

FEDERALISM AND NATIONAL STABILITY: THE CASE OF SOMALIA

1999 - 2013

BY

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SEPTEMBER 2014

DECLARATION

I hereby declare that this thesis is my own original work and that it has not been published or submitted in any institution other than the University of Nairobi

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DEDICATION

Alhamdulillah, To my Mum (Hoyo Macaan) and Dad (Abo), who are my source of encouragement and inspiration for always pushing me to higher levels of self-actualization and realize my full potential. With much gratitude for the myriad of ways in which you have actively supported me; Financially, Material and Moral support. For all the selfless sacrifices you incurred to bring me up with a lot of integrity. I love you both and respect you so much. I always thank the Almighty God for you, May Allah (SW) continue to bless you richly with blissful and content sunset years and reward both of you all that you desire for both in this life and in the hereafter. Amin.

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ABSTRACT

The research examines federalism and national stability in Somali. The overall objectives and hypotheses of the study include to provide an overview of the federalist debates and effects on national stability in Somalia. international interventions influence and lack of a central authority on federalism and national stability in Somalia. The research looks into the historical overview on federalism and national stability in Somalia. chapter one introduces the study, chapter two and three focuses on clan identity on federalism and national stability and the influence of international interventions on federalism and national stability respectively. chapter four is a critical analysis of the study and highlights key findings and emerging issues such as the absence of a central authority, the role of international actors and clanism as an issue in Somalia. The researcher's recommendations are mainly in line with the need for judiciary to build strong, independent legal institutions, addressing the issue of clanism, building trust and security and the need to go beyond state building.

LIST OF ABBREVIATIONS

TNG	Transitional National Government
TFG	Transitional Federal Government
ICU	Islamic Courts Union
AMISOM	African Union Mission in Somalia
AIDS	Acquired Immune-Deficiency Syndrome
D/M	Digil/ Mirif
OECD	Organization for Economic Co-operation and Development
UN	United Nation
UNOSOM	United Nations Office for Somalia

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CHAPTER ONE

**FEDERALISM AND NATIONAL STABILITY: A CASE OF
SOMALIA 1999-2013**

1.0 Introduction

Before you can have democracy or economic development, you have to have a state. But, how does a country build a state? During the 1980s and early 1990s a neoliberal view dominated development policy discussions; thus, questions of state-building and state capacity were excluded. As part of the push for liberalization and a minimalistic state, the scope of the state was reduced in developing countries through privatization, subsidy cuts, deregulation etc. However, these donor-imposed programs were often counterproductive.

In many African states for example, former colonial administrative systems existed alongside neopatrimonial regimes that competed for resources and often felt threatened by Weberian rational bureaucracy. Donor conditionality was therefore used as an excuse by regimes to expand and protect the scope of the neopatrimonial state, while reducing the “modern” state sectors.¹ Today, several African states are among the weakest in the world;² unable to preserve rule of law, guarantee territorial integrity and support development among other Weberian state functions.³ During the 1990s, the weakness or collapse of these states resulted in human rights and humanitarian disasters

¹ Fukuyama, Francis. *The Imperative of State-Building*. Journal of Democracy, Vol.15, Nr.2, Johns Hopkins University Press, 2004, pp.26-29 [DOI: 10.1353/jod.2004.0026]

² Jackson, Robert H. and Rosberg, Carl G. *Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood*. *World Politics*, Vol. 35, No. 1, Cambridge University Press, 1982, pp.1-24 [ISSN:0043-8871]

³ Verhoeven, Harry. *The self-fulfilling prophecy of failed states: Somalia, state collapse and the Global War on Terror*. *Journal of Eastern African Studies* Vol. 3, No. 3, 2009, pp.405-425 [DOI: 10.1080/17531050903273719]

in countries like Haiti, Cambodia, East Timor and Somalia.⁴ Subsequently, it has been concluded that development is mostly affected by institutional and political rather than economic factors.⁵

The politics of Somalia have gone through various periods of change. Following the outbreak of the civil war and the ensuing collapse of the Siad Barre regime in the early 1990s, Somalia's residents reverted to local forms of conflict resolution, consisting of law, religious and customary law. A few autonomous regions, including the Somaliland, Puntland and Galmudug administrations, emerged in the north in the ensuing process of decentralization. The early 2000s saw the creation of fledgling interim federal administrations. The Transitional (TNG) was established in 2000 followed by the formation of its successor the Transitional Federal Government (TFG) in 2004, which reestablished national institutions such as the Military of Somalia. In 2006, the TFG assisted by Ethiopian troops, assumed control of most of the nation's southern conflict zones from the newly formed Islamic Courts Union (ICU). The ICU subsequently splintered into more radical groups such as Al-Shabaab, which battled the TFG and its AMISOM allies for control of the region, with the insurgents losing most of the territory that they had seized by mid-2012.

