



## TOPIC

**The Federal Government**  
and the Federal Member State's  
Weakening Relations and  
the **2020/2021 Elections**

**Guest Speaker**  
**Hussein Abdi Halane**  
Executive Director  
Sahan Research

**PDRC TALKS**  
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## BACKGROUND TO PDRCTALKS

In March 2019, the Puntland Development and Research Centre (PDRC) initiated a monthly event dubbed PDRCTalks. This event is a new initiative to spearhead ideas, messages, and awareness on issues related to the betterment of Somalia. These issues cover topics ranging from governance, democratization, peace and development which are the key focus areas of PDRC.

PDRCTalks is an interactive platform in which prominent Somali scholars, entrepreneurs, veteran politicians and/or civil servants are hosted once in every month to serve as guest speakers and to deliver an expert presentation at a uniquely themed talk-event at PDRC. The aim of PDRCTalks is to spark conversation within the Somali community and through this useful dialogue, impact the attitudes and lives of Somalis. Social media is utilized to spread the messages throughout Somali communities living in the diaspora and within the country, through live streams. PDRCTalks has been received well and has featured prominent figures in Somali society to bring to the fore a multi-faceted number of topics in politics, economics, social issues as well as cultural themes.

PDRCTalks is a value-addition component to PDRC's vision as a solutions-oriented organization that prides itself on offering useful tools to bring about peaceful coexistence and economic development by all Somalis.

### About PDRCTalks 5

The fifth PDRCTalks that took place on September 24<sup>th</sup> was themed "The Federal Government and the Federal Member State's Weakening Relations and the 2020/2021 elections" and was hosted by Hussein Abdi Halane as the main Guest Speaker. Mr. Halane is a renowned Somali poet, scholar and politician with profound understanding on the socioeconomic and political contexts of Somalia and the Horn of Africa Region at large. Mr. Halane is the executive director of Sahar Research and has formerly held senior international positions in various humanitarian organizations in Somalia and the world, and has twice served as Federal

Minister of finance. He is also the author of two books Cibaaro and Farguri.

PDRC invited Mr. Halane for the 5th PDRCTalks where he delivered an informed presentation in regards to the theme "The Federal Government and the member state's weakening relations and the 2020/2021 elections". It is believed that the political climax in Somalia has long been characterized by severed political relations between the Federal Government and the Federal States; a stalled and an incomplete constitutional review process; and the lack of an agreed electoral laws/model, all of which pose a great risk to the fast approaching 2020/21 elections. The relations between the Federal Government (FGS) and Federal Member States (FMS) took a downward turn shortly after the incumbent president came into office in February 2017, in which the FGS and FMS's took different stances in regards to the Gulf conflict between the governments of Qatar and Saudi-Arabia (SA), Egypt and United Arab Emirates (UAE). This has triggered continued unresolved disagreements and dispute between the leadership at the FGS and FMS.

On his election, the current president of the federal government was well-positioned in consolidating and improving the existing federal relations and the gains inherited from his predecessor President Hassan Sheikh, whose government had succeeded the establishment of four states, namely Jubbaland, South West, Galmudug and Hirshabelle out of the five federal member states. Unfortunately, it's alleged the federal government's approach on regional states is exacting and it is believed that the federal government of Somalia is engaged in underhand dealings using public officials and resources to unseat, replace and/or compromise un-allied heads of states or has created a civil unrest and political havoc in some Federal Member States. The Federal government is also accused of not only denying member states their constitutional rights to participate in national policy formulation discussions, but for singlehandedly pursuing constitution review processes and drafting

electoral laws which they have apparently fell short of consulting with federal member states.

Meanwhile the national 2020/21 federal elections are fast approaching without an agreed upon model of election in place in a political context where frosty relations cast a shadow on the possibilities for any prospective political dialogue. Nevertheless, hope persists that talks can resume between federal government and state leaders in order to work jointly on a transitional political roadmap towards 2020/21 electoral agenda in Somalia.

It is against this backdrop that Puntland Development and Research Center organized the 5<sup>th</sup> PDRCTalks under the theme of "The Federal Government and the Member State's Weakening Relations and the 2020/2021 Elections", with view of generating informed discussions for increased public awareness raising on the matter and towards durable solutions on the way forwards.

### Organization of the event

The Fifth PDRCTalks was held on 24<sup>th</sup> September 2019 at PDRC and brought together over 250 participants among them government officials, opinion makers, academicians, former government officials and representatives from UN, INGO, civil society groups, women and youth groups and community leaders – religious and traditional leaders. The event commenced with opening remarks made by PDRC director Ali Farah Ali and Puntland Minister for Interior, Democratization and Federalism, Hon. Mohamed Abdirahman (Dhabancad) followed by a keynote presentation from Hussein Abdi Halane, a Panel Discussion, Contributions from the audience, Q&A sessions and interactions among the participants.

