery. A continued strong and vibrant civil society will be of vital importance, working in partnership with governance structures, for the development of the country.

The challenges confronting reconstruction and development efforts are many, especially in light of the vastly different situations in the various regions, decades of deterioration of infrastructure and the gap in access to services and income-earning opportunities, the sociological impact of decades of war and insecurity on an entire generation of young people. Nonetheless, valuable experience and lessons exist from the peace and reconciliation processes in Puntland and Somaliland. Puntland currently has a draft constitution, planned for popular ratification along with parliamentary elections in 2008-09, and the Somaliland constitution was ratified by popular vote in 2001.¹¹³

Adding to this challenge is the fact that years of conflict have left a mark on significant segments of the population, for whom transparent governance structures with a government accountable to the people through democratic processes is unfamiliar. Furthermore, the historical experience means that any future Somali government should probably adopt a largely liberal attitude, aiming for the decentralization of administrative power and service provision.¹¹⁴ The Charter largely recognizes these constraints and conditions, and the reconstruction and development priorities outlined here should also be viewed in this light.

¹¹² Mobekk, E. (2010) "Gender, Women and Security Sector Reform" *International Peacekeeping* 17(2): 278-291.

¹¹³ Jackson, P. (2011) "Security Sector Reform and State Building" *Third world quarterly* 32(10): 1803-1822: 1803

¹¹⁴ Ibid

3.5 Peace and Security Reforms Challenges

Peace and Security is very important for a society to thrive even so for a state to engineer itself to peace and reconstruction. It is necessary for rapid and sustained poverty-reducing economic development. For the situation in Somalia, a protracted conflict has weakened every other systemic structure that is vital for the employment of governance mechanisms set to bring forth peace and stability, such as federalism. The warlords and other conflict actors within and without Somalia are in the complex web of conflict dynamics in this Horn of Africa nation. These leaders of lawless gangs have proved to be a breed of power brokers who have in certain respects practically replaced the institutions of the collapsed state, and established their own centers of power and influence, and they are answerable to no one outside their own organization. These forces became a serious challenge to all efforts aimed at rebuilding the state and its institutions. This state of affairs has continued unabated for most part of ¹¹⁵over two decade following the ouster of Siyad Barre's regime in early 1991. ¹¹⁶

The establishment of peace and security, remains a critical challenge, and will be a key precondition for achieving effective and sustainable reconstruction and development in the nation. While international assistance is needed in this process, experience shows that peace and reconciliation can be achieved through locally driven governance institutions drawing on traditional power structures, and the involvement of civil society. The security situation in south-central Somalia remains unpredictably fluid and continues to give cause for concern calling for major SSR.¹¹⁷ In practice, the Security Sector Reform-SSR which is considered to be a development strategy that enhances security actor compatibility with democratic principles and

¹¹⁵ OECD, 2010. Peacebuilding and Statebuilding Priorities and Challenges. A Synthesis of Findings from Seven Multi-Stakeholder Consultations.

¹¹⁶ Menkhaus, Ken, 2007. Governance without Government in Somalia: Spoilers, State Building and the Politics of Coping, in *International Security*, Vol. 31, No. 3, Winter 2006/07, 74-106.

¹¹⁷ Interview, Security Analyst, Nairobi, June, 2015

human security¹¹⁸, has experienced various challenges such as lack of political will by the ruling class to reform or develop the process.¹¹⁹ In Somalia, corruption in the police and the judiciary has slowed the development of SSR. Correspondingly, the exclusion of local actors and civil society undermines local ownership of the process. The lack of success has also made it hard for those in the SSR practice to come up with best practices. A few cases available, have demonstrated limited success.

Unpacking SSR therefore calls for situating it within its origins and the wider discourses of democratization. Equally important, SSR is central to state building and it seeks to entrench Weberian form of state, a situation where security institutions reclaim the 'monopoly of coercive force'¹²⁰ The field findings from Somalia reflect this reality, where such armed groups as the al-Shabab continue to threaten the fragile peace and hinder the state from exercising coercive force. As a result, it has slowed down stabilization. The following map captures the current realities of Somalia. It highlights the Al Shabaab stronghold regions as per June 2013. In the recent past however, Al Shabaab have changed tactics and are no longer confined to specific regions.¹²¹ In Somalia, the development of Security Sector has been complex. AMISOM, which is in charge of mentoring the police and military, has to conduct PSO as well as train. Its focus is towards counterinsurgency as opposed to addressing the tenets of SSR. Counter-insurgency diverts attention away from 'democratic development approaches'¹²² While Al Shabaab is an

¹¹⁸ Boone, R. (2013) 'Assessing Security Sector Reform: Evaluating the Effectiveness of a Development Strategy Targeting Security Apparatuses Based on National Indicators' Duke Political Science Standard 8: 29.

¹¹⁹ Sedra, M. (2010) The Future of Security Sector Reform. Centre for International Governance Innovation (CIGI).

¹²⁰ Andersen, L.R. (2012) 'The Liberal Dilemmas of a People-Centred Approach to State-Building' Conflict, Security & Development 12(2): 103-121.

¹²¹ Interview, Somali Diaspora, Nairobi, June 15th 2015

¹²² Salahub, J.E. and K. Nerland (2010) 'Just Add Gender? Challenges to Meaningful Integration of Gender in SSR Policy and Practice' The Future of Security Sector Reform, Centre for International Governance Innovation (CIGI), 263-280

inescapable phenomenon, new strategies of addressing it are needed in order to rebuild the security sector.

Equally important is that SSR is normally conceptualized as a long-term process. For it to realize results, it needs around 10-15 years¹²³. Even the fastest countries to transition from fragility to functional resilient institutions have taken 15-30 years to do so. Evidence from the Somali plans reveals most of them seem to run till 2016-17; the plans target the expected 2016 elections. Available policy documents have shorter timelines than the others, not exceeding 5 years. Even the recent Somali Compact is expected to end in 2016.¹²⁴ This timeline is short for realizing SSR.

Continued proliferation of small arms from neighboring countries has made small-scale conflict more lethal and has strengthened the militarization of a society in which violence is the norm and guns an accepted form of conflict resolution. Lack of accountability creates a culture of impunity, which further exacerbates conflict.¹²⁵ This has been most acute in south-central Somalia. In Puntland, in fact, a general aversion to weapons is growing and large groups are voluntarily demobilizing. Somaliland has made big strides in demilitarizing its society through systematic demobilization, although disarmament lags behind and the small-arms market remains active. De-militarization is key in Somalia. The proliferation of all sorts of armaments had the effect of encouraging warfare among clans and sub-clans. Small-scale conflicts were turned into more lethal warfare. This further enhanced the militarization of society where violence became an accepted norm and guns became the means of dispute resolution. Somali

¹²³ Andersen, L.R. (2012) 'The Liberal Dilemmas of a People-Centred Approach to State-Building & Conflict', *Security & Development* 12(2): 103-121.

¹²⁴ Federal Government of Somalia, 2013a

¹²⁵ Ali A. Hersi, 'Democratic Devolution of Powers in Somalia: Administrative Decentralization or Federalism for Self-Destruction', *Somalia Online*, April 23, 2004, <http://www.somaliaonline.com/community/showthread.php/37273-AdministrativeDecentralization-or-Federalism-for-Self-Destruction>

government and communities should therefore try our best to ensure complete demilitarization of society. This task should be considered a top priority.

