

Federal Somalia: Not If but How

Key Messages

- The majority of those surveyed view 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 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.

Background

Talk of federalism in Somalia dates back to before independence, but the current discussion has its roots in the early 1990s.¹ Federalism was formally enshrined in the Somali constitution in 2004 during the Embagathi Peace Process² in Kenya that created the Transitional Federal Government (TFG), which paved the way for the current Federal Government of Somalia (FGS).

Despite the Provisional Constitution's aspirations for a federal Somalia, successive governments since 2004 have failed to implement it, mainly because their writ barely extended beyond the capital Mogadishu. Only after the election of President Hassan Sheikh Mohamud in September 2012 did practical implementation start in earnest. But even then, the process was haphazard and not always consistent with the Provisional Constitution.

Among other things, the Provisional Constitution mandates that two or more (pre-1991) regions join voluntarily to form a federal state. Furthermore, it calls for the formation of a Boundaries and Federation Commission (BFC), an independent body tasked with assessing the legality and viability of new states before certifying them. Both of these constitutionally mandated requirements were ignored in the current processes.

The exception is Puntland, which predates the current dispensation. Formed in 1998 in northeastern Somalia, the region is widely considered to be the first federal state.

It has been a staunch advocate for a federal system of governance since its founding. Puntland played a key role in drafting the current Provisional Constitution during the Garowe I and Garowe II³ conferences in 2012. Puntland spans five regions, though it does not fully

control all of them. Bari and Nugaal are wholly under its domain while portions of Sool, Sanaag and Mudug are controlled by other entities.⁴

The next major attempt was Jubbaland. In May 2013, politicians from the Lower Jubba, Middle Jubba and Gedo regions gathered in the recently captured coastal city of Kismayo and unilaterally declared Jubbaland as a new federal member state with a strong backing from Kenya, which had some 4,000 troops deployed in the city.⁵ Delegates at the conference declared Ahmed Mohamed Islaan (Madoobe) as the president of Jubbaland.

That didn't sit well with the FGS in Mogadishu, which immediately rejected this entity, asserting that the process was unconstitutional, because it was neither inclusive of all clans in the region nor transparent. Furthermore, the federal government alleged that its constitutional role to form federal states was deprived.

What followed was a deadly conflict between supporters of the new administration and opponents backed by the FGS. After five violent months, Ethiopia brokered a deal⁶ that saw the formation of the Interim Jubba Administration (IJA), a midway arrangement that would put the IJA on constitutional path to become a fully-fledged federal member state. Nearly a year and half later, much of what was agreed, including a joint control over key revenue generating sources (seaport and airport), has not been implemented.

While the IJA was struggling to obtain legal status as a federal member state, another process was beginning in Baidoa in mid 2014. Political elites there convened a delegation of traditional elders from the Bay, Bakool and Lower Shabelle regions with the aim of forming their own

state. As the Kismayo process was designed to produce a predetermined result, the IJA, the outcome of the Baidoa conference was also a *fait accompli*. In November 2014, the delegates selected Sharif Hassan Sheikh Aden, an MP and a former speaker of the federal parliament, as the new president of the Interim Southwest Administration (ISA). The international community, which funded the Baidoa process, unanimously hailed the outcome as a major accomplishment and step towards the consolidation of the federation process.

Preparations are now underway for another federal entity in central Somalia. In theory, it would encompass the Galgaduud and Mudug regions, though northern Mudug is likely to remain under Puntland's domain as it has been since 1998. The technical committee tasked with preparing for the formation of this state has declared that Adaado will host the conference that will eventually produce an administration.

All of these activities happened without the constitutionally mandated Boundaries and Federation Commission (BFC). In December 2014, the federal parliament endorsed legislation establishing the BFC, though commissioners have yet to be appointed, and a budget has not been agreed. In theory, the BFC will have to retroactively assess the legality and viability of the emerging states.

Methodology

Given the overall absence of reliable data and the desperate need for evidence-based decision making in Somalia, we undertook this research to fill in the existing gaps in understanding, to raise awareness and to inform policy.

A total of 213 people were surveyed at events organized by HIPS in five cities: Mogadishu, Baidoa, Kismayo, Galkayo and Garowe. The participants were diverse in terms of gender, age and profession, though a slight majority (38 percent) worked in the NGO and public sectors and 17 percent were students. Almost half (49 percent) had a high school diploma and 17 percent were university graduates.

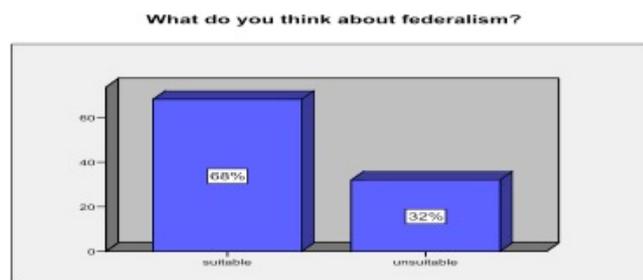
The events started with a brief presentation of our February 2014 paper, *Decentralization Options for Somalia*, which was followed by a group discussion. Participants were then asked to fill in a survey comprising nine questions. In addition to collecting demographic data, each question was designed to help researchers understand the different dimensions of the federalism process.

