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NEWS FROM AFAR!

## The Gulf Crisis: A way out

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### Past Missteps and Present-day Problems

I was once told that Somalis are good people with bad leaders. The proof is in the history of the last twenty-five years. One only hopes that Somalia's political class learns lessons from its past experiences and resolves its current conflict in a sensible and amicable way. The Gulf crisis that has divided Somali leaders into two irreconcilable camps (pro-Qatar and pro-UAE) shall find an amicable way out.

The post-colonial state of Somalia was wrecked and nearly thrown into the dustbin of history by its reckless political class, who developed neither a theory for change nor a cohesive political program for the aftermath. When the Barre regime was gone, each side parted company and started working on its myopic clan goals. In the end, a beautiful and once cohesive nation-state was almost erased from the world map. That political class that started clan movements and its proteges still make up the core of the political elite of the country.



The manifestation of the Gulf crisis in Somalia has the hallmark of regional, clan, cult and corruption as perpetuated by the proteges of the political class who had kept Somalia at bay since 1991. If the current conflict is not handled carefully, its spillover could at a minimum halt the recovery of the fragile state of Somalia.

Yes, the country survived the devastating impacts it had sustained from past conflicts, least because of its political class, but by the tenacious nature of its people. Whereas its politicians are crooks to the core, its elders are peace builders and a unifying force in time of need; its women are as tough as they come; its business community is first class entrepreneurs and as such helped keep people and goods moving so as to save the nation from starvation and hunger of biblical proportions.

More importantly, the youth of this nation, given the right leaders, still bears the attributes of the inimitable Somali Youth League (SYL) that mobilized the most powerful patriotic movement in sub-Saharan Africa up until the 1950s.

About seventy years ago, one of those youth was John Said who symbolized both the force of the Somali's youthful spirit and the unifying ideology of Negritude. Said's contemporaries include Michael Mariam, who was a solicitor to freedom fighters in Jigjiga, Salool, an avowed activist for Somali unity who was from Burco region, and the entire leadership of the SYL.

[Our skinny soccer boys](#) with their historic upsetting victory against the well-fed Kenyans and Ugandans in the runner-up to the 2018 under-17 Africa cup exhibited both the resolve and the resilience of the indomitable culture of Somali youth.



Alas, whereas Somali political institutions succumbed to the weight of scurvy post-civil war politicians, our skinny soccer players showed guts with meager resources and sent out one simple message – Somali people are good and tough breed only held back by their own political class. They did hold their end of the rope but the political class never did.

As President Farjmajo basks in the uplifting victory of these young boys who had heroically lifted up the fallen Blue flag at the soccer fields in Burundi, I urge him to reflect on their dexterity and unending struggle to have a united peaceful country, take a deeper introspection and begin re-evaluate the Gulf crisis in light of the big picture. In other words, the future of Somalia is more important than either Qatar or the UAE.

### **Real or Perceived Discontent**

I have been surveying and talking lately to many Somalis about the current condition of Somalia; I found out that the divide between Villa Somalia and Puntland is measurably significant. The recent visit of president Abdiweli Gaas to Dubai, of course in defiance of the Federal government's foreign policy stance towards the UAE, is a clear sign that political conflict between Garowe and Villa Somalia is getting out of hand.

Both Abdiweli Gaas, president of Puntland whose term is waning with not many accomplishments politically speaking, and those who want to challenge him in the next presidential elections in the region, are united in their grudges about what they call an "unfair treatment" of their region by Villa Somalia. Although some of the complaints predate the current administration, Gaas has decided to politicize them since the Gulf conflict surfaces.

To make matters worse, some political leaders in Galmudug, Hirshabelle with its [devastating and heart-wrenching floods](#) that destroyed its farms and residential quarters, and Jubbaland, are equally complaining concerned about the deteriorating relationship between them and Villa Somalia.

For example, Jubbaland leaders informed me that the federal government rebuffed multiple requests to share some of the weapons that have been piled up in Mogadishu. As a result Jubbaland leaders are drifting away from Villa Somalia.

I have also witnessed a painful situation with the president of Hirshabelle, Mohammed Abdi Ware, who is one of the most educated and sensible leaders in Somalia's political theater. Last October, 2017 on my brief visit to Mogadishu, I was in a meeting with president Ware and leaders of AMISOM and IGAD. In the middle of our discussion, president Ware received an ungodly call from the Vice Minister of Finance.