3.6 Demagoguery and Civic Education

Somali stakeholders emphasized the urgent need for reconciliation and placed particular focus on the grassroots and local level. Reconciliation is needed at all levels, from communities to regions to the entire nation. Previous experience suggests that reconciliation at one level is vulnerable to being undermined if it is not complemented by reconciliation at all levels.¹²⁶ At the regional and national level reconciliation is fundamentally a political process combining mediation and settlement of disputes both those that are underpinning conflict and those disputes that have arisen from or were aggravated by violent conflict. National dialogue and reconciliation, with an important role played by traditional and religious leaders and active participation by all stakeholders, remain critically important over the next five years, and are closely related to the constitutional process and progress on the democratization agenda.¹²⁷

A robust civic education campaign is needed. Federalism is deeply misunderstood. This is evidenced by the interviews conducted as most respondents, said they learned more about federalism during other presentations, research and discussions on federalism. Many admitted that demagoguery has overtaken reason and evidence based discourse. Even those who vigorously support it have their own interpretations, including the widely held view that it means total autonomy for their clans. Those who oppose federalism view it as a tool to divide Somalia and as an externally imposed arrangement. Both sides should be helped to understand the

¹²⁶ Menkhaus, Ken, 2014. Conflict analysis: Somalia, UNSOM.

¹²⁷ Interview, Field Analyst, June 2015.

nuanced and complex nature of federalism.¹²⁸ Despite significant support for a federal form of governance, the Somali people's understanding on the intricate and the nuanced nature of federalism remains extremely low. This highlights the need for a robust civic education campaign.

Somaliland's reconciliation experience where traditional leaders played a significant role and with the establishment of Guurti (house of elders) suggests that there is good potential for inclusive arbitration and reconciliation initiatives that are adapted to the Somali culture, stakeholders suggested that Guurti could possibly be developed and used nationally. The involvement of civil society with adequate representation of women in reconciliation effort in all areas and at all levels will promote conflict resolution and enhance peace building. The South African type Truth Commission initiatives could be considered to address protracted disputes and past crimes to discourage impunity.¹²⁹

3.7 Rule of Law and State Structures and Processes

The future and prosperity of the Somali people will be heavily influenced by the state structures that are established, and significant thought will need to be given to the further consolidation and development of the decentralized governance system, regardless of its political leaning, and the roles of Puntland and Somaliland. While there have been positive developments to this end over the past two years, any future governance system in Somalia will have to be viewed in the context of the legacy of state failure and existing structures that emphasize regional differences and localized power bases. Therefore, it is important to recognize that any reconstruction and

¹²⁸ Interview, Somali Diaspora, Nairobi, June 2014

¹²⁹ Kaplan, Seth, 2009. Rethinking State-building in a Failed State, in *The Washington Quarterly*, Vol. 33, No. 1, 81-97.

development effort needs to look for solutions that are adaptable within the Somali context. During the years of state collapse, civil society and local traditional community structures have emerged as important social and political forces, playing roles in both peace and governance, and service delivery.¹³⁰ A continued strong and vibrant civil society will be of vital importance, working in partnership with governance structures, for the development of the country.

Despite the collapse of the state, there has not been a total lack of judicial function. Legal pluralism is a key feature of the rule of law in Somalia, with three sources of law: traditional customary law (xeer); shariʿa law grounded in Islam; and formal secular law based on colonial and post independent developments. The vision for deepening the rule of law and increasing access to justice is a coordinated justice system, accessible to all, making use of the strengths of the three existing mechanisms currently operating under traditional, religious, and secular systems.¹³¹ The need to delineate the jurisdictions of customary and Islamic versus formal secular court systems, also affecting integration and management of the police, prisons, and prosecution services, is one of the major challenges facing the new administration.

A major constraint to the resolution of land disputes is the lack of comprehensive survey data and records of land tenure, particularly in south-central Somalia, where the immediate post conflict period will be a critical time for both current inhabitants and returnees to establish their land rights, on both urban and rural land, as security of tenure is critical for renewed investment. Without legal ownership and protection, many people could lose access to their land and thus their livelihoods and residences, or both. Recent work suggests that an immediate priority is to establish and facilitate the proper functioning of the Land and Property Disputes Commission,

¹³⁰ Marangio, Rosella, 2012. *The Somali Crisis: Failed State and International Interventions*, Istituto Affari Internazionali, IAI Working Papers 1215.

¹³¹ IRIN, 2013. Briefing: Somalia, federalism and Jubaland. 16 April 2013, <http://www.irinnews.org/report/97860/briefing-somalia-federalism-and-jubaland>, (accessed 2014-03-27).

which could define land use policies and arbitrate difficult cases. Again, Somaliland has made substantial progress in its efforts to resolve land titling disputes, which could provide a valuable model for other areas.¹³²

According to an interview, the Somali were keener on traditional forms of justice than the formal ones. Despite the existence of the District courts in South Central Somalia, many people were skeptical at the kind of justice being dispensed by these courts. They claimed that the courts were corrupt.¹³³ The majority of the people, instead, preferred traditional or religious mechanisms. However, the traditional and religious courts were not favorable in tackling gender and women related cases. The current reform process seeks to address these gaps.¹³⁴

3.8 Internal and External Forces

The international community (donors, IGOs and NGOs) has also been actively supporting decentralization in Somalia. This has not been received well as most Somalis who do not fully understand the system of federalism may sideline it as a western idea and therefore fight it on that ground. For the international community, decentralization is generally considered a good governance practice. The International Financial Institutions (IFIs) and most of aid donors encourage developing countries to decentralize the government's administrative, political, and fiscal powers, shifting them to local entities. Decentralization is also considered by the international community to be the most convenient mechanism by which to stabilize post-conflict countries.

¹³² Bereketeab, Redie, 2011. Rethinking State-building in the Horn of Africa: Challenges of Striking a Balance between Traditional and Modern Institutions, in African Studies, Vol. 70, No. 3, 376-392.

¹³³ Interview, Somali Non Governmental Organization, Nairobi, June 2015

¹³⁴ Federal Government Somalia ,2013a

Still even as it is recommended as a solution to Somali, many aspects have not been considered such as organic solution in it and a practical timeline for maturation. As Cheema and Rondinelli write: "the International Monetary Fund, the World Bank, and other international development organizations prescribed decentralization as a part of structural adjustments needed to restore markets, create or strengthen democracy, and good governance."¹³⁵ The international community, driven by empowerment and efficiency narratives, has been an important driving force pushing for decentralization reforms. Since the Somali state collapsed in 1991, the international community has been in the driver's seat, and has at times supported Ethiopian and Kenyan agendas.¹³⁶ This has brought further resistance from the Somali based militia and terrorists deteriorating the process of implementing federalism due to detraction of economies, displacement of many Somalis and constant fighting.

External actors, both regional and international, have had significant effects inside the country. Somali politicians of different clans have worked to align their clan, personal and political interests to those of the external actors, particularly Ethiopia and Kenya. The Jubba administration, the initiatives in Central Somalia, Hiran-Shabelle regions, and the two Baidoa conferences (organized by group of Digil and Mirifle clan politicians) have all tried to get support from their neighbors.¹³⁷ As indicated earlier, Given the local, regional, and international contexts, data collected from various respondents – despite the lack of public opinion survey – suggest strong domestic support for decentralization. Trust-deficit among Somali communities, suspicion of a strong authoritarian and central state, desire for political participation, demand for

¹³⁵ G. Shabbir Cheema and Dennis A. Rondinelli, "From Government Decentralization to Decentralized Governance," in Cheema and Rondinelli (eds.) *Decentralized Governance: Emerging Concepts and Practices* (Harvard University, 2007), p.4.

