



**PDRC**Talks



## TOPIC

**Federalism and Proper**  
Implementation of its Principles


### Guest Speaker

**H.E Hassan Sheikh Mohamoud**  
Former President of the Federal Republic of Somalia.

**PDRC TALKS**  
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## BACKGROUND TO PDRC TALKS

The Puntland Development and Research Centre (PDRC) had embarked this social interactive platform in its first ever streaming in March 2019. The initiative was new given its uniqueness and scope of outreached audiences both digitally and by attendance with the average range of view between 1000 and 1million in its first aired month depending on the theme discussed and to the people's interest and attention.

PDRCTalks is an interactive platform in which astute Somali scholars, academic writers, entrepreneurs, veteran politicians and/or long served astute civil servants are invited in every month as the key guest speaker with a pre-planned carefully selected and empirically impactful topic to address and discuss on the scene. The aim of PDRC TALKS is to stimulate such discussions on important spheres on economic, political, social and institutional issues to Somali communities and through this means of academically and openly discussions to spread the messages of peace, state-building and outstanding problem-solutions for better change.

From the short period of less than two years since its commencement, PDRCTalks has been well praised by both Somalis in Diaspora and local communities for this imperative link and connecting bridge between ordinary citizens and the academicians, politicians and public intellectuals with the knowledge and power to stipulate important matters that has a significant effect on public political life.

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

### PDRCTalks-17 Session

PDRCTalks 17 was held on Jan 07, 2021 on the themed discussion of "The proper implementation of federalism in Somalia"

with the guest speaker- the former Somalia president 'Hassan Sheikh Mohamoud-. President Mohamoud is also academician, a teacher and a former researcher at CRD (Central Research Development) a partner of the PDRC in peace/state-building and a closer affiliated centre with a common link with Interpeace Somali programmes. Besides that, bestowed privileged highest held position in this country, he deserves the unique character of astute politician with grounded solid knowledge in Somali's

contemporary state-building, a witness who worked under the ashes and dark days of civil war notably with his work in higher education before starting his political journey.

PDRC invited the president to address this well-timed theme '**federalism and proper implementation of its principles**' not only that he served as president of this federal state but his marked historical tenure coinciding with the birth of third republic and exclusively of his work on formation of federal structure (skeleton) by which from historical perspective- the period that all federal member states except Puntland state which preceded the current federal state formation namely Jubland, Southwest, Galmudug, and Hirshabeele all formed.

This presidential tenure is also a period of many uncertainties and ambiguity in the initial process of establishing the new federal polity which created more anxiety among Somali scholars to the direction the country heading. With timing of this discussion in this PDRCTalks platform was also a sign of anticipation of knowing the precedence of steps taken in early federal state formation, challenges and pitfalls occurred in time which all together will perhaps add a valuable contribution to understanding the current deadlock on many federal issues between the federal state and its member states.

Among many reasons for having this discourse of asking what the proper implementations of federalism in Somalia instead of further arguing whether choosing federalism was a mistake or fortune, is a merit and deserves worth of noting. This discussion is of course aligned with successive previous dialogues the centre organised in the past which all highlighted not only the pertaining hinderances that Somali political, economic, security institutional developments face but also the ad-hoc solutions to as part of its state-building contributions.

In line with PDRC mission of state-building and good governance, PDRCTalks 17 was devoted to focus the issue of federalism and its implementation with particularly addressing the hindrance of its potential application and federalisation challenges. Federalism as a sub-discipline of politics and political arrangement has dominated over contemporary conflict literature and seen as attractive and viable institutional arrangement to many countries emerging from a protracted internal conflict as a way of suitable mechanism to diffuse and detract the regeneration of intricate social conflict and as an opportunity to restructure their internal institutional deficiencies against the demands and call for self-determination.

Unlike many African countries, Somalia sought federalist governance to resuscitate its dismantled and eradicated political institutions officially from the year of 2004 in its 15th attempt of national reconciliation conference held in Eldorat- Kenya. In constitutional wise, Somalia is among the rare African countries explicitly constituted a federalised state to address a defaulting unitary system and for their self-determination for economic, social and political developments like Ethiopia and Nigeria.

## ORGANISATION OF THE EVENT

The 13th PDRCTalks was organised on 7th Jan, 2021 at PDRC with estimated guests over 250 from all sorts of society including

members of federal institutions, federal member states, political candidates, former politicians, academicians, local community groups-mainly youth and women associations, LNGOs.