The event was streamed live on Facebook with live updates on Twitter to reach a cross-section of audiences all over the world. PDRCTalks prides itself on giving ample time to the guest speaker, panelists and contributors, and, most importantly, the audience to exchange ideas, learn from each other, and to further deepen their understanding of the subject of discussion.

## Introductory Remarks



PRDC's Executive Director Mr. Ali Farah Ali at stage



PRDC's Executive Director Mr. Ali Farah Ali opened the 5<sup>th</sup> PDRCTalks with a brief note of welcome towards Mr. Hussein Abdi Halane as the keynote speaker. He further extended gratitude to the panelists accompanying Mr. Halane into the panel following his presentation. He highlighted that the discussion as extremely important and comes at a time when the nation is at critical juncture and is in need of an immediate solution to address and resolve the ever-worsening relations between Federal government and federal member states to agree on workable transitional plans for the upcoming 2020/21 elections in Somalia.

The Minister of Interior, Democratization and Federal Affairs, Hon Mohamed Abdirahman Dhabancad, commended PDRC for the traditional role played in the Peace and State building journey in Puntland through its brand- Pillars of Peace program for Social Reconciliation, Decentralization and the Democratization process in Puntland. He further praised the center for its recent PDRCTalks initiative as a platform that facilitates expert discussions on issues of high national importance that involves Somali elites, opinion makers, retired civil servants, former diplomats and government officials, thus providing the citizens with an unprecedented opportunity to learn from subject-matter experts and to better understand the underlying issues affecting their lives and be able to make informed judgments and decisions on the current politico-governance dynamics in Somalia.

## KEYNOTE SPEECH



FMr. Hussein Abdi Halane, reading a poem from his book *Cibaaro*



Mr. Hussein Abdi Halane first extended his gratitude to PDRC for the invitation that has pushed him towards “a historic comeback” to Garowe and Puntland for the first time in three decades; he then shared his love and respect for the people and government of Puntland through a poem from his book *Cibaaro* that is inspired by the region at its establishment in 1998.

Mr. Halane opened his keynote presentation with brief background information with which he linked the current socio-political problems of Somalia to the aftermath of civil war and statelessness. Mr Halane underscored that the Somali people overthrew the military led totalitarian regime that has ruled Somalia for 21 years in 1991 due to its oppressiveness, which has led to an endless civil strife, turmoil, political instability and power vacuum that involuntarily relapsed Somalia into a tribal and warlord politics. Clan conflict, civil war, with myriad competing factions and frequent interventions by foreign powers, has created an alternative system that gave refuge, protection and a political identify to those of the same tribal descents whom their safety was threatened, to flee to their respective regions of origins.

Mr. Halane argued, despite the successive peace initiatives held in and outside Somalia by regional governments during the first decade of statelessness nothing significant had had come out or has been achieved. The peace and nation-building project got traction upon the conduct of the IGAD-led grand reconciliation conferences in Djibouti and Kenya in 2000 and 2004 respectively and following the adoption of the federal system

by Somali tribal and political leaders attending the 2004 Kenya conference. Mr. Halane noted that it is only then that Somalis were able to reconcile socially, and reunited under a single shared political entity, where federalism was constitutionalized with the subsequent establishment of the first Transitional Federal Government in October 2004. Additionally, the political suitability and legal supremacy of the federal system was clearly highlighted into article 1 and 4 of the Provisional Federal Constitution (PFC) as follows;

### **Article 1. The Federal Republic of Somalia**

- (1) Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system and social justice.
- (2) After Allah the Almighty, all power is vested in the people and can only be exercised in accordance with the Constitution and the law and through the relevant institutions. It is prohibited for a person or a section of the public to claim the sovereignty of the Federal Republic of Somalia, or to use it for their personal interest.
- (3) The sovereignty and unity of the Federal Republic of Somalia is inviolable.

### **Article 4. Supremacy of the Constitution**

- (1) After the Shari'ah, the Constitution of the Federal Republic of Somalia is the supreme law of the country. It binds the government and guides policy initiatives and decisions in all sections of government.
- (2) Any law, or administrative action that is contrary to the Constitution may be invalidated by the Constitutional Court, which has the authority to do so in accordance with this Constitution.