¹³⁶ Afyare Elmi "Decentralization Options for Somalia," Heritage Institute for Policy Studies, Mogadishu, http://www.heritageinstitute.org/wpcontent/uploads/2014/01/Decentralization_Options_for_Somalia-ENGLISH.pdf

¹³⁷ Ibid

services at the local level, and fairness in sharing resources have all been given as rationales for the country's centrifugal tendencies. However, the form of such a decentralized system

3.9 Other Challenges

Geographical considerations seem to have little but key challenges to federalism. The small size of Somalia means its geography does not necessitate federation. Moreover, the country is poor and cannot afford to run multiple levels of administration. As Mohamud Mohamed Yahye put it, "How can a penniless country, like Somalia, which has been undergoing a seemingly endless civil war in the past 17 years, and whose governmental institutions have all been destroyed, afford to run such a bloated and huge administrative structure? It baffles me even to contemplate its possible occurrence!"¹³⁸ It is a sentiment shared by Ali A. Hersi who has said "There is hardly any part of this country that can stand by itself as a viable federal unit."¹³⁹ These observations are solid, and accurately grasp the measure of the situation in Somalia. Take, for example, the four ports – Mogadishu, Kismayo, Bosaso and Berbara – which are the main sources of revenue for different administrations. These are far from being sufficient to meet the needs of any level of government, and were not built by the regions that are claiming exclusive ownership of these ports. Rather, they are some of the infrastructure left behind by the national government.

Implementing a federation could, moreover, serve to divide the country. This is because it would first require that Somalia be broken down into a set number of regional states. The various proposals (eighteen, eight, six, five, four, three, and two) are self-serving, and tend to be gerrymandered by neighboring countries and clan elites working to establish dominance over the

¹³⁸ Richard Dowden, "Don't Force Statehood on Somalia," African Arguments (October 20, 2011), available at <http://africanarguments.org/2011/10/20/don%E2%80%99t-forcestatehood-on-somalia-by-richard-dowden/>

¹³⁹ Ali A. Hersi, "Democratic Devolution of Powers in Somalia: Administrative Decentralization or Federalism for Self-Destruction," op cit.,

country. Ahmed Samatar has warned against the dangers of adopting federalism, arguing that it would be very difficult to “establish] legitimate provinces.”¹⁴⁰ Hersi has also called federalism and the 4.5 formula, “two political viruses.”¹⁴¹ Abdirizak H. Hussein, writing for the Hiil Qaran Party, came to a similar conclusion, arguing that federalism was the wrong prescription for Somalia, and more in the interest of external actors than the nation’s peoples.¹⁴² So, while in name Somalia has been a “federal state” since 2004, any practical implementation of this structure has been elusive. This is hardly surprising, since federalism has rarely succeeded in Africa, and particularly in East Africa.

3.10 Chapter Summary

This chapter has discussed the existing challenges and opportunities of the federal political structure for Somalia. A great deal of work has been done in drafting the constitution, electing a new president and appointing a new government, but there is more work ahead not only for Somalia’s leadership but also for the entire citizenry as well as the friends of Somalia, regionally and internationally. There is dire need for organic solutions and practicality in solutions offered. The next chapter will discuss the strategies and measures that can be used to implement and achieve a full maturation of federation.

¹⁴⁰ Ahmed I. Samatar, “The Porcupine Dilemma: Governance and Transition in Somalia,” *Bildhaan*, vol. 7 (2007), p.83

¹⁴¹ Ali A. Hersi, “Democratic Devolution of Powers in Somalia: Administrative Decentralization or Federalism for Self-Destruction,” *op cit*.

¹⁴² Abdirazak Haji Hussein, “The Future Constitutional Structure of the Somali Republic: Federal or Decentralized Unitary State?” *Hiiraan Online*, April 2011, http://www.hiiraan.com/op2/2011/apr/the_future_constitutional_structure_of_the_somali_republic_federal_or_decentralized_unitary_state.aspx

CHAPTER FOUR

ACHIEVING EFFECTIVE FEDERALISM FOR PEACE AND RECONSTRUCTION IN SOMALIA

4.1 Introduction

Somalia may not get far with its current vague and snail-paced approach to the formation of Federal States. There are serious obstacles to the formation of Federal States in some of the regions. These obstacles can only contribute to the disintegration of the country. The country has several options to move forward. The options are not exhaustive but are meant to highlight some of the problems and challenges posed by the different approaches.¹⁴³ This part of the study explores the different ways that the Somali government, its citizens and with the help of its external partners, can adopt in order to accomplish the set principles in the federal system for the peace and prosperity of the nation-state of Somalia

4.2 Learning from Others: UAE Style Federal System

The UAE Federation is the most successful clan-based federal system unless the Swiss cantons as a grouping of clans are considered. Seven emirates ruled by different Sheikhs and populated by distinct or distantly related clans joined to form a modern country that shares important matters such as defense, foreign affairs, education and monetary policy.¹⁴⁴ Each Emirate has its own police force and maintains its local government. Each emirate owns its own resources but contributes to the Federal budget. Somalia shares a lot with the UAE such as religion, certain

¹⁴³ Mohammed, M. (2012, June 1). Somali tribal leaders face a crucial test to complete transitional tasks. Retrieved from http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/06/01/feature-01

¹⁴⁴ Hassan, Y. (2014, November 21). Changing Prime Minister once a year will not benefit Somalia's future. Retrieved from <http://africanarguments.org/2014/11/21/changing-prime-ministers-once-a-year-will-not-benefit-somalias-future-by-yusuf-m-hassan/>

cultures, keenness of kinship, camels, horses and both have a history of a vibrant piracy industry along their shores.¹⁴⁵

Unlike the UAE however, Somalia lacks powerful sheikdoms capable of providing leadership for their clans. In Somalia, the same clan may have more than one Sheikh. Although this could probably be mitigated by forming a Sheikhdom council for each clan which could elect a main Sheikh on a revolving basis, the individualistic and egalitarian nature of the Somalis would probably make that hard to achieve.

Unlike the UAE, Somalia also lacks a visionary leader like the late Sheikh Zayed who was instrumental in uniting the seven emirates and transforming them into a modern State that sports art museums at par with the French Louvre, medical cities that will rival the best in the West, and a futuristic city that will exclusively be powered by renewable energy sources. Despite all the progress achieved by the UAE, it also strives to maintain its past by preserving its culture in compliance with the famous Quote of Sheikh Zayed "A Nation without a past is a nation without a present or a future".¹⁴⁶ Unlike the UAE, Somalia allowed its history to fade. Its schools use various syllabi borrowed from foreign countries and can hardly find a syllabus that incorporates the history of its illustrious past that goes back to the times of the Pharaohs. Famous historical sites such as Zayla, Mogadishu, Merca , Eyl, Taleh and Barawa were either looted in the civil war or fell into disrepair. However, clan-based States can magnify conflicts over boundaries and resources thus the need to carefully consider that.¹⁴⁷

¹⁴⁵ Interpeace (2010, November). Pillars of Peace Somali Programme. Retrieved from <http://www.interpeace.org/publications/somali-region/220-pillars-of-peace-somali-programme-english/file>

¹⁴⁶ Lyons, Terrence, and Ahmed I. Samatar, State Collapse. Multilateral Intervention, and Strategies for Political Reconstruction, the Brookings Institution, Washington, D.C., 1995.