To his dismay, Mr. Waare was informed that the money the federal government promised to release for him to jumpstart his administration (\$400,000) will no longer be coming his way. According to him, the Fed was being vindictive of and punishing him for his participation in the Kismanyo convention organized by regional leaders. In that meeting, Waare was the peacemaker between the two sides. He could not swallow that he would be punished for such an honorable cause! The man almost had a heart attack!

Puntlanders have also long-standing legitimate grievances against Villa Somalia. Equally, the federal government has its share of problems with recurrent and shifting positions of Puntland's political class and the way they manipulate the federal structure. Mogadishu residents have also their share of complaints against the federal government's "subsidy of the rest of the nation at the expense of the revenue collected from their local Ports and the business community."

So far, president Gaas' manipulation of his captive audience worked for him at several levels. First, he diverted the attention of his audience from questions surrounding Tukaraq and Somaliland. Second, he has successfully reimagined himself as someone who tirelessly works on behalf of Puntland's interest despite his culture of corruption and false promises of good governance; and thirdly, he completely disarmed his competitors by playing politics of "Puntland being undermined by Faramjo." His rhetorics certainly muddied the water for all of us and implanted in unwarranted doubts about unity in the minds of many unsuspecting Puntlanders.

My late friend Said Samatar, who died three years ago, was fond of saying "poor Somalia too far from Allah and too close to Ethiopia," I am tempted to copy him and say poor Somalia too far from statehood and too close to the Gulf conflict. This is a conflict so big and out of Somalia's league that the US is trying hard to bring it to a closure.

## A justification for who is Right on the Gulf Conflict

Clear and unambiguous articles on resource-sharing in the constitution could have provided a clear pathway out in solving this current conflict over the Gulf crisis. However, previous administrations did not move the needle an inch forward to complete the process of constitution-making. Due to lack of a clear pathway to a constitutional resolution, Puntland claims that its regional constitution, Article 51(1) which states that “The Government” of Puntland “may set up or enter into joint venture companies with the participation of private or public investors, be they national or foreigners. This instrument explicitly say “may,” and not “shall,” therefore it is only a guide and suggestive in nature.



Also, the framers of this article, which was added to Puntland’s second draft of the constitution, were well aware of the articles in the national constitution that should supersede the soft language used here.

Which brings me to the argument of the federal government. Article 54 of the federal national constitution relinquishes four areas of power, without exception, to the federal government: The allocation of powers and resources *shall* be negotiated and agreed upon by the Federal Government and the Federal Member States (pending the formation of Federal Member States), except in matters concerning: (A) Foreign Affairs` (B) National Defense` (C) Citizenship and Immigration` (D) Monetary Policy, which *shall* be within the powers and responsibilities of the federal government. Here, unlike in the state law, “shall” is the operative word. There is no ambiguity whatsoever whose mandate it is to enter agreements with foreign entities, and that is the federal government.

Both Somaliland and Puntland are threading in dangerous territories when they test or even cross the limits to their sovereignty. In other words, their autonomy is limited and cannot compete with the federal government in those four spheres of power. In the case of Somaliland, egregious agreements on Berbera both commercially and militarily are tantamount to [pillaging Somalia](#). In essence, both Somaliland and Puntland have intentionally defied the dictates of Article 54. President Gaas’ bravado to hold a mean-spirited press conference while traveling overseas so as to undermine the federal arrangement is largely out of ignorance of the technicality and the interrelationship between the regional and federal documents.

Politics aside, in legal matters, when an ambiguity, conflict or inconsistency arise between two or more articles in interrelated documents, the higher authority always supersedes the lower levels of legislation.

That relationship is true both at the national and local levels of governance. For example, if a municipal ordinance promulgated by Sanaag region in Puntland contradicts article in Puntland's constitution, the higher legislation superseded the lower one. The same relationship must exist between regional and federal constitutions.

While president Gaas is correct in his press statement that “inconsistencies” between the two documents will be “harmonized” at a future, he is wrong to chart a foreign policy that is independent of the federal government. His actions in this regard have violated Article 51(2) of the federal constitution.