Mr. Halane described the failure to complete the constitutional review and adoption process by the two successive federal governments formed after it has been provisionally adopted in 2009 as a great misfortunate. He also insisted that current provisional federal constitution was never in short

of guidance to legally interpret with federalism nor to be implemented it in Somalia.

Mr. Halane stated that the Provisional Federal Constitution (if upheld) could best serve the interests of and the power-balances between the Federal Government (FGS) and Federal Member States (FMS). He added, since the adoption of the federal system in 2004 and through the provisional constitutions, the successful establishment of federal structures across Somalia - (with 5 federal member states and Somaliland currently in existence), federal parliamentary houses and peaceful national elections are to be accounted for.

The current federal president came into power with all the above-stated political and state-building gains in place, president Famaajo was elected on the promises that he would fight Al-Shabab insurgency and build government institutions, however in the first three years of his tenure, his government not only failed to deal with the Al-Shabab extremists, but instead shifted focus from terrorism to federalism - where the office-holders were blatantly using public funds and authority against FMS and vocal opposition leaders to silence any dissent voices and have systematically weakened the federalism. Halane adds that the government is spearheading a well-financed regime-change campaign where they have unconstitutionally;

1. Favored centralism over the federal system and have revived the anti-freedom culture of oppression in Somalia;
2. Created instability within FMS by purposely interfering in internal regional politics and elections affairs through force and corruption, and succeeded to either unseat, replace, or compromise state leaders;
3. Denied some states of the rights to hold local elections and choose their leaders in accordance with state and federal government constitutions;
4. Singlehandedly drafted and promulgated national policies/laws without the constitutionally demanded consultation with the FMS prior the submission of any federal laws to parliaments for final adoption;

5. Imposed illegal air embargo against its citizens in Jubaland region, using the just-regained Somalia's air aviation control and management responsibility for oppression.

Furthermore, Mr. Halane described the incumbent federal leaders as anti-federal and pro-centralists because of the forcible replacement of regional leaders who didn't support the federal government on one hand, and meddling with the constitutional powers among the executives, legislatives and judiciary branches of the federal government. He argued that all these actions led to the current severed relations and lack of cooperation between the federal government and member states. Halane implicated the international community - especially USA and IGAD for absconding their role in advising the federal government against the violation of the constitution and their failure for ensuring inclusive politics and processes in Somalia

With regard to whether and how elections would take place in Somalia by 2020/21, Halane, was of the opinion that neither popular elections nor the traditional 4.5 clan-based elections are feasible in Somalia's 2020/21 elections. He added that the context is indeed polarized with no agreed upon electoral model nor an amicable atmosphere to politically re-engage and develop new transitional roadmap arrangements. Halane also suspected the leaders of the federal government of orchestrating a favorable model for 2020/21 elections or secretly planning to secure a term extension through the federal parliament.

On moving forward, Mr. Halane urged that all stakeholders (FG, FMS and International Community) prioritize for an immediate end on the current political stalemate, restoration of restrained relations and reinstating the National Leadership Forum (NLF) to put forth a workable transitional roadmap towards 2020/21 elections in Somalia. Mr. Halane warned the risk of a continued political polarization could lead to Somalia to approach the 2020/21 elections unprepared.

## PANEL DISCUSSION

The participatory methodologies employed in the PDRCTalks discussion were instrumental in the constructive avenues for the free exchange views among participants and to further deepen local awareness on the topic. The panel started with informed questions from the moderator that triggered interactive discussions among the panelists followed by facilitated questions and answers session between the audience, guest speaker and the panel.



Panelists from left to right: Shamsso Hassan, lawyer; Abdirahman Bihi, moderator; Hussein Abdi Halane, Executive Director of Sahar; Abdi Farah Saeed, former Federal Minister of Interior



Contributors from left to right: Saynab Ismail, Abdisalam Biligsey, Faysal Warsame, Ismail Haji Warsame, Ismail Said Awmusse, Mohamed Abdiwahab, Yackub Abdalla



## KEY MESSAGES

The 2004 federal system wasn't properly adopted in Somalia until president Hassan Sheikh's tenure from 2012 to 2016. During his administration, an implementation of federal structures began across Somalia, which subsequently gave birth to Jubbaland, South West, Hirshabele and Galmudug states. Consequently, president Hassan Sheikh gained credit for succeeding in the establishment

of 4 out of the 5 five federal member states (FMS) in Somalia.

Mr. Halane considered president Hassan Sheikh as somewhat pro-federalism since he had a proven record in the implementation of the federal system in Somalia. He also seconded the notion that successive federal leaders have shared a common tendency towards a centralist government rather than a federal one.