¹⁴⁷ Chitiyo, K., & Rader, A. (2012, April). Somalia 2012: Ending the Transition? Retrieved from http://www.thebrenthurstfoundation.org/files/brenthurst_commissioned_reports/Brenthurst-paper-201204-Somalia-2012-Ending-the-Transition.pdf

The South-West and Jubaland States cut across clan lines and are populated by more than one unrelated clans. Another Federal State in the making is the Central State which can potentially unite the old regions of Mudug and Galgudud, and bring together different Somali clans that have more in common than their related clans in remote areas such as Bosasso and Banadir. A dream State would bring together what is left of Puntland after Mudug joins the Central State, Awdal, Khatumo, Makhir and a restructured Somaliland.¹⁴⁸ Such a State could be the California of Somalia and play a leading role in Somali politics. It can also end the on-going conflict in these regions over resources and imaginary borders inherited from colonial periods.

As long as Somaliland clings to defunct and imaginary colonial borders and tries to force other clans to join its impractical separatist agenda by force, and as long as Puntland claims the Khatumo State regions by virtue of kinship, it will be difficult for Somalia to achieve stability and unity. Somaliland faces a new challenge in the recent Awdal uprising which has been in the making for a long time because of inequitable resource sharing and differences over Somali Unity. Most of the Southern regions seem to be heading in the direction of a Federal System that cuts across clan lines . Only Puntland and Somaliland may oppose adopting such an approach. Unfortunately, the current leaders in these two self-declared enclaves may not have the leadership qualities of Sheikh Zayed, an un-educated Bedouin, who managed to unite the seven emirates with his vision and wisdom.¹⁴⁹

If Somaliland renounces its separatist stand, autonomous states including a restructured Somaliland State, Khatumo State including Makhir, and Awdal State can form a federal state that can collectively renegotiate the ACT of Union with a single federal state that incorporates all the

¹⁴⁸ Raxanreeb.com (2014). Vision 2016 Framework for Action. Retrieved from www.raxanreeb.com/wp-content/uploads/2016/01/Vision_2016_-_Framework_for_Action.docx

¹⁴⁹ Mohammed, M. (2012, June 1). Somali tribal leaders face a crucial test to complete transitional tasks. Retrieved from http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/06/01/feature-01

autonomous states in the South. This approach can satisfy some of the demands of Somaliland for autonomy and address most of the grievances it has against the center. It can also assure the different non-separatist clans in the North of an equitable share of resources and political power.¹⁵⁰

Again, this approach faces a lot of hurdles given the intransigence of the current Somaliland leaders and the deep-rooted feelings of the Somaliland population of being wronged by the South. There is also the mistrust that Somaliland has created among the unionist clans in the North over the last two decades by their actions.

These actions include the forced occupation of some cities in unionist regions, the murder of more than 300 nomads in the kalshale conflict, the current mobilization of large armies to invade Awdal, and the labeling of certain clans as minorities in talk shows. All these actions contributed heavily to the perpetuation of such mistrust. However, all of this can be overcome with reconciliation and willingness to negotiate in good faith.

4.3 Partnership with the International Community

In order to prevent Somalia from sliding from fragility to fragmentation, its international partners may contemplate strengthening the central administration vis-à-vis the federal member states, and supporting a just process by which federal policies are established. In part, this could be done by helping the FGS to institutionalize the process that underpins the formation of federal member states, and bolstering the Boundaries and Federation Commission that the Provisional Constitution tasked the FGS to create. This could be achieved by making it clear that

¹⁵⁰ Interpeace (2010, November). Pillars of Peace Somali Programme. Retrieved from <http://www.interpeace.org/publications/somali-region/220-pillars-of-peace-somali-programme-english/file>

international development funding to regional administrations will hinge on their prior approval by the FGS. Moreover, the international community needs to ensure that its support towards Somalia's national process of federalization does not fuel internal conflict.¹⁵¹

One possibility to achieve this objective lies in adopting a flexible process that provides the FGS with sufficient room for political maneuver, and hands ownership over the state-making process to the Somali people. Consequently, all donors should strongly adhere to the Somali Compact, as it continues to be the most suitable framework to assist the FGS in rebuilding basic and durable state functions.¹⁵² Even though the Somali Compact is not the silver bullet that will turn the long-time failed state of Somalia into a stellar democracy, its principle tenets constitute an important step in reconstructing Somalia – not least by coordinating its international supporters. More challenging, but of even greater importance, is the unification of the Somali people.

For its part, the EU, in addition to its already significant contribution to the country's security sector, might also consider the possibility of providing support for the establishment and promoting national political parties. Genuine political parties with convincing party programmes and an active followership that extends beyond a handful of Mogadishu-based politicians could prove to be valuable vehicles in attempts to transcend the sub-national purview of political entities, overcome age-old clan-based disputes, and provide viable platforms for national dialogue. Ultimately, a democratic trajectory for Somalia will be hard to achieve in the absence of both a unified national constituency and effective political parties. Not entirely unexpectedly, the advancement of Somalia's federal agenda has proved to be a contentious process. The

¹⁵¹ "Decentralization options for Somalia" by Dr. Afyare Elmi. February 2014. http://www.heritageinstitute.org/wp-content/uploads/2014/01/Decentralization_Options_for_Somalia-ENGLISH.pdf

¹⁵² Ibid

resulting fragmentation the country has experienced, particularly in recent months, risks perpetuating and even exacerbating its fragility. In order to move forward constructively and overcome political instability, the country needs to start building institutions and identities that span regional and clan divides. Only then will Somalia stand a chance to achieve the Vision 2016 that the FGS devised last September.

4.4 Transforming the Army in Somali

The first stated strategic goal of the administration is the formation of federal member states. As such key activities will include political outreach and consultation to promote ownership in the proposed plan.¹⁵³ Rebuilding the army will require a collaborative effort from each of the newly formed federal member states. Therefore, the Prime Minister should work closely with the Ministry of Interior and Federalism to incorporate rebuilding the Army as part of the national strategic plan. Establishing an effective and sustainable military force will require resources and personnel, from each federal member state.