There were a number of limitations in our methodology. First, some participants had preconceived perceptions about HIPS. This was particularly acute in Garowe where HIPS is seen as an entity that promotes a centralized form of governance and a close ally of the federal government, neither of which is accurate. Second, and as a result of this perception, some participants didn't fill out the survey, impacting the overall sample size. Third, it has been argued that providing information before a survey can influence participants' responses. Although this might be the case, the survey asks whether our presentation and subsequent discussion improved participants' level of understanding of federalism, which 73 percent said it did. Fourth, we were unable to travel to Beledweyn, a city that was on our itinerary, for security and practical reasons.

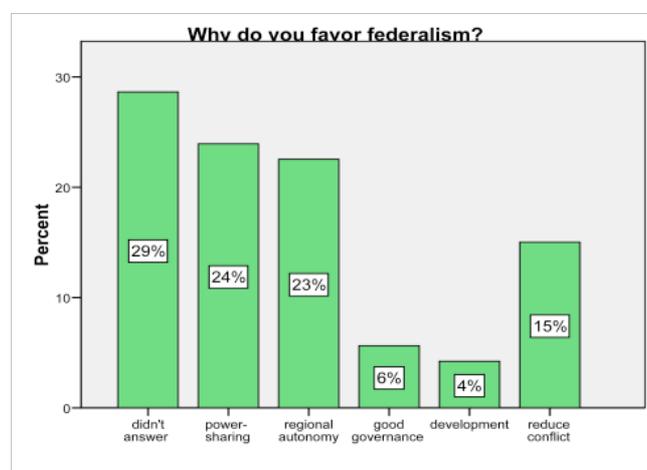
Federal Somalia: Not if but how

That a significant majority (68 percent) of those surveyed across five diverse cities support a federal system of governance is by far the clearest sign that the question shouldn't be whether federalism should

be implemented, but how best to do so in a way that reduces conflict, enhances social cohesion and ultimately leads to stable and democratic governance.



Of those who favor federalism, one in four respondents (24 percent) said it advances power sharing, which is at the heart of Somalia's 24-year conflict. A further 23 percent believe it would create regional autonomy—a key demand for many Somalis. Fifteen percent view federalism as a vital tool for conflict resolution.



Regional nuances

Despite overall support for a federal system of governance across the five cities, there were noticeable differences with some cities more enthusiastic about federalism than others.

Kismayo

Participants in Kismayo were by far the most supportive with 88 percent of those surveyed saying a federal system is a perfect fit for Somalia. Of those, 29 percent said it is a vital way to reduce conflict. This was hardly surprising as Kismayo, the country's third-largest city, has been contested since 1991 and many consider federalism as a necessity to mitigate long-standing conflicts.

Like many respondents across the country, regional autonomy was an important aspiration for the Kismayo participants. Almost one in four (24 percent) said a federal system of governance enhances local control of politics and resources, while 26 percent said federalism offers a coherent powersharing mechanism among key stakeholders. Kismayo respondents were equally enthusiastic about the ongoing federation process, which nearly 60 percent supported. It is the only city where a plurality of participants favored the process. Other participants were deeply unsatisfied.

Garowe

Participants in Garowe were the second most supportive of federalism. A significant majority (69 percent) said a federal form of governance was crucial for Somalia to reemerge from over two decades of state collapse. A further 78 percent said federalism was a

suitable system. A noticeable nine percent favored the most decentralized confederation form of governance. To an extent, this is an approval of the de facto relationship between Puntland and the federal government. Puntland currently runs its affairs with little or no oversight by the FGS in Mogadishu and is by far the most successful autonomous entity.

The desire for more decentralization could also be a reflection of the deep mistrust of the federal government expressed by the Garowe participants during discussions. Of the 78 percent who supported federalism, 31 percent said it was suitable for Somalia, because it enhances regional autonomy. Nearly a quarter (22 percent) said it promotes power sharing and another 22 percent believe it reduces conflict among communities.

Baidoa

Baidoa is the capital of Bay region and one of the largest cities in southwestern Somalia. It is the political and economic capital of the Interim Southwest Administration (the official capital is the coastal town of Baraawe, but the administration continues to operate from Baidoa for practical reasons). Residents have suffered tremendously from the civil war and subsequent conflicts. In 1992, it was dubbed “death city”, because famine was killing around 500 people a day. Similarly in 2011, when famine claimed the life of 268,000 lives in Somalia, according to the UN, a disproportionate number of those were from the southwest.

This region is the birthplace of federalism in Somalia. As far back as 1947, elites from the region were calling for a federal system of governance—a view widely ridiculed as unpatriotic in those days. Their aspiration for federalism stemmed from the fact that the inhabitants speak a separate Somali dialect known as Maay and were suspicious of the domination of certain clans who speak the majority Maxaa dialect of the SYL ruling party.

Three out of four (75 percent) respondents said federalism is the best decentralization option for Somalia. Forty percent linked it to regional autonomy—the highest score of all five cities. This was no surprise, considering the historic marginalization of these communities since independence. Therefore, strong desire for regional autonomy is predictable.