As a rule of thumb, the event started with a short introduction by Abdelkarin Hassan from PDRC about the forum and the guest speaker, followed by Quran recitation and a warm welcome by PDRC Director Ali Farah Ali who thanked the guest speaker and the attendances. Then the official opening was made by the Garowe mayor Ahmed Barre who on behalf of Garowe city and the Puntland state welcomed the former president in this remarkable scene and moreover with the topic of discussion as valuable and highly important. Mr Barre also cited many of the pitfalls and prospects of the federal adaptation wishing that this new polity will prosper the country to a more democratic and stable nation.



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

## KEYNOTE SPEECH

As part of event orderly organised fashion, the key speaker- President Hassan Sheikh Mohamoud delivered his key speech note stretching back to pre-colonial and post-independence era with a brief introductory

of Somali statehood trajectory. With his key emphasised themes and illustrated remarks can be summed up as follows:

### Introductory Remarks



Somali pre-and-post-civil war statehood journey: In the dynamic changes in world order after the Second World War followed by the dissolution of European empires, many of the third world countries most of Sub-Sahara Africa were granted with their political independence but lacked the economic independence and sought to further depend on their colonials for establishing their newly infant state structures. This is also true that Somalia had a troubled independence given the weak institutions inherited as part of sovereignty package from the Italian Trusteeship Administration known as AFIS (the Amministrazione Fiduciaria Italiana in Somalia) right after the Independence Day arrived on 1st July 1960 remarkably known as the Independence Day of southern part of Somalia from Italy and unifying with their twin part of northern British protectorate known as (Somaliland).

Understandably the country embarked a governmental structure resembling of that western model of state with the political influence and indoctrination from the departed Italian colonial regime on the elites of the day. According to Mohamoud, 'this imported mode of institutional structure was not in conformity with Somali culture, realities and peculiarities of their strong linkage with pastoralism and decentralised tribe-based system. Thus, the golden era of independence and sovereignty attributes missed opportunities to

contextualise the statecraft and state polity in line with Somali context or what he referred 'Somalinised structure'. Somalia got its independence regardless of its empirical deficiencies of sovereign state institutional features.

Like many emerging federalised polities in Africa and elsewhere, Somalia has no previous experiences in federal governance although there were some calls on federation demands before Somali independence from HDMS (Hisbia Dastuur Mustaqil Al-Somal) These demands have vanished in the great chanting romantic appeals for the greater Somali concept and pan-Somalinism and national unity led by SYL (Somali Youth

League-a patriotic and anti-colonisation movement) which as a result prompted for the unconditional immediate unity between the two liberated Somali regions to form the first Somali republic.

The demands for federation also dissipated during the nascent democracy in civilian regimes from 1960 until 1969 due to adapted multi-party parliamentary system of centralising the administrative unit, judiciary and economy. Two successive administrations had embarked the first successful elections although nepotism and a clan-based party have dominated this new fragile democratic system and paved the way for the bloodless coup from 1969 with the era of military rule, a scientific socialism experiment, institutional failure and finally to a devastation, civil war causing one of the longest state collapses in modern state history.

In Somali's contemporary state-building, there have been many attempts to end this misery and establish the third republic by balancing the two paradoxical views of those seeking a central administration basing on their pre-set mind of Somali unity and existence and those urging that this type of political arrangement is the cause of Somali state collapse.

### Federal State Formation

According to contemporary accounts of Somali political development, the idea of federation is new to many Somalis. A federalism is one of the political organisation states adopt as their polity and as well-known is practiced by many of democratic countries with major economies and highly industrialised like Germany, USA, Canada and many more.

Although there is no consensus on one definition, most classical federalism and political scholars have certain characteristics shared by all federated polities; the existence of two layers of government operating in the same territory -each one exercising certain irrevocable task that cannot be taken away with the will of the other (central government) and well enshrined in constitution. The heart of this is lies in the constitutional entrenchment.

Theoretically, what distinguishes the various patterns of political systems particularly the decentralised and federalised systems is the degree of enshrinement in the constitution and the practicality that corresponds to it. There are many aspects which have a consequence on determining the type of a political system a government embarks from the degree and details it templates a clear financial structure, administrative autonomy on some specified tasks articulated and empirically ratified in the constitution to different layers of state organs mainly the classifications of shared rule and self-rule.