The Prime Minister should also work collaboratively with General Dahir Adan Elmi who was appointed commander-in-chief of the Somali National Army in March of 2013. The focus of such conversation should be ascertaining areas of greatest need for the current national military. According to a recent interview General Elmi stressed the importance of more personnel, heavy armaments including tanks, aircraft, receptacles, and additional artillery, which require significant funding.¹⁵⁴ Although there is currently assistance with military salaries, weapons, and training from international allies this is a short-term stop gap. The Prime Minister working

¹⁵³Raxanreeb (2014). Vision 2016 Framework for Action. Retrieved from www.raxanreeb.com/wp-content/uploads/2014/02/Vision_2016_Framework_for_Action.docx

¹⁵⁴ Sabahi. (2014, February 20). Somali National Army commander: Reviving army will take time. Retrieved from http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/02/20/feature-01

closely with General Elmi must devise economic strategies permitting Somalia to maintain military efficacy. Especially as the African and European Union, the United States, and Turkey begin the diminution of support.¹⁵⁵ President Hassan recently praised the military defeat of Al-Shabaab, attributing it to concerted efforts of the Somali National Army and the African Union Mission to Somalia (AMISOM). However, there is still approximately 30-40% of Somalia that remains under the reign of Al-Shabaab.¹⁵⁶

The collaborative efforts of the National Army working with AMISOM to remove al-Shabaab from the remaining areas of Somalia are also needed. However, there should also be efforts made to educate Somalis about why ongoing support of al-Shabaab is destructive for Somalia national sustainability. Specifically, it is important to stress the fact that the group rejects all forms of governance other than shari'a or Islamic law. The citizens need to understand that in order for the continuation of international ally support and the emergent economic solvency to continue the present governance must remain intact.¹⁵⁷ Also, there needs to be an understanding that al-Shabaab desires to have Somalia become a safe-haven for criminals, absconding from their country. Should Somalia become such a safe-haven it would put every citizen in constant danger.

4.5 Reconstruction the economic and banking system

Somalia's economic affluence and the welfare of the banking system will require the maintenance of global partnerships. As such the incoming Prime Minister must work closely

¹⁵⁵ Ibid

¹⁵⁶ United Nations Assistance Mission in Somalia. (2014, December 16). Speech by President Hassan Sheikh Mohamud: Implementing Vision 2016: Inclusive Politics in Action. Retrieved from <http://unsom.unmissions.org/Default.aspx?tabid=6262&ctl=Details&mid=9770&ItemID=31657&language=en-US>

¹⁵⁷ Anti-Defamation League. (2013). Terrorism. Retrieved from http://archive.adl.org/terrorism/symbols/al_shabaab.html

with the government to ensure an unending relationship with the World Bank. The World Bank recently administered a multi-partner fund for Somalia, which will finance emergency expenditures. Additionally, Mogadishu's federal institutions now have salaries and operating support from the Recurrent Cost and Reform Financing project. As part of the New Deal for Somalia there is a two year plan that has a strategic focus on transitioning international engagement from aid to equitable partnerships, with shared accountability. Such accountability for Somalia, national, and international stakeholders includes achievement of predetermined milestones.¹⁵⁸

One of the long-term strategies for financing Somalia's economic infrastructure is the establishment of the Multi-Partner Fund (MPF). Use of such funding will be facilitated by the International Development Association (IDA). Subsequently there will be coordinated efforts with government, donors, and international agencies within the framework of the new Somalia Development and Reconstruction Facility (SDRF). The current MPF is proposed for approximately ten years from January 2014- December 2023.¹⁵⁹ The MPF financing is most effectively invested through a multi-faceted methodology. Such an approach should be advocated for by the Government and especially the incoming Prime Minister. One of the central investment needs is the creation of habitable living milieus. This is because while focusing on job creation in places like Mogadishu is important, prospective employees need a livable environment. This includes solid waste management, efficient water and sanitation systems, and the advancement of local road systems.

¹⁵⁸ The World Bank. (2014, October 27). The World Bank Group in Somalia: Helping to Rebuild State Institutions Piece by Piece. Retrieved from <http://www.worldbank.org/en/news/feature/2014/10/27/the-world-bank-group-in-somalia-helping-to-rebuild-state-institutions-piece-by-piece>

¹⁵⁹ The World Bank. (2013, November 7). Establishment of a programmatic multi-partner fund for Somalia. Retrieved from <http://documents.worldbank.org/curated/en/2013/11/18550708/establishment-programmatic-multi-partner-fund-somalia>

Once there are livable communal areas and revitalized infrastructure, then job creation becomes more sustainable. One of the targeted populations requiring such job creation is the youth. Therefore the Prime Minister should advocate for bank partnerships with community job creation initiatives. Renewable energy as a prominent sector should be a key area of training and employment opportunities. One previous initiative which could be referenced is the Tsunami Livelihood Recovery Project. This project targeted fishing groups along the Puntland's coast, with capacity building and basic tools.¹⁶⁰

Economically the livestock export sector sustains Somali's livelihood. According to some reports, sixty percent of the population relies on income generated from livestock for their livelihood. Also the bank is partnering with the Food and Agricultural Organization of the United Nations to develop policy, and infrastructure initiatives for sustainable sector growth. Further, the Information and Communication technologies sector provides a viable platform for employment opportunities and enhanced connectivity for increased sector investments.¹⁶¹

The incoming Prime Minister should facilitate initiatives to increase private sector development. Currently the Bank is affianced with the private sector in Somaliland; however such efforts have not yet spread to other areas. Incremental support through the MPF should continue to produce an environment conducive to business environments. Also public-private partnerships should take place in key sectors such as ports. Finally, there should be the ongoing facilitation of grant initiatives to stimulate auxiliary investment.

¹⁶⁰ Ibid

¹⁶¹ Ibid

4.6 Education and Literacy

There is a government campaign to recruit one million additional children into schools. This Go 2 School initiative began in the capital of Mogadishu and also in the cities of Somaliland and Puntland. The UN children's agency UNICEF is currently supporting the program with a cost of eleven million dollars. There is need to continue to find ways to fund such a program as currently school enrollment rates are the lowest globally. In the south and central areas of Somalia there are currently only one in three youth in school. Even Somalia's Education Minister Maryam Qasim recognized the importance of education to reverse the generational destruction of youth through war and violence. This focus of educating youth persists despite efforts by militant leader Al-Shabab to engage in attacks and suicide bombings.¹⁶²

One primary reason that the government needs to have education as a top priority, is that it will deter children from joining extreme militant groups. Somalia's former Prime Minister, Abdi Farah Shirdon, stressed that education would be a top priority along with defense and security.¹⁶³ The incoming Prime Minister needs to take up the torch and follow through with actions, specifically legislative action, supporting educational advancement. In 1991 war and civil conflict in Somalia resulted in significant destruction to Somalia's national educational system. As a result school infrastructures were destroyed leaving children without sufficient learning facilities. Additionally there have been an insufficient number of teachers, workbooks, standardized prospectus, and gender matriculation incongruence.¹⁶⁴

¹⁶² BBC News Africa. (2013, September 8). Somalia aims to get a million more children into school. Retrieved from <http://www.bbc.com/news/world-africa-24010086>

¹⁶³ BBC News Africa. (2013, September 8). Somalia aims to get a million more children into school. Retrieved from <http://www.bbc.com/news/world-africa-24010086>

¹⁶⁴ Safe. (2014). Somali and American Fund for Education. Retrieved from <http://safeeducation.org/>

With substantial illiteracy rates, the economic capacity of a community is adversely impacted. Areas like the south and central zones of Somalia are areas of extremely high illiteracy. Statistically in those areas there are approximately 1.8 million youth who are not receiving educational services. Another effective strategy for comprehensive educational reform is distance education and literacy. The UNESCO Institute published information on distance learning projects that are currently underway in Somalia. The educational curriculum is designed according to the Somali and Arabic language.¹⁶⁵

As previously mentioned Somali has had serious armed conflict over the years. Civil warfare has adversely impacted the existent school systems. Subsequently young people have been able to remain in schools due to insufficient security. For the majority of the decade (2000-2007) beginning in 2000 less than 25 percent of youth had access to primary education. Also, there was an enrollment rate of approximately 6 percent for youth of secondary education. Therefore the Prime Minister and the executive branch need to find systemic methodologies to address some of these conflict-engendered issues. Such issues have resulted in low access to primary and secondary education. For those youth that may have aged out of formal schooling, long distance education may provide that missed opportunity. It is important that such an educational model not endanger their safekeeping or income.¹⁶⁶

4.6 Creation Employment to Subdue Grievances

When examining job creation and subsequent solutions administration focus should be on the youth. Since currently more than 50 percent of Somali's population is under 18 years of age.

