



Can Somali sovereignty and unity be saved? Analysis and recommendations

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Somalia has been blighted by decades of strife and seemingly endless political instability and chaos. The reasons for this tragic state of affairs are many, complex, multi-dimensional and immensely variegated. A complete and comprehensive investigation of what went wrong and why would not possible in this brief account. However, a few factors warrant particular attention.

First, the 2000 Arta Charter that introduced the 4.5 power-sharing formula, the 2004 Nairobi Charter that promulgated the federal system, and the Provisional Constitution



(PC) that was adopted in Mogadishu in 2012, were all political and legal documents that were initiated, negotiated and rolled out in ways and under circumstances characterized by haste, secrecy, manipulation, and excessive control by external actors. In fact, all were crafted outside Somalia, under the sponsorship and patronage of foreign countries, including some with longstanding strategic and geopolitical ambitions in the country. The Somali people had not been invited. Nor had they been able to effect direct participation on their own initiative. More importantly, these frameworks are fraught with concepts and principles that are contradictory, and at times, conflicting. Members of the Federal Parliament have repeatedly spoken about the fundamental flaws in the Provisional Constitution. Many have pointed out that the inadequacies and contradictions in the PC are so many and so deep that at least 50% of the document ought to be overhauled so as

to make it workable. Some have argued that key articles of the PC have been tampered with.

Second, efforts and projects aimed at completing the PC have been going on for more than six years. This was the principal responsibility tasked with President Hassan Sheikh Mohamud and his administration, and they spectacularly failed. The current President and his team are already in their second year; and it seems unlikely that they would be successful. Even if President Farmaajo's administration manages to tackle this difficult issue, it is not clear if it would make any difference in solving the deepening political crises facing the country.

Third, the complex and messy situation the country is in presently is not one that can be adequately managed or overcome with the help of the PC and/or the half-baked initiatives and policies put forward by the Federal Government. The Provisional Constitution proffers beautiful words and loft ideals imagining a nation and people that are free, united, and sovereign. And the Federal Government seems to be hell-bent on drawing its legitimacy and the legality of its powers and authority solely on the basis of these imaginary notions. However, the hard truth is that the magical words in the PC and the raft of powers and privileges it bestows on federal constitutional bodies and office bearers are in actual reality a mirage.

Somalia is in the throes of an unprecedented scramble rarely, and probably never, witnessed in the history of post-colonial Africa. The new scramble for Somalia involves a wide range of competitors: Internal and external, national and international, old and new, traditional and modern, state and non-state, local and diaspora, religious and secular, African and Arab. They include:

- The Federal Government of Somalia (FGS).
- Somaliland, which has chartered and pursued its own path with a measure of credibility and success.
- Five Federal Member States (FMS) with huge variations in stability, governance, and economy.
- Two armed religious groups, Al-Shabab (AS) and Ahlu Sunna Wal Jama (ASWJ).
- The Banadir Region.
- Four clan families and half.
- Ubiquitous and nimble diaspora Somalis in search of opportunity and fortune.
- More than 20,000 foreign soldiers.
- Qatar, Saudi Arabia, Turkey and United Arab Emirates.
- Kenya and Ethiopia both of which harbor long-standing and well-known agendas in Somalia.
- The international community with its own sequestered enclave inside the International Airport in the Capital.

The Federal Government is probably the weakest in terms of the resources and capabilities it can mobilize and effectively deploy in defense of the territory it claims to control and the unity and sovereignty of the nation. Yet, the FGS insists that it is the only national legitimate authority in the land; and that any action or transaction implemented across the country without its consent and approval is illegal. This type of calculation is unrealistic as it flies in the face realities on the ground, or even common sense. The President, Prime Minister, or Speaker of Parliament cannot visit Berbera or Hargeisa; and their authority and directives do not reach or get meaningfully implemented there and much of the territories under the control of the FMS and AS. They cannot even control the Capital or freely move on its roads. Recently, the executives of the Federal Member States (FMS) claimed that they control 90 percent of the country while the FGS has effective jurisdiction on only 10 percent. This speaks volumes about the multiplicity of challenges and debilitating constraints with which the FGS is saddled.

How, then, a country confronting such lethal afflictions be salvaged? Is it realistically possible to save its sovereignty and unity? These are questions for which there are not easy, definitive answers. At the same time, if there is will, patience and courage, it is quite possible to crack the conundrum.