### Federal state formation in post-civil war legacy

"One of the biggest marks of Somali civil war legacy on Somali community was that it transformed our way of life back to pre-colonial era" argued by President Hassan in his reaffirmation that pre-colonial era of descent and Xeer times as they were the fundamental principles of social organisation before the colonisation era. He was literally intending to exhibit that a cultural identity based on clan-leakages surfaced again. People returned to their clan constituencies for protection and survival.

Understandably, the social conflict in all corners of the republic had created one of the worst human catastrophes in Somalia's history and with the realities of new dawn of no police, no courts and absence of any means of legal protection schemes, people were forced either to refugee under the clan protection refugee or flee from the country.

The political identity and realities on the ground could forcibly be divisive if certain extra care is not given to the state formation. People had a mind set against the kind of state and the relationship they intend to have with it. Notwithstanding, Mr. Mohamoud stated that his administration decided to approach the process of establishing the organs of federal states from the bottom up at district level. Among the legion of other problems, lack of proper understanding what federalism is and how it operates were imminently apparent.

Historically, Somalis had not experienced any sort of such political arrangement nor it has the mechanisms to embark it professionally.

### Main challenges of federal state formations

Over the formation of federal states, everything is a priority and according to list of considerations, a local-roots reconciliation was on the top of agenda-prioritising same local constituents to come to terms socially from effects of civil war legacies in order to proceed the political issues consenting their local state constitution, delegations and the process of formalising and finalising the state formation. There were so many unpredictable impediments attached to this process and given the magnitude of time and efforts consumed in establishing all four states formation, one can visibly see the extent of negative impact of civil war inherited legacy and the damage to the social cohesion and fabric that immensely surfaced all over the state-building building stages.

The rationality of choosing federalism is not only merely related with decentralising

power and authority from the centre to local administrations but to have equal share in the central administration. In specific measures and bunch of constitutional articles in place are all preserving the federal principle of self-administration (self-rule) giving more power to federal states to have a say in the decision-making of executive, legislative and judiciary federal administrations at the centre (shared rule).

Given all these clearly worded deliberations as federal principality, the critics point out that the foundation of the current federal structure stems from a long contest ambiguity and anarchic approach.

In retrospect, all four states formed during Hassan tenure all share with the dubious initial starting initiatives, hustle processing and negotiations, and lack of proper technical arrangements required for setting a legal and firm base for such high valued federal state organs in a country like Somalia with recent history of fragility and war-torn societies.

The process for Jubaland State formation was in its early stage of preliminary preparation when the new Somali federal government under President Hassan Sheikh Mohamoud inaugurated for four years's term with a constitutional mandate to lead the country through the guidelines of federalised system under the specification of national federal constitution (the current interim constitution). With the enigma of federalism, Jubaland state formation had started with complexity that dragged its process up to two years, exacerbated the whole federalisation project and could almost squander the fragile/weak political and institutional recovery.

Depending on the angle of analysis, the first federal state after Puntland beset with numerous challenges and according to Somali federalism students, had animated many exogenous debates of the whole gamut of federal political arrangement and its appropriateness to Somali political life.

The critics often point out the existence of a remarkable regional influence while others relate the complexity with politicisation of incumbent administration, but as matter as fact, Jubaland could be an ideal federal state in many aspects in respect of its true picture of all Somali tribes necessitating its success to be a contingent to Somali nascent federalism.

The experience gained from Jubaland State Formation had a double impact by first a lesson-learn to the overall state formation and a positive spill-over that ignited an inner demands and movements of intra-clan constituents in other remaining states for commencing their state formation process.

Then the contradictory process of Southwest started with opposite views mainly a group composed of most local elders, fuelled by the charismatic appeal for greater Southwest state compromising of six regions and on the opposite view of three regions mostly applauded by prominent astute politicians. Having this diverse demands and clan-based competition over the resources and power is just the product of civil war inherent legacy.

The last two states had also depicted a renewed challenges and abundance of exogenous internal issues for instance Galmudug state was functioning as de facto federal state before the make-up of federal structure enjoying the peripheral benefits and federal privileges. Contrary to the provisional constitution stipulating that FMS must be formed of at least two regions, Galmudug state was created with only one and half of a region through political agreement.