¹⁶⁵ UNESCO Institute for Higher Learning. (2014). Somali Distance Education and Literacy. Retrieved from <http://www.unesco.org/ui/litbase/?menu=4&programme=100>

¹⁶⁶ (UNESCO Institute for Higher Learning. (2014). Somali Distance Education and Literacy. Retrieved from <http://www.unesco.org/ui/litbase/?menu=4&programme=100>

The majority of the youth population was born following the overthrow of Siad Barre (1991). The significance of this is the fact that following Barre's overthrow Somalia experienced a significant period of mayhem.¹⁶⁷

In seeking to establish a new culture with a central focus on democracy, youth employment is critical to that process. Although the administration has consistently sought to present a post-terrorist and inclusive culture youth employment must intimately be part of that strategy. According to a United Nations Development Program report there are some telling statistics. The report affirms the fact that Somalis that are under 30 years of age constitute approximately 70% of the country. However, the majority are considering relocating from Somalia. The economic impact of such a move would be detrimental to the country.¹⁶⁸

When there is two thirds of the population unemployed and unemployment rates for Somalia youth are at sixty seven percent, strategic initiatives must be quickly implemented to address such issues. Not only does such alienation and un-productivity discourage youth it also fosters greater probability of extremism and criminal activities. Therefore, the objective of the current administration should be the mitigation of the issue at a systemic level.

One viable partnership is the engagement of the private and corporate sectors. The incoming Prime minister should continue fostering relationships with organizations like Sida. This is the Swedish International development corporation. Sida's current focus has been the strengthening of national infrastructure and financial systems. This is viewed as critical preliminary work in the establishment of job and economic initiatives. By creating a viable platform that promotes public and private partnerships fair trade becomes more feasible. This in

¹⁶⁷ The Guardian. (2014). Somalia's lost generation: why youth employment is key to stability. Retrieved from <http://www.theguardian.com/sustainable-business/somalia-lost-generation-youth-unemployment-stability>

¹⁶⁸ Ibid

turn creates jobs within the private sector. In 2013, Sida established a strategic initiative that had a multi-faceted approach to strengthening the democracy, enhancing human rights, and improving job opportunities.¹⁶⁹

Another strategic partnership for job Growth is the Africa Enterprise Challenge Fund (AECF). The objective of this fund is to establish equitable opportunities for increasing rural incomes by establishing markets for products and services that address the needs of the rural poor including the youth. Perhaps the incoming prime minister can propose the investing of AECF funding into joint-initiatives with companies like Volvo, Scania, and Sida. Currently those companies are already creating vocational school opportunities in countries such as Ethiopia. They are already targeting countries like Liberia, Mozambique and DR Congo to create similar training opportunities.¹⁷⁰

With the combination of pro-employment policies, finance, venture capital, and public work schemes job rates will increase. The benefits will extend beyond job creation; it will lead to decreased violence, sustainable city expansion, and equitable alternatives for youth (The Guardian, 2014). Although youth should be a primary focus of job development opportunities infrastructure development will lead to comprehensive job opportunities.

4.7 Peace and Security Initiatives

The security in Somalia is fundamentally threatened due to ideological differences between dissimilar parties. Additionally since Somalia is located between the African and Arab continents it creates a breeding ground for extremists. Even with the emergent destruction of Al-Shabaab

¹⁶⁹ Sida. (2014, May 23). Our Work in Somalia. Retrieved from <http://www.sida.se/English/where-we-work/Africa/Somalia/Our-work-in-Somalia/>

¹⁷⁰The Guardian. (2014). Somalia's lost generation: why youth employment is key to stability. Retrieved from <http://www.theguardian.com/sustainable-business/somalia-lost-generation-youth-unemployment-stability>

there are other extremist organizations that will inevitably fill the void. Therefore part of the role of the incoming Prime Minister is the establishment of cultural and communal messages stressing unification. Where there are significant and diverse ideologies the shared message of mutual trust and respect must be preached. As such political reconciliation must be part of the strategy for mending old wounds from politically divergent groups.

Additionally, Somalia has proposed structural advancements with the formation of an Inter-Regional Consultative forum and also the Inter-State Commission (ISC). The ISC will offer a primary platform for ongoing dialogue and negotiations between the Federal Government and newly established Member States (raxanreeb.com, 2014). However in the interim period, the Prime Minister should work collaboratively with the Ministry of Interior and Federalism, ad interim, in the establishment of an Inter-Regional Consultative Forum (IRCF). This will begin the process of building trust and working collaboratively to increase security measures.¹⁷¹

In addition to the formation of IRCF and constructive dialogue, there needs to be an analysis of recommendations by the United Nations Security Council. As such piracy and robbery at sea by Somali pirates must be condemned both internationally and by the Somali administration. Such actions are counterproductive to the stability of the Somalia. Therefore the Somali government needs to be the leader in initiating counter-piracy measures. This will send a message of Somalia's intention to support global anti-piracy initiatives.¹⁷²

Part of the strategic plan must be the existence of a substantial military presence, to ensure the various borders are safe. This will also ensure that trade coming through the harbor is safe including imports and exports. Within the scope of understanding piracy, economic and

¹⁷¹ raxanreeb.com. (2014). Vision 2016 Framework for Action. Retrieved from www.raxanreeb.com/wp-content/uploads/2014/07/Vision_2016_-_Framework_for_Action.docx

¹⁷² UN News Centre. (2014, November 12). Somalia: Security Council urges Member States to strengthen efforts against piracy. Retrieved from <http://www.un.org/apps/news/story.asp?NewsID=49319#.VJM8ySvF91Y>

ideological factors are significant. Therefore as economic needs are addressed the ability to repress piracy becomes more manageable.