Many critics consider the current administration as centralist in actions. As an illustration, it is argued that the relations between the FGS and FMS are characterized by disagreements, conflicts, lack of consultation and cooperation.

According to Shamsso, a lawyer with expertise in federalism and democratisation, the centralist system is not a practical model of choice for Somalis since it was the way of Siad Barre's administration and as such has a negative legacy with Somalia's collapse as a State for more than 30 years. Further looking at it from historical perspective, Shamsso explained that upon its adoption in 1960s, the centralist system was viewed in Somalia not only as an Italian-parachuted concept, but also an incompatible political culture that posed threat to Somalia's religious, traditional and social principles. She added that traditional governance institutions and systems in Somalia before the arrival of the foreign systems were organized into separated autonomous Sultanates and had similar characteristics with federalism and/or a confederate system. Said Sultanates were ruled by political, religious or titled-traditional leaders and each of them were operating in an exclusive territorial area with an obedient constituency to govern that relied on the sultanate for political, financial and military support. Examples mentioned include the traditional governance structures of the 20<sup>th</sup> century by Sayid Mohamed Abdule in Taleh; Suldan Mohamud Ali Shire in Sanaag; Boqor Osman in Bargal and Sultan Keenadiid in Hobyo.

In response to a question of why some politicians

have recently shown affection for confederation and what makes them feel uncomfortable with the adopted federal system in Somalia, former federal Minister of Interior, Reconciliation and Federalism Mr. Abdi Farah Saed (Juha) was of the opinion that Somali people are yet to have a fully acceptable and effective government, which reconciles everyone at a time of loss of confidence.

Additionally, former Minister Juha said that the fruits of the 14 years-long efforts in establishing a federal system turned out to be that "someone can, all of a sudden, come up and tell an entirely different story and invent a new vision and a program that can annihilate all that has been accomplished". The former government of President Hassan was also a challenge to the federal system at the beginning of their mandate. Although he succeeded in the establishment of 4 federal member states, some states were formed in a hurry and with clear interference without properly building on the vision and aspirations of the local communities. As the first federal member state, Juha used the example of Puntland where there was a period of eight years (1991-1998), known as the "eight-year waiting period" during which extensive debates and public views were made. The end results were development and establishment of an administration known as Puntland, and Somaliland administration was established in similar ways. All in all, other regional administrations were established at a quicker pace made them vulnerable to be easily destroyed.

As such, Juha believes that the reason why a group of politicians, him included, proposed to transit from the federal system and have brought the initiative of a confederate system on the table was because they have come to realize that the federal system that has been promoted over the past 15 years is now under attack by their guardians and is vulnerable. In accordance with art. 120 of the federal constitution, which defines the formation of member states and parliament, it is clear that the federal member states have the constitutional right to form their own parliament and executive branch, however those constitutional rights have been rejected by the FGS. Mr. Juha also made reference to Article 7 of the recently issued

directives on Galmudug's reconciliation and state formation processes by Federal Ministry of Interior, Reconciliation and Federalism which laid down the process, structure and laws for Galmudug's parliamentary formation process as well as the presidential election, whereby, from the legal point of view, the resulting government had neither the legitimate government nor was it built upon the needs and views of the people are to be governed by it.

The other administrations formed in similar manner, and "that is why we have introduced a new perspective in favor of the Confederate system in order to reduce the federal government's current destructive powers and then collectively decide how much power should be allocated to the FGS". He stressed that the proposed confederate system is vital is because it assigns a relatively less power to the federal government.

Mr. Juha, acknowledged that proposed confederate system does not qualify the member states the level of autonomy that it can deal with the rest of the world as independent entities unlike UAE's model of confederate. He concluded that the best interest of the country is within a system by which the member states decide how much power is to be granted to the federal government. He stated the country is in confusion, and is caught between two extremes:

1. Separation, such as the case of Somaliland
2. Collapse of a centralist administration

Shamso noted that there were a number of laws being drafted singlehandedly and passed from the council of ministries by the Federal government, which in her view are unconstitutional and have the likelihood of polarizing the political context. She also said, that looking at it from the constitution, there are a number of articles implemented without due consultations which are now the centrepiece of the recurrent conflicts over the electoral process and the country's ruling system. "Politics and the law are two different entities. When there is political disagreement, it is important to turn to the law" she stated. The federal system of government that Somalis want

should comply with the constitution in effect, she adds. The constitution clearly stipulates the importance of cooperation in respect to advancing the principles of the Federal Republic of Somalia, and the respect to those principles at the different levels of government when exercising their legislative powers, such as:

- Every level of government should have the trust and support of the public;
- Power should be given to the level of government that can implement it in the most effective manner;
- Maintaining relationships based on cooperation and mutual support;
- Cooperation among the member states as well as the member states and the federal government;
- In order to implant a sense of national unity, every constituency of the Federal Republic of Somalia must receive equal government services.

