

The Somali Federation: Crossing the Initial Hurdles

By Ismail Ali Ismail (Geeldoon)

August 29, 2014

“... the path of federalism never runs smoothly. Sooner or later all will experience difficult corners of traverses.” Ursula Hicks

A Brief Background

The civil war in Somalia has not been without consequences. On the contrary, it has been cataclysmic in that it created long-lasting, if not permanent, fissures along clan lines, which to this day have not been healed. Though Siad Barre is blamed for promoting a Daarod hegemony while targeting the Hawiye and Isaaq, these latter forged, in turn, an anti-Daarod alliance and established their respective ‘liberation’ fronts – the USC and SNM. Furthermore, both fronts declined to join the Majerten SSDF, which predated them, because they could not trust a Daarod front, even though it was committed to and was actually fighting the Barre regime well before them.



Unlike the Ethiopian fronts, which were united under the umbrella of the EPRDF, the Somali fronts never even tried to open talks among themselves as to how they could merge and come up with a plan to heal the rifts between the clans and govern a united country post-Barre. Clan prejudice benumbed their minds, and as they shed more and more blood the national interest became more and more submerged in a welter of blinding hate. In the upshot, they went their own separate ways: the USC imploded and was sinking in a blood bath in what the International Community called later “The Triangle of Death”, the SNM secured the Isaaq-land, it being purely an Isaaq front, and the SSDF captured its own Majerten-land.

The SNM, however, moved quickly in 1991 to contrive a new ‘Somaliland’ based, from its own perspective, on the erstwhile ‘Somaliland Protectorate’ and declared secession. The Harti of Sool and Eastern Sanag felt insecure in a new ‘Somaliland’ where the Isaaq constituted a commanding majority, and led by a relatively well-armed Isaaq front (the SNM) which harbored ill-feelings towards the Daarod. In 1998 the SSDF countered by bringing together all the Harti sub-clans in a new administrative region called ‘Puntland’, which subsumed Sool and Eastern Sanag (both Harti areas), which were historically part of the former ‘Somaliland Protectorate’.

That was then. The reality today is that neither Puntland, nor ‘Somaliland’ is administratively integrated, or politically cohesive. The fronts are no more having thus been replaced by civil administrations, which blunted the sharp edges of clanism despite, inevitably, retaining its facade. As the years wore off, the situation has been perceptibly changing for the better, for time has a healing element. Rancor has given way to a greater social intercourse and continuing political, if at times acrimonious, dialogue.



But, we are by no means out of the woods as some facets of those ugly realities, which arrested progress, are still lingering. Surely, we have stepped out of that pitch darkness of the civil war period and entered the dawn of a new era: at least we are now plodding towards laying the foundations of a new Somali State. But, it might be a long dawn; and, alas, we may have to wait for many more years before the sun shines on our country again.



Opposition to Federalism

There is some belated opposition to Federalism in the country, particularly from the Hawiye clan. The opponents have branded the system as ‘clan federalism’ just as opponents in Ethiopia denounce their system as ‘ethnic federalism’. One can understand the noble sentiment behind forging a system, which is not based on ethnicity or clan. But, that flies in the face of the objective historical, as well as current, realities in both Ethiopia and Somalia. And changing these realities can only come after many decades of economic and social improvements, provided

that the divisions are not continually accentuated by politically myopic leaders. Modern clanism can be revived – like all things modern - by the touch of a button.

We, Somalis, rejected federalism in the fifties, and in 1960 when the two Somalilands (ex-Italian and ex-British) merged. It is because we had believed all along that we were one indivisible people – ethnically, linguistically, religiously, and culturally – to whom federalism should not apply. But the internecine civil war opened our eyes to our fault lines. Today, our country and society are so deeply fractured that one part has even gone to the extreme limit of declaring secession; and some other parts would rather stay apart than be ruled from the center. In all its recurring civil wars for the last fifty years, no one has declared secession in Lebanon despite its heterogeneous composition. Why then in Somalia? Federalism is, without question, the small price we should pay today for keeping our country together. Doubtless, federalism has been imposed on us by a nasty and protracted civil war – and by its antecedent: an equally prolonged, terrible, and centralist military dictatorship. Moreover, Mogadishu (the national capital) is, after more than two decades, still far from being a haven of peace. In a nutshell, federalism is an inescapable reality we have to live with, and so we must make it work for us.

Forming the States of the Federation

Ever since a post-transitional government was put in place in September 2012 the country has been grappling with establishing the federal structures of a constitutional democracy as enshrined in its contentious, draft constitution. The government, though confronting monumental challenges of peace and security, almost exclusively in its own base, Mogadishu, has, of late, been making cautious attempts to form some of the constituent states of the federation in the Southwestern and central areas. But, there is general confusion as to the role of government in the formation of the states, for its actions in this regard have, so far, been seen, on the positive side, as facilitative or catalytic, and on the negative side as prescriptive or manipulative or even obstructionist – depending, of course, on whom you talk to.