Until such a time arrives when the country's regional and federal constitutions are “harmonized,” the federal government owns the four spheres reserved for the highest power of the nation as stipulated under Article 54 of the draft federal constitution.

However, the federal government on its part erred by taking a hasty decision without consulting all the federal entities when it decided to sever its diplomatic and economic relationships with UAE. Constitutionally speaking, not considering the interest of federal entities could result in irreversible harm with detrimental impacts on the safety and public of the federal member states

Article 53 of the federal constitution speaks to the cooperation between the two entities when it refers to “International Negotiations” as follows:

“ (1) In the spirit of inter-governmental cooperation the Federal Government shall consult the Federal Member States on negotiations relating to foreign aid, trade, treaties, or other major issues related to international agreements. (2) Where negotiations particularly affect Federal Member State interests, the negotiating delegation of the Federal Government shall be supplemented by representatives of the Federal Member States governments. (3) In conducting negotiations, the Federal Government shall regard itself as the guardian of the interests of the Federal Member States, and must act accordingly.”

To be sure, the federal government correctly exercised its due powers to have expressed to the Gulf States that Somalia has only one federal government and Villa Somalia sets the nation's foreign policy goals. Having said that, the federal government also erred when it failed to consult all the stakeholders before taking drastic measures that could negatively impact the well-being of federal entities such as Puntland.

Despite the discordant positions between the Villa Somalia and Garowe, the Gulf crisis needs to be curtailed before it takes unbearable toll on the safety and public welfare of the nation. President Farmajo needs to first distance himself from the extremist advises such as the one recently suggested by none other than Farah Moalim of Kenya that suggested to declare presidents Gaas and Ahmed Madoobe, the latter being known as a peace-maker among Somalia's competing centers of power, as “national traitors.” Such an inflammatory language undermines honest discourse and the search for compromises among the already discordant political class.

At the same time, he should never waiver from expressing to the Gulf States that the federal government has the uncompromising monopoly over the nation's foreign policy, while he equally recognizes that the consent of the regions in making decisions of national importance is paramount. Reconciling these two contradictory but key instruments within the federal arrangement a test for governance.

The Somali Federal Government needs to bring all the stakeholder to the table and consult them as to where the interest of Somalia lies. Somalia needs to weigh foreign influences vis-à-vis national interest. What does Qatar versus UAE offer to Somalia? Can Somalia deal with UAE in a manner consistent with its sovereignty? Does Somalia have the right to be friends with both Arab countries without taking sides?

As the new United States Secretary for Foreign Affairs, Mike Pompeo, calls for Gulf conflict to end, Somalis need to pragmatically discuss many questions in a united spirit. What is in it for Somalia is the big question.

As of 2016, Somalia had a faint GDP of \$6.2 billion. Nevertheless, Somalia is swimming in the thick waters of two big economies: on the one hand, the combined economic powers of UAE (with its \$348 billion GDP) and the Kingdom of Saudi Arabia (\$647 billion), compared to that combined muscle of Qatar \$152.5 and Turkey (\$875 billion). Both sides boast a trillion dollar economy each. Somalia's. There should be an honest debate by all Somali stakeholders on how to navigate the Gulf conflict.

It is therefore incumbent upon President Mohamed Abdullahi Farmajo to take decisive steps to unite the country:

1. The President accompanied by a heavyweight delegation, shall quickly be dispatched to GAROWE for a consultative meeting. The conflict over the Gulf issue and other pressing issues must be brought to light in a more consultative manner.
2. The President and needs to work on this issues ASAP and need to realize how serious the fed-regional relationships have deteriorated.
3. Villa Somalia shall organize an inclusive stakeholders' deliberation on its national policy pertaining to the UAE-QATAR crisis as soon as possible as prescribed in federal constitution which provides for the central government to involve regional governments for consultation on matters of national interest. This issue qualifies for that and shall be treated accordingly.

To govern a country with a divided power that has multiple political centers, politics of compromise is the only way out. The federal government must understand the weigh of the Gulf crisis and reach out to Puntland and other regions.

Good governance requires that the weight of opposition and the level of discontents expressed by the governed be appreciated and addressed expeditiously unless one neglects at his/her own peril.

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