That said, a significant majority (75 percent) of the respondents said they were dissatisfied with the ongoing federation process. Nearly half (46 percent) linked their dissatisfaction with what they perceived as a top down, elite-driven process that systemically excludes communities from consultations and decision making.

Mogadishu

Participants from the capital defied stereotypical perceptions. It’s widely believed that the people of Mogadishu are mostly anti-federal, but a significant majority (73 percent) said federalism is the most suitable form of governance for Somalia. This could be an indication of shifting views among the residents of the capital and resignation to the reality that federalism is a *fait accompli* for Somalia.

As with other cities, the majority (56 percent) considered the current federation process flawed, because it lacks transparency and inclusivity.

Galkayo (Galmudug)

Galkayo is a divided city. Puntland controls the northern part while Galmudug controls the south where we conducted our survey. The

division, which dates back to the early days of the civil war, is so deep that most people don’t cross the invisible borderline. The two main communities eventually agreed a landmark peace deal in 1993, which has withstood for over 20 years.

Participants of south Galkayo were by far the most anti-federal. Fifty eight percent said it is unsuitable for Somalia. One in four (25 percent) said federalism would spark renewed clan conflicts. A further nine percent believe that federalism is a threat to national unity.

A possible silver lining was that 46 percent of the respondents said a devolution form of governance was the best for Somalia. Political scientists say devolution (also known as a decentralized unitary state) is the weakest form of federalism, with the central government still retaining substantial powers. Kenya has recently adopted such a system.

Dissatisfaction with the current federation process was the second highest (65 percent) in south Galkayo. This is very consistent with the overall attitudes towards federalism in this part of Galkayo.

A significant number of participants noted that social reconciliation is a prerequisite to a successful implementation of federalism in Somalia. Many said the deep wounds of the civil war remain unhealed.

Conclusion

This study reveals that 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). In practice, leaders of existing and emerging states tightly control all facets of governance, including the appointment of district commissioners and directors of departments.

Another major finding is the connection participants made between federalism and conflict resolution. Their claim is that, 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 a third of respondents make the association is crucial.

One of the most surprising outcomes of this study is the desire for social reconciliation across Somalia. From Kismayo on the far southern tip of the country to Garowe in the northeast, participants highlighted the 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.

Finally, the need for civic education was all too evident. More than 70 percent of respondents said they learned more about federalism during the course of our presentations and discussions. Many admitted that demagoguery has overtaken reason and evidence-based discourse.

Policy considerations

Federalism is a complex and multi-layered system of governance. Yet it is both a constitutional mandate and a reality on the ground today. Policymakers would be well advised to consider the following as the process takes twists and turns.

First, the Boundaries and Federation Commission should be established as soon as possible. It is encouraging that legislation for the BFC was recently passed by parliament. A competent team must be formed to undertake this momentous task. But that's the easiest part. The BFC would need legal, financial and political backing to undertake its responsibility effectively and professionally. A key priority for the BFC should be to travel around the country and listen to the demands of citizens, all the while considering the legal and economic viabilities of existing emerging states. The BFC would undoubtedly face tremendous challenges, including from these states, but it must remain firm and remember its mission.

Second, the Interstate Commission should also be established without delay. As imagined in Vision 2016, this commission would become an inclusive platform for existing and emerging states to discuss their issues and explore organic solutions together. Many states share boundaries and even cities in some cases. Others share resources. Only they can solve their issues among themselves.

Third, social reconciliation is crucial. Civil war wounds have not been properly 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.

Fourth, a robust civic education campaign is needed. Federalism is deeply misunderstood. 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 nuanced and complex nature of federalism.

Notes

1. See "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
2. The Embagathi Peace Process was a national reconciliation conference held in Kenya from 2002-2004 under the stewardship of IGAD. With the backing of neighboring states, warlords dominated the conference and eventually elected a former warlord, Abdullahi Yusuf, as the president of the TFG in 2004.
3. The 2012 Garowe I & Garowe II conferences were part of a series of UN-facilitated meetings among key stakeholders. One of their outcomes was the Provisional Constitution.
4. Somaliland controls parts of Sool and Sanaag. Khaatumo (a new entity) is also active in parts of Sool. Galmudug controls southern Mudug, including the southern part of Galkayo.
5. "Are Kenyans seeking a buffer zone in Somalia?" <http://www.bbc.com/news/world-africa-15499534>
6. "Somalia Government and Jubaland Strike a Peace Deal" <http://www.africareview.com/News/Somali-government-and-Jubaland-strike-a-deal/-/979180/1972618/-/r1t3s6z/-/index.html>



Readers are encouraged to reproduce material for their own publications, as long as they are not being sold commercially. As copyright holder, the Heritage Institute for Policy Studies requests due acknowledgement and a copy of the publication. For online use, we ask readers to link to the original resource on the HIPS website.

© Heritage Institute for Policy Studies 2014. This work is licensed under a Creative Commons Attribution-NonCommercial Licence (CC BY-NC 3.0).