Certainly, the government had used all available means, including the use of force, trying to dictate, not only its own long process of state formation in Jubaland, but also the regions that would comprise such a state – insisting, for instance, that Gedo should not be part of Jubaland State. Nevertheless, Jubaland State was formed over and above the strenuous objections of the government. The resulting

conflict - long, and bitter - was injurious to the government, which suffered loss of face, as well as the sovereignty of the country because, in the final analysis, it was Ethiopia that dictated the solution.

The government wanted to control the process whereby the constituent states would be formed, for it tried to appoint its own regional governors who would then form regional administrations, and arrange, in time, for their respective communities to come together and agree to the merger of their regions, thereby forming a state or states. The draft constitution states that a region that has not already merged with another to form a state should be ruled directly from the center *for a maximum of two years*, (Article 48.2). But, that did not happen, as the government had other axes to grind. Nevertheless, it makes no sense to apply this provision in order to stop a process, which has begun and is already in progress. Indeed, the torrent of public opposition prevented the application of this provision even to regions that stood alone.

There are yet two other constitutional provisions, which neither the government nor the people pay much attention to and, in fact, tend to ignore for their own purposes. Article 48.5 clearly states:

“Federal Member State boundaries shall be based on the boundaries of the administrative regions as they existed before 1991” while para.6 of the same Article states.

“Based on a voluntary decision, two or more regions may merge to form a Federal Member State.” Obviously, there is no place in the constitution for single regions or other even smaller areas that claim to be states.

In addition, constitutionalism, will, *ipso facto*, inevitably shrink Puntland State as presently constituted. The newly declared merger of Mudug and Galgudud will take a big chunk of territory from it; Sool had already opted out, declaring itself to be a state; and Eastern Sanag cannot remain in it, even by choice, since it is not a region by itself. What will remain of Puntland, then, will only be the Eastern Region (Bari) and Nugal.

President Hassan has said that Puntland should not see the announced merger of Mudug and Galgudud as an unfriendly act. I have also heard that Ambassador Kay said that Puntland would not be affected. But, unless there is an extra-constitutional dispensation for it to keep its present territorial jurisdiction intact, Puntland is bound to shrink considerably.

I am truly astonished that Puntland, which was in the thick of all the political wheelings and dealings from the very beginning, should fare so badly in a game in which she had invested so heavily. What is worse is that there is no recourse in sight at this belated hour.

Much has been said about the free choice of communities as to where their regions should join, and much emphasis has been laid on the fact that a merger should be voluntary and based on the popular will. But, when the popular will is divided sharply along clan lines, as is the case in nearly all instances, how is the merger to be decided? Should the current division of Mudugh between Puntland and Galmudug stand as it is? If yes, that would contradict the constitution! Should Eastern Sanag remain in Puntland? That also would be against the constitution, for pre-war regional boundaries are inalterable. What then is meant by ‘voluntary decision’? The idea behind Article 48 was, I believe, to get out of the civil war mentality, which generated calls to kinship and led to clan homelands, and to promote, instead, the establishment of communities of interest.

Those anti-federalists who feared clan fiefdoms would rest assured that no such thing would happen. Trying to draw state boundaries along clan lines would have been an impossible task, and a perilous undertaking. However, in the absence of genuine political (not clan) parties competition – the essence of politics – will be among clans of the same state. We already see signs of this in the newly-formed states where there are disagreements (to put it mildly) about the distribution of the seats of the state assemblies and the portfolios of the executive councils. No doubt, there will also be disagreements about everything else that will have to be shared. We have to be sure, however, that these disagreements do not degenerate into armed conflicts.

Conclusion

In view of the foregoing, and judging from the current trend of political calculations I see seven constituent states of the Somali Federation coming on the horizon, with the following regional combinations:

1. Lower Juba+Middle Juba+Gedo (Jubaland);
2. Bay+Bakool+Lower Shabelle (Southwestern);
3. Hiran+Middle Shabelle+Banadir; (name?)
4. Galgudud+Mudug (Central);
5. Nugal+Bari (Puntland);

6. Sool+Sanag; (name?)
7. Togdheer+Northwest+Awdal (Northern State?)

I think that Mogadishu and adjoining areas should be declared as ‘Federal Territory’. Although, local (clan) opposition to this idea has been voiced vehemently several times, I think the benefits that will accrue to the natives of the Territory will far outweigh their parochial considerations. It will be relatively easy to overcome the fears of the natives if the political negotiations are skillfully conducted and the natives are made to see their interests differently.

We are just beginning to cross the first hurdle. It will take time for the country, especially Mogadishu, to stabilize, and for the federal system to function reasonably well. After all, there has to be a federal government that is secure, and peaceful, and confident and capable – and, of course, mindful of state rights.

Ismail Ali Ismail (Geeldoon)
 Email: geeldoonia@gmail.com

Ismail Ali Ismail (Geeldoon) is a former Somali civil servant, UN staff and the author of, [Governance, The Scourge and Hope of Somalia](#). Ismail is also a regular contributor of WardheerNews.