The value of a border protection by the Somali National army and other international partners is the reduction of instability as well as criminal activity. Such actions are supported by Chapter VII of the UN charter which prohibits piracy and enables necessary enforcement measures. The Prime Minister can actively support counter-piracy forces by establishing methods of communicating areas where preliminary piracy activity takes place. Subsequently the various Inter-State bodies can work collaboratively to seize and dispose of boats, vessels, arms, and other necessary equipment. The significant global impact of piracy can be more accurately understood by analyzing a 2014 report from the UN Office on Drugs and Crime (UNODC). It estimates approximately 80-90 hostages held captive as a result of piracy activity. Associated costs of piracy globally are approximately eighteen billion dollars per year. Such costs are related to mounting trade costs, minimal tourist activity, and fishing yields.¹⁷³

4.8 Sustainable Clan Unity

Long-term tribal unity will require a concerted effort on the part of the Government to engage all key stakeholders in Somalia. Although the long-term goal is the formation of Federal Member States and an Inter-Regional Consultative Forum, there are preliminary steps. One preliminary step is the active engagement of local tribal leaders. Within the past few years approximately one hundred and thirty five tribal leaders have been given the task of assisting with the transitional process. That process includes the selection of eight hundred and twenty five members that will constitute the National Constituent Assembly. This National Assembly will represent every

¹⁷³ Ibid

sector of Somalia's society. The second task is the appointment of two hundred and twenty five members to the newly formed parliament.¹⁷⁴

Many of those preliminary steps have already occurred, in addition to the election of a new President. However, the tribal leaders will still be a critical cog in the system that enables past disputes to be resolved and mitigate potential violent acts. There is already an established level of trust as Tribal leaders are viewed with respect and trust among the tribes. The Istanbul conference needs to be viewed as a futuristic blueprint for engaging constituents from international, regional, and local levels. Specifically at the local level Somalia's stakeholders include religious leader, civil servants, and expatriates.¹⁷⁵

Moving forward even if there are only national conferences (with various levels of Somali representation) it will foster collaborative engagement. Tribal unity is not a one-time process; rather it is about building a bridge of continued engagement. It is an opportunity for those who are in political and legislative positions of authority to understand the pertinent issues affecting local tribes.

4.9 Federalism Jurisdictions and States Responsibility

There are fundamental assumptions and principles that guide government actions. According to Article 3 of the Provisional Constitution there is a belief in shared power. This means that at the federal, state, and local levels there should not be abuse of power. This

¹⁷⁴ Mohammed, M. (2012, June 1). Somali tribal leaders face a crucial test to complete transitional tasks. Retrieved from http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/06/01/feature-01

¹⁷⁵ Ibid

fundamental process is only enforced as each citizen and constituent has a significant voice in the process of governance.¹⁷⁶

Within the same Article (3), there is a stated understanding that the constitution of the Federal Republic of Somalia is founded on the principles of the Holy Quran and the Sunna of the prophet Mohammed. Social justice is described as a central focus requiring subsequent action. Also, at every level of Government the Federal Republic of Somalia is concerned with human rights, international law, justice, and inclusive government. In addition it is important that there be acknowledgement of separation of powers including the legislature, executive, and independent judiciary.¹⁷⁷

Federal authority at every level must also ensure that the interests of all people are taken into consideration. This includes engaging women in various capacities including national institutions, and various elected positions within the three branches of government. Further, Article 117 highlights the importance of high ranking officials being elected by the President in collaboration with the Council of Ministers.

The Prime Minister must actively engage in the process of ensuring there is an appropriate vetting process for the proposed officials. Part of that process should include an analysis of each candidate's philosophy concerning key concerns such as inclusive government, human rights, and comprehensive justice.¹⁷⁸

In Article 111 constitutional directives concerning Boundaries and Federation Commission are discussed. It states that the Boundaries and Federation commission is charged

¹⁷⁶ Miller, J. (2014, July 24). Al Shabaab in East Africa. Retrieved from <http://www.criticalthreats.org/somalia/miller-al-shabaab-east-africa-july-24-2014>

¹⁷⁷ Ibid

¹⁷⁸ The Federal Republic of Somalia. (2012, August 1). The Federal Government of Somalia Provisional Constitution. Retrieved from <http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME=>

with supporting territorial changes in Somalia. The specific goal is that each territory will ultimately become a recognized federation state. Leveraging national and international experience the Boundaries and Federation Commission is responsible for related activities. They include conducting studies, printing maps, and any other steps associated with the formation of federal states.¹⁷⁹

Article 120 outlines the fact that constitution provides Federal authority for the establishment of Federal Member States. Within each Federal Member State there are associated levels of responsibility. In Article 121 it is understood that the Constitution of the Federal Republic of Somalia and those of the Federal Member states shall be cohesive in operation. Therefore the Federal Government and the Prime Minister should ensure that established actions by the Federal Member States are in accordance with those articulated in the constitution.¹⁸⁰ The functionality of the Federal Government must own the process of Federal-local partnerships. Although Non-Government Organizations can assist with the implementation or integration processes must be Somali owned. The Prime Minister should actively engage the process of building relationships with International, National, and NGO partners¹⁸¹.

4.10 Strengthening Federal Intelligence

The Federal Intelligence agency is currently being developed in partnership with the United States CIA. The facility is aptly situated near Mogadishu's Aden Adde International Airport. There are aircraft that are specifically designated for the CIA to distribute suspected terrorists.

¹⁷⁹ Ibid

¹⁸⁰ Ibid

¹⁸¹ United Nations Assistance Mission in Somalia. (2014, December 16). Speech by President Hassan Sheikh Mohamud: Implementing Vision 2016: Inclusive Politics in Action. Retrieved from <http://unsom.unmissions.org/Default.aspx?tabid=6262&ctl=Details&mid=9770&ItemID=31657&language=en-US>

Although Somali soldiers guard the facility it is the Americans that manage the facility access. The American Central Intelligence Agency is also conducting counterterrorism training for Somali intelligence officers. Some of the specific objectives of the counterterrorism training include effectively targeting militant and terrorist groups.¹⁸²

The Somali government must continue to strengthen its intelligence activities by sending soldiers and CIA personnel through such training. Subsequently there must be an effective strategy to continue funding for addressing operational costs such as salaries, airplane fuel, and facility maintenance. The CIA has also leveraged a secret prison located near the Somali national Security Agency headquarters to interrogate individuals. Short-term operational costs have been offset by the United States to cover salaries of intelligence personnel and other associated costs.¹⁸³

4.11 Chapter Summary

As indicated in this chapter, the road to transformation will not be easy but it will be worthwhile. As the Somali people are lifted from socio-economic mediocrity into promise and abundance it will create a new trajectory for future generations. Eventually the memories from civil war and territorial disputes will give way to harmonious relationships and prosperity for all individuals that apply themselves. The Government is in a unique and enviable position to become catalysts for such powerful change in the 21st century and beyond.

¹⁸² Schahill, J. (2011, July 12). The CIA's Secret Sites in Somalia. Retrieved from http://www.nationinstitute.org/featuredwork/fellows/2283/the_cia%27s_secret_sites_in_somalia/?page=entire

¹⁸³ Schahill, J. (2011, July 12). The CIA's Secret Sites in Somalia. Retrieved from http://www.nationinstitute.org/featuredwork/fellows/2283/the_cia%27s_secret_sites_in_somalia/?page=entire

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This last part of this study concludes the research by providing a summary and giving recommendations based on the findings therein. The summary outlines conclusively each chapter which represents each objective. This chapter is therefore a snapshot of the objectives of the study, the findings and recommendations.

5.2 Summary

The first objective of the study was to examine the federal system of governance as a solution to the reconstruction of the state of Somalia. The study observed, the federal system of governance in Somalia was set to solve different concerns in Somalia that eventually and collectively translate to peace and prosperity of the lack of it. The federal system of governance has been both welcomed and criticized widely. Many Somalis are skeptical about the idea and some consider federalism to be quite a viable solution for the homogeneous Somali society, while others do not. The adopted constitution has indeed come a long way and will go even further in its full realization for peace and reconstruction in Somalia.