Echoing Shams'o's point, Mr. Mohamed Abdiwahab, who formerly served the federal government as the director general of the Ministry of Interior has noted the fact that there were two laws that are still disagreed upon introduced to Parliament; Law on Resource Sharing and Election Law. A special committee has been assigned to the task with the hopes of reconciling the FGS and FMS.

Another argument during the panel discussion was that the role of the designated international community in supporting peace missions to Somalia is largely viewed as compromised, biased and to some extent counterproductive. Indeed, they failed to offer a hands-on assistance in bringing the diverse social and political actors together to peacefully resolve their differences and develop an atmosphere of shared values through dialogue. The international community is also accused of taking sides in their actions/decisions to supporting the socio-political dynamics in Somalia and for which it is viewed as they favored some actors over others.

Speaking about the International Communities' traditional role in Somalia's peace and state-building journey, Mr. Halane noted in the past

whenever there was a political impasse, the international community used to intervene and initiate negotiations between the sides to meet within or outside of the country. While this time around, the role of the international community is unclear, and some view the role of the international community as a "part of the problem" and not "part of the solution". As such some of the supported needed from the international community are:

- Implementation of the constitution – ensuring provisional draft constitution is reviewed and adopted through consultative participatory process by all;
- National Elections – ensuring that timely elections take place through electoral laws and models that are jointly developed and agreed upon by all;
- Resolving political disputes – pressuring FG/FMS to maintain good relations per the provisional federal constitution;
- Fighting with terrorist groups;
- Monitoring and evaluation – closely following on Somalia's political and security progress so as to know where/when appropriate put pressure on whoever is considered as a spoiler or a challenge to peace and the political development of the country.

Halane also stated that the current federal government is also a little crafty than many of its predecessors. A few examples of this conclusion can be drawn from the following Federal Government's actions including:

- The use of firepower to gain sovereignty;
- Dismissal of the EU ambassador;
- Termination of the Representative of the Secretary-General of the United Nations

With this Mr. Halane concluded that federal government seems to be intimidating and has succeeded in dictating to the international community what they should do.



## RECOMMENDATIONS

- ➔ As national elections closely approach in Somalia, concerned Somali authorities at Federal and State-levels need to understand that it's never too late to unlock the channels of communication and to resort in dialogue as the sole means of resolving their differences based on a equal partnership, mutual understanding and through consensus-based compromises;
- ➔ With currently no election laws, unfinished constitution review process and agreed upon electoral model in place, all regional, national and international stakeholders have to agree upon that one-person-one-vote election cannot in anyway be possible in Somalia by 2020/21, thus other options must be explored expeditiously by the FGS and FMS
- ➔ The on-going legal review processes and the formulation of policies concerning the constitution must all be put on-hold by the current federal government since its mandate is ending, and be left for the coming new government;
- ➔ The National Leadership Forum (NLF) should be reinstated in guiding the transitional political discourse towards the constitution and the 2020/21 elections
- ➔ The Forum urged the International Community missions and representatives in Somalia to preserve the unwavering trust put on them by Somali people from fading-out and to restore the prestigious brand-name and the traditional role of their office and so doing, they should firstly facilitate a shuttle diplomacy aimed at repairing the weakening relations across political cycles in Somalia and to help federal and state leaders come together and resolve their difference through peaceful means and work together towards 2020/21 transition in Somalia.
- ➔ International community has to also pressure FGS leaders in lifting air embargo and political restrictions imposed on Jubbaland and party leaders including two former presidents and to show respect for civil/political/citizenry rights enshrined in the constitution

## CLOSING REMARKS

PDRC's executive director, Ali Farah Ali thanked the keynote speaker, panellists, contributors, and media team for their contribution in making the event a success.

He highlighted that the importance of such platforms in order to advance a path of dialogue and compromise within the different Somali institutions. As such, he hopes that all parties can use the PDRCTalks platform as a neutral platform in order to share their ideas, knowledge, and experience with the citizens of Somalia.

He then closed the event with an open call for all academia to take part in the debate and help in the construction of a vision for Somalia that will unite all.

## HIGHLIGHTS



Mohamed Dhabancad: PL Minister of Interior, Federal Affairs and Democratization



Abdiraman Bihi; Moderator



Participants actively taking part in the debate