With his emphasise on this occasion, the President narrated the surrounding circumstances of economic viability security and immediate Al-shabaab threat, and clan competition heyday over the power and hostility-generating power greedy. From there to here, the journey of formally forming the last but the not lastly federal state 'Hirshabeele' with its unique and

exclusive predicaments has started in late months of federal government term.

As usual in times of elections, the anarchy and people's disintegration politically surface adding a second layer of troubles complicating the process. What is worth of underlying in particular to the last two formed states, 'Galmudug & Hirshabeele' With that said, that narratives that can be concluded from PDRCTalks 17 is that Somali federal formation was out of long state-building initiatives and considered as the only political organisation that has the flexibility to accommodate the diversified opinions of their nation-state and its political structure in consideration of their peculiarities emerged out of its contemporary social conflict.

The success of Somali federalism will be a cutting-edge model for other emerging federal states in Africa with same shared recent social conflicts and internal ethnic/clan heterogeneity.

## PANEL DISCUSSION



In the question-and-answer session that followed the key speaker's speech was an important part of the PDRCTalks and devoted to digest and debate the topic further through the interaction between the guest speaker and the audiences. In the eyes of attendees' eagerness to interact and the number of questions asked (over 60 questions), the session was labelled as a great interactive and fruitful event gauged with the level of participation and the duration it took.

Among others, relevant and significant questions asked was one from Ahmed Shire from Puntland State university has raised important question in regard to Somalia's federal constitution pointing out the discrepancies, and ambiguities of some of its articles particularly in articles 53 and 54 articulating international negotiations and allocations of powers. With the frequent concerns from federal state members in the negotiations and the role the federal government fulfils when it is exercising international affairs in the interest of all member states, Mr. Shire suggested that para-diplomacy as federal institutionalised concept by allocating specific roles in international affairs to federal member states, will have dual gains, first it will heal the raised concerns of the lack of cooperation among the different levels of federal structure when it comes to dealing with foreign entities and secondly will minimise the interference and muddling of federal and state internal affairs. Ahmed also pointed out the fiscal federalism and its cruciality in Somali federal governance structure.

Agreeing with Shire, the president hinted the distrust and constant functional contests in Somalia's nascent federal structure is in the conformity of its political, social, and state circumstances.

"the viable solution will depend on its constitutional amendments, strengthening and restructuring of its federal institutions "added by the president Hassan.

Ali Haji- a former Puntland minister and a political figure, who is a strong pro-federalist hinted that after almost two decades of federal adoption and the institutionalised federal principle of self- and shared rule have already been solidified, there are voices of anti-federalists negating federal concept and framing it as anti-unity and politically destructive on the pretext that Somalis is homogenous and single ethnic society with no dividing line and ethnic difference to be constitutionalised. In spite of that Ali Haji wondered whether there are any merits and

acknowledging facts attributable to these federal critics.

In a nutshell, with answering the above question, the president described the anti-federal argument as neither sensible nor justifiable given the recent traces from social conflicts, but instead reminded the audiences the rationality for choosing federalism was to unite and reinvent the social fabric and dislocation of Somali unity although one may argue against the notion that federalism is most suitable political model for divided societies and this is still academically debatable given the images of quasi-federal structure in many parts Africa and becoming the graveyard of federalism in the case of many earlier void attempts of federalisation in the continent. A similar concern from Amina Qaxweyste regarded federalism as a clan-based and anti-citizenship because of clan-politics that dominates the current political representation. In response to these correlated views from participating audiences, the president acknowledged that many people construe the current federal structure as ethnic-federalism (Clan-federalism In Somali case) coined with the concern that it regenerates a social conflict, and a political disintegration. from a long stand of ignorance of Somali social make-up and belittling the clan identity which is the foundation of the political, cultural and social interactions derived blood-related hereditary link from generation to generation., in here the president accentuated that any Somali political organisation is puzzled with clan-based politics and its success will be determined by the extent it harmonises with its political cycle.

In the range of what federalism offers as a polity, a former Puntland minister and federal minister of Interior and Federal Affairs Mr. Farah Ali Shire propounded that federalism as development concept focusing the overlapped social exigencies mainly on social services provision, and economic prosperity, tends to heal this social divisions resulted by the

consequences of political contestations and clan syndrome.