Somalia's federal structure is to minimize triggers to conflict among other concerns. Thus, competing over the natural resources is an indicative measure that has no any proper legal accounts but it is more ad hoc or nullified process that can raise a new paradigm of conflict in Somalia. Somalia is slowly emerging from two decades of protracted civil wars but still carries numerous scars from a state collapse. External influence, particularly the Cold War contest over

Somalia's strategic position on the Horn of Africa and its internal dynamics led to the collapse of the military dictatorship of Siad Barre in 1991.

The second objective was to analyze the challenges in the implementation of the federal system of governance as a solution to the Somali conflict. According to the research study, federalism has passed through different tests and setbacks. Indeed, there is dire need for the Somali government in Mogadishu come up with innovative solutions for the creation of States that can enhance Somali Unity and allay the fears and concerns of the people in these states, as well as refrain from entering into talks that can potentially undermine such unity. The formation of States that cut across clan lines may help Somalia achieve the illusive unity that it has been seeking for more than two decades.

The study found out that, federalism is indeed a complex and multi-layered system of governance for Somalia. Federalism as a solution for peace in Somalia is faced with many challenges and opposition. However, the study also found out that many Somalis support the federal system of governance though they concur on the difficulty in implementation from both social, political and other challenges. It is clear from the study that the federal system is a difficult process for its full realization for sustainable peace in Somalia. It is a governance structure that is heavily criticized as being imposed, but the characteristics of it are importance for the clan-based conflict and a solution for power and resource sharing.

The third objective was aimed at determining how effective federalism can be achieved for attaining peace and reconstruction outcome in Somalia. This is important for the study as it displays the weaknesses of implementing the system and how it can be effected for the full realization of peace and security in Somalia which has suffered heavily from the protracted conflict. For instance, as highlighted earlier regarding Friedrich's articulation of the federalism,

it can be used as a union of group (s) united by one or more common objectives but retaining their distinctive group being for other purposes.¹⁸⁴ Thus it unites without destroying themselves that are uniting and it is meant to strengthen them in their group relations. Federalism can be used as a political entity or country where powers and indispensable decisions are exercised and made at two or multilateral levels of government in accordance with the strict mutually agreed constitutional provisions of the country concerned. However this is in theory and the challenges as observed in the study are present on the ground.

5.3 Conclusion

The study concludes that, federal system of governance is the right solution to the reconstruction of the state of Somalia. The researcher notes that though there are other factors such as external factors that influence heavily on the Somali conflict, both positively and negatively, the federal system is a very important general structure ensuring fairness and equality for all Somalis. Though marred by many challenges including clannism and political bias the system can go along way laying a strong foundation under which peace and development activities can be played and implemented.

The majority of those interviewed as well as data reviewed show federalism as the most suitable form of governance to decentralize Somalia, because it facilitates reasonable power sharing among clans, enables regional autonomy and ultimately leads to a reduction of conflict. A substantial majority still views the current federation process as deeply flawed, because it is a largely elite-driven and externally facilitated scheme that promotes clan identity at the expense of citizenship. Social reconciliation was identified as a prerequisite for a successful

¹⁸⁴ Friedrich, C.J.: *Man and His Government* (McGraw-Hill, New York, 1964), 585

implementation of federalism in Somalia. Despite significant support for a federal form of governance, the Somali people's understanding on the intricate and the nuanced nature of federalism remains extremely low. This highlights the need for a robust civic education campaign.

The study concludes that indeed, a significant majority of Somalis favor a federal system of governance, despite serious misgivings. The majority of those surveyed consider federalism as the best way to achieve a power-sharing mechanism among Somali clans. A vertical system of governance with a highly centralized unitary state is seen as inherently undemocratic and oppressive. People demand horizontal power structures where they can retain a fair degree of influence at the local level. Implementation of federalism is already underway. The majority of participants, however, view the current process as chaotic with the potential to trigger more conflict. Due process and constitutional mandates have been ignored and the focus has shifted away from doing it right, to doing it for the sake of influencing the outcome of the political dispensation in 2016. Regional autonomy has also emerged as a major demand for Somalis across the country. Most participants desired a federal system, because it would give their local government greater autonomy. With regional autonomy comes local control of power and resources - at least in theory.

Challenges such as governance weaknesses are a serious and grave hindrance to the full implementation of federalism in Somalia for peace and security. The study thus concludes that there is a major connection participants made between federalism and conflict resolution. Thus with devolved power and resources, there will be much less conflict and more cooperation or space between communities. Again, this is easier said than done, but the fact that more than views suggest that the association is crucial. From the findings of the study on the consensus for

social reconstruction, the study concludes that for an effective federal system. From Kismayo on the far southern tip of the country to Garowe in the northeast, there is need for direct, community-to-community reconciliation. It was abundantly clear that what people wanted was not political accommodation but genuine national recognition that heals the scars of the civil war.

5.4 Recommendations

In the absence of either a popularly elected government that can implement the universal demands of the Somali people, or a powerful military regime that can railroad its wishes, Somalia's federation is going to be deeply muddled, complex and controversial. There are legitimate grievances among clans and between clans and the government(s). Although the federation process will never be perfect, per se, the study outlines the recommendations below:

1. A social reconciliation process among the people (not politicians) is critically needed. Communities in the periphery hold deep mistrust for the Mogadishu-based Federal Government. Many have been violently displaced from the capital 24 years ago, and some of their properties maybe held illegally. Their legitimate grievances have never been sufficiently addressed. A parallel reconciliation process that aims to address fundamental grievances will boost the federation process in a meaningful way.
2. The legal threshold to approve federal units should be revisited. For instance, impeaching the President requires two-thirds majority in the parliament, then setting up permanent federal units deserves equal if not greater threshold. Given the parliament's dismal attendance record, this issue is even more relevant.

3. Federating Somalia without settling the boundaries question is a slippery slope that could sink the country into a much deeper abyss. Credible, capable and inclusive Boundaries and Federation Commission (BFC) must be established urgently, with the immediate task of carefully studying political, social and economic realities on the ground, and recommending a nationwide boundaries plan. Addressing one boundary problem without the other (or òKala karisö) has proven to be an incalculable risk.
4. Federal boundaries should be based on existing regions, separately or together. New boundaries are likely to deepen hostilities between clans. Clan-based boundaries have the double affect of infringing upon the citizenship rights of the non-majority residents, and ghettoizing the nation into small Bantustans. The rights of citizens in federal units should be constitutionally protected.
5. In consultation with key stakeholders, including existing and emerging federal units, the Federal Government should immediately convene a high level panel comprising of principal stakeholders in order to set clear and agreeable rules for federation.
6. The role of the international community has been largely but not always positive. Some like AMISOM have helped to create the physical space to federate Somalia. Other external actors have at times exercised undue influence over the process. The international community should only help facilitate the process by providing technical and financial assistance. Though every actor is driven by their interests, it is upon the Somali government to also have the best interests of its citizens when dealing international players.

5.5 Areas for further study

One of the areas for further study that emerged from the study is the role of the international community in the full implementation of the federal system of governance. The international community has been involved heavily in the humanitarian and peace process, and thus has large influence in many structural aspects of Somali's peace building. Further studies can point out the positive and negative roles and more importantly show the magnitude of their presence in Somalia and if they (external/international community/actors) affect by any chance, the implementation of the federal system. Other areas may include, the need for continual reforming of the current federal institutions thus examining its weaknesses and strengths such as those of clan federalism.

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