Recommendations that could save the country

1. **The Provisional Constitution and the 4.5 Formula:** These frameworks are part of the problem. And it is unlikely that they can be part of any durable solution. Therefore, instead of wasting valuable time and precious resources on fixing the deeply flawed PC or implement the accursed, unworkable 4.5 Formula, it is of utmost important to steer the country in a new direction, with emphasis placed on exploring and experimenting with new, ambitious, and creative innovations in constitution-making. Such efforts must be informed by the unique history, traditions and heritage of the country; the context and realities on the ground; and appropriate and relevant regional and international principles. What Somalia and Somalis went through since 1991 is extremely rare. It would be hard to find any country caught up in such complex web of afflictions and vulnerabilities for such a long time. It is therefore important to move away from business-as-usual or quick fix approaches. What is needed is a bold, well thought out governance formula befitting the peculiar nature of the country and the character and political culture of its people, and the contextual and geopolitical dynamics at work. Somalis with the right mix of expertise, experience, and knowledge, and have the best interest of the country and people at heart should lead and conclude this effort, with little or no external involvement. The outcome might well be a new, homegrown model of governance.

2. **A rotating federal presidency:** From 1960, the year of independence and Union, Somalia has not had a president from Somaliland or Southwest. The three presidents and five prime ministers that led the country from their enclave in Mogadishu between 2008 and 2017, hailed from just two clans, even though the top politicians and legislators claim that the 4.5 formula is the principal power-sharing framework. This is neither fair nor sustainable, particularly in the context of a country torn apart by multiple, autonomous and competing clan-based fiefdoms, coupled with a weak federal government unable to unite the country either through legitimate force or enlightened leadership and peaceful negotiations.
3. **Relocating the Federal Parliament and the Supreme Court:** In order to ensure that the three branches of government are operational and able to exercise their mandated constitutional duties and responsibilities fully and freely, it is worth considering relocating the legislative and judiciary arms outside the Capital, preferably in two different Federal Member States. Presently, Mogadishu lacks the minimum political, security, and logistical requirements for the Parliament and Supreme Court to operate smoothly and effectively. MPs are routinely targeted and intimidated, and many had already paid the ultimate price. In addition, the Executive Branch has engaged in authoritarian and at times unlawful practices aimed at intimidating, manipulating, or bribing MPs and judges often in the service of parochial and partisan interests. During the last two weeks we have watched the sad spectacle of the Speaker of the People's Assembly accusing the Executive Branch of sending its security forces to seize the premises of the Federal Parliament. The proposed arrangements would not solve all the problems blighting the country. They could, however, serve as transitional measures to stabilize the country's polarized and contested political landscape. More importantly, they could liberate the legislature and judiciary from the arbitrary, intrusive, strong-arm tactics of the Presidency based in Mogadishu.
4. **Genuine peace negotiations with Al-Shabab:** An impressive and expensive array of military forces and arsenal has been mobilized and deployed against AS for over a decade. But achieving the often-stated objective of a complete and crushing military defeat over the insurgent group has proved elusive. Twelve years, three presidents, the security forces of the federal government and FMSs, over 20,000 foreign soldiers, and relentless and sustained air bombing and lightning special operations raids by the sole remaining super power, have failed to eliminate AS, although they have weakened its capabilities and diminished its ranks. And 12 more years of the same approach would most probably not achieve a different outcome.

In fact, there is a growing consensus that pursuing an open-ended military strategy against AS, especially in the context of the expansive War on Terror project, would be a tragic and costly mistake. Informed Somalis know the conditions and circumstances that led to AS's emergence and its continued existence. As long as those conditions persist, the prospects for resolving the protracted and destructive conflict would be bleak. A genuine, all-Somali initiative uncontaminated by foreign hands, interests, and agendas, is needed to craft and implement credible and realistic peace talks with AS.

- 5. Limit the number of the diaspora and the positions they hold in the Federal Government:** The profile and status of the politicians from the diaspora grew exponentially during the last parliamentary and presidential elections.