From Juha's critical questioning about Mogadishu as a capital and a federal status was and is still outstanding a federal puzzle. A former Puntland minister of education and federal interior and democratisation minister raised this question which for the last and current federal government could not find a solution defining the constitutional rights and status of Mogadishu sensing its complexity and intricate interrelated predacious issues for Somali federalisation and often regarded the political junction and federation puzzle. As matter of fact, Mogadishu case requires both a constitutional legality and political consensus. In his concluding remarks, the president narrated the political weight it inserts to the domain of clan balance and preservation of long-binding power-sharing agreement of 4.5. He also stated that a progress made in respect of preferences and constitutional options but the political agreement among Somali political elites is still pending.

To conclude this section, Abdi Aynte from the Heritage Institute for Policy Studies shared findings from 2014 Heritage research report. Exploring the rationality of federal choice among Somali community and what the anticipated prospects with this political arrangement will be, Mr. Aynte outlines five key points from the base of the research findings:

- 1) Electing their representatives in all layers of government from local districts, regional, state, and federal institutions.
- 2) Public services including education, health, passport, and immigration services in close reach to their constituents.
- 3) Federation is to stimulate a fair share and equality in public revenue including donor-backed aid and natural rent-seeking revenues.



- 4) The federal governance structure should make mechanism preserving state institutional independence and prohibiting the recentralisation by the central government.
- 5) And finally, the prospects of Somali federation should strengthen a national unity and distort the divisive tribalism that dislocates the supposed cooperation as social cohesion attached to federal principle and its privileged attributes, but Aynte doubts that current picture of federal structure displays a different result. Nevertheless, Aynte concluded that federalism is not ready-made shirt and does not act as 'one size fits for all'.

In complete consent with the former notion and essence that federalism is not panacea for social maladies in Somalia and neither does not give a quick fix to the institutional needs that necessitates its pre-conditional requirement, President Hassan described federalism an evolving phenomena that within the elapse of time reaches its potential and desirable equilibrium to balance the different groups' (clans) demands and institutional function for economic prosperity, political and social development through a continuous restructuring and constitutional amendment.

## CONCLUSION

With the reflexion of his past presidential term especially the obstacles, challenges, lessons learned and finalisation of federal structure, President Hassan enthusiastically praised his administration to undertake such huge and significant task for contemporary Somali statehood through compromised and consensus fashion believing that fulfilment of federal project was not a matter of choice and personal favour but a constitutional and mandatory assignment.

With that said, the narratives that can be concluded from PDRCTalks 17 is that Somali federal formation was the outcome of long state-building initiatives and considered as the only political organisation that has the flexibility to accommodate the diversified opinions of their nation-state and its political structure in consideration of their peculiarities emerged out of its contemporary social conflict.

The success of Somali federalism will be a cutting-edge model for other emerging federal states in Africa with the same shared recent social conflicts and internal ethnic/clan heterogeneity.

## RECOMMENDATIONS

The following recommendations derived from diverse opinions and contested arguments from the key note speaker, audiences' interactive questioning and expressions of personal views and the critical analysis of highly reiterated and focused spheres.

This report finds the following recommendations substantial and useful for the proper implementation of federalism in Somalia:

- ➔ The federal government of Somalia should fully embrace federalism as the country's constitutionally agreed upon system of governance and not jeopardize it by concentrating power into the capital. There is however, a discrepancy on what is written in the constitution and what empirically is on the ground, due to the improper implementations of the federal system by the Federal Government.
- ➔ The State formation of Federal Member States pitfalls and shortcomings is partly caused by the haste, improper planning and timing of their organisations, paralleled with the peculiarities of state patchwork precipitates such restructuring. Thus, require a more focus and support for their institutional development.
- ➔ In line with the argument that federalism is not prescribed medicine that cures all ills as well as that a federal constitution is not the end of all federal institutional discrepancies, Somalia federal organisation entails a sincere political will with sincere commitment of politicians.
- ➔ In concentrating the federalism premise of bringing service closer to the public, with smooth recovery and healing from the protracted social conflict, Somali federal governance should progress into development phase which as indicated serves the true anticipated feature of federalism.
- ➔ With the aim to control and systemically reduce the effects of institutionalising politics based on clan-affiliation, there should be mechanisms and policies of managing the ill-instrumentation of clannism, the president underscored that Somali political life needs to manage tribalism but not to managed by it on the reverse.