By the time the process of government formation was completed in March, the diaspora had dominated the political landscape on a scale not seen in the history of post-colonial Africa. At the present time, the President, Prime Minister, Speaker of the Parliament, and 17 of 27 ministers in the Federal Government are Somalis who pledged loyalty to external powers. More than a third of the members of the 10th Parliament also hold foreign passports. The countries represented in the Federal Government include Australia, Britain, Canada, Denmark, Nederland, Sweden, and USA. Individuals from the diaspora, especially those with dual citizenship, have divided loyalty. In most countries an individual with dual nationality cannot become president of the nation. Dual citizenship holders are not even allowed to hold sensitive positions in areas pertaining to national security and strategic assets.

In the case of Somalia, most diaspora have been away from the country for decades, and their connection with the country is flimsy. Many fly into Mogadishu in search of opportunity and fortune. In fact, they seem to be engaged in a new form of state capture in the interest of three main beneficiaries: individual diaspora members, the diaspora as a collective entity as a cabal, and the external actors with which they are affiliated through citizenship or other shared interest in that order. The modus operandi followed by most diaspora individuals seeking or holding public office seems to be: occupy every available space, grab every opportunity, share the spoils among fellow diaspora friends and family members, and coordinate and, at times even, collude with external powers, with the embassies of the countries whose passports they hold being the first port of call. There is not any country in the world where so many with dual nationality wield so much executive and legislative power. Such concentration of power and resources in the hands of a tiny group with extensive links with foreign powers does not help a country with fragile institutions that are extremely vulnerable to

infiltration, destabilization, corruption, and even takeover by internal usurpers and/or external predators with vested strategic and geopolitical interests. More importantly, this sends a wrong message to the Somalis in the country, especially the youth hundreds of who risk life and limb fleeing the country in the hope of becoming tomorrow's diaspora high fliers. Of course those hell-bent on seeking the highest national offices could do the right thing by renouncing their second nationality, as done in many countries.

What if the status quo remains the same?

Predicting Somalia's future with a measure of certainty is fraught with difficulties. However, a great deal could be learned from the experiences and legacies of previous governments from 2000 to 2016. All of them failed in achieving national reconciliation, restoring peace and stability, and defending the sovereignty and unity of the country. The current government so far seems to be firmly grounded on the road taken by its four predecessors, barring any radical change of direction in the coming two and half years. If the current trend persists for a decade or two, the following scenarios could unfold, with far-reaching consequences.

1. **Somaliland** could move in two possible directions: Full, internationally recognized independence, or confederation with Ethiopia. A possible third scenario is that Ethiopia could be tempted to annex part or all of Somaliland. There are long-standing historical and geopolitical ambitions and interest informing these scenarios.
2. **Jubbaland** and the federal government have so far managed an uneasy coexistence. But there are deeper tensions underlying the relationship. During the reigns of Presidents Sheikh Sharif and Hassan Sheikh Mohamud, the federal government had vehemently opposed the establishment of Jubbaland Interim Administration, largely for reasons rooted in narrow, partisan politics. The same reasons underlie and to some extent animate the approach of President Farmaajo's government to Jubbaland. Jubbaland could therefore find itself confronting a few, tight and invariably unattractive options: maintain the status quo with emphasis placed on strengthening its position vis-a-vis Mogadishu; move closer to Kenya politically and economically; or formally seek the protection of Ethiopia. It is worth noting here that the Interim Administration of Jubbaland was inaugurated in Addis Ababa in a deal between the Federal Government and Jubbaland brokered by Ethiopia.
3. The country could break into **six emirates** or **six trust territories** under the protection of foreign powers.

4. New round of hostilities between clans, between the federal government and FMS, between FMSs, and between Al-Shabab and all other forces in the country.

There are elaborate schemes to reconfigure, politically and geographically, parts of the Middle East, the Arabian Peninsula, and the Horn of Africa led by Saudi Arabia and UAE, in collaboration with Ethiopia and with the tacit approval of a major western power. Implementation of this scheme has already begun in Yemen. A core element of this scheme is to bring the strategic assets – ports, airports, and oil and gas fields - in the Horn of Africa under “*Ethiopia’s leadership.*” This new, aggressive and well-resourced scramble for Somalia cannot be countered with the amateur reactions, empty rhetoric, and duplicitous silence of those entrusted with the responsibility of defending the nation.

If the top leaders of the country do not take their duty seriously and act accordingly and timely, they will wake up too late, alone and without a country.

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[Somali version: Ma la badbaadin karaa qarannimada iyo midnimada Soomaaliya](#)