In 2011-2012, a Roadmap political process providing clear benchmarks leading toward the establishment of permanent democratic institutions was launched. Within this administrative framework, a new Provisional Constitution was passed in August 2012, which designates Somalia as a federation. Following the end of the TFG's interim

⁴ Fukuyama 2004:18

⁵ Ibid. p.p.26-29:27.

mandate the same month, the Federal Government of Somalia, the first permanent central government in the country since the start of the⁶ civil war, was also formed. The nation has concurrently experienced a period of intense reconstruction, particularly in the capital, Mogadishu. Several internal and external actors tried and failed in reconstructing the Somali state. Due to these failures, the world community's involvement in the country was reduced to food aid.⁷ However, as global problems such as terrorism, poverty, trafficking and AIDS are seen as closely related to weakness or failure of states,⁸ the world once again turned its attention to Somalia during the 21st century as the instable situation in the country affected both regional and international peace and security.⁹

1.1 Statement of the Research Problem

For over 20 years Somalia endured turmoil caused by militia warfare, corruption and terrorism. Somalis suffered because of the governing dysfunction. Hundreds of thousands died, millions emigrated or fled to refugee camps; and violence, especially against Somali women and girls, reached unparalleled levels. Indeed, Genocide Watch regularly places Somalia on its watch list for crimes committed by the Islamic fundamentalist group, Harakaat al-Shabaab al-Mujaahidiin, commonly known as Al-Shabaab or "Movement of Warrior Youth." These crimes against other Somalis include rape, abduction of children

⁶ Somalia: Somali Leaders Adopt Draft Constitution". ANP/AFP. Retrieved 23 June 2012; "Somali leaders back new constitution". BBC. 1 August 2012. Retrieved 2 August 2012.

⁷ Shinn, David H. 'Somalia and the International Community: Facing Reality'. In Ulf Johansson Dahre (ed.), *Predicaments in the Horn of Africa: 10 years of SIRC Conferences in Lund on the Horn of Africa*. Lund: Media-Tryck, Lund University, 2012, p.15

⁸ Fukuyama 2004:17-18

⁹ Frisell, Eva Hagström; Lindell, Magdalena Tham and Skeppström, Emma. *Land i sikte? – EU:s samlade ansats gentemot Somalia*. Totalförsvarets forskningsinstitut (FOI), Report nr: FOI-R--3462--SE, 2012, p.9;14-15

as soldiers and murder.¹⁰ Moreover, some have argued that the Somali transitional government committed crimes against humanity through its misappropriation of foreign aid.¹¹ In summary, a lack of governance left Somalia as the quintessential failed state; an ongoing humanitarian disaster, a sanctuary for pirates and a terrorist threat to the world community.

Creating a functioning federal and nationally stable state in Somalia means negotiation, reconciliation and sharing of power among Somalis. Yet in the last 20 years “genuine negotiations” did not occur. International attempts at solving Somalia’s instability resulted in the establishment of central governments that barely exerted control over a few square miles. These transitional governments lacked legitimacy, and even worse, hurt the Somali people through corruption and theft. Ending the mass atrocities occurring in Somalia entails building national unity and sharing power across individuals, clans and rivals. Compromise will lead to a responsive government able to feed its people, secure its borders and combat terrorists on its own. However, the difficulty lies in removing those who benefit from the current system so that power devolves to the people. Only Somalis can create lasting change by building trust between different factions who will in turn demand good governance and different leaders.

Imposing an international solution or backing foreign participation in power-brokering agreements will backfire in countries like Somalia without a history of central government or sense of statehood. Nation stability in a country where its citizens do not agree concerning basics such as borders, citizenship and constitutional structure will fail

¹⁰ Genocide Watch, “Mass Atrocities Alert: Somalia,” March 2012, <http://www.genocidewatch.org/somalia.html> (accessed 5 April 2012), 4.

¹¹ Matt Bryden, “Somalia’s Famine is Not Just a Catastrophe, It’s a Crime,” October 2011, http://www.enoughproject.org/files/Bryden_SomaliaFamine%20Brief_final_0.pdf (accessed 3 May 2012).

since there exists no indigenous center or ideology to force competing groups to compromise. Therefore, the international community, if it intervenes, should promote programs and organizations that support Somali-led reconciliation. The world community can assist by offering support to burgeoning members of civil society and by ensuring Somalia's national resources go towards the Somali people.

As a failed state located in a strategic area, Somalia attracted international interventions and protracted discussion. Its collapse engendered debate concerning the cause of its dysfunction and what should be done to establish stability. The most common reasons given for Somalia's failure include: its clan system, enduring effects of colonialism, lack of sufficient economic resources, and blundering by the international community at peace building. While these factors play a role in explaining Somalia's collapse, they do not reach the heart of the problem. Therefore, this study sought to analyze Federalism and National Stability: the case of Somalia 1999-2013.

1.2 Objectives of the Study

The overall objective of the study is to interrogate the effects of federalism on national stability in Somalia. more specifically the study aims to:

- i. Provide an overview of the federalist debates and effects on national stability in Somalia.
- ii. Analyze the influence of International Interventions on federalism and national stability in Somalia.
- iii. Analyze the influence of Lack of a functioning government on Federalism and National Stability in Somalia.

1.3 Literature Review

1.3.1 Introduction

Proponents for Federalism are not monolithic in their articulation of their rationale though they all converge on the end result. It is noteworthy to mention that both groups- For or Against Federalism, while rational in their arguments and positions for the most part, nevertheless, the arguments of both camps contain doses of irrationality typical of conspiracy theories. Furthermore, there is a misconception that the opposing groups fall neatly into members of different and discreet clans, but that is not case as you will find both proponents and opponents in all clans, including those in Somaliland. The earliest proponents of Federalism were elites within the Digil/ Mirif clans who articulated a federal vision during the struggle for independence from Italy in the 1950s and most commentators state that this was a conscious choice because the D/M community were fearful that once the Italian colonialists leave and the Somali people begin exercising self-rule, that they would be dominated by the non-D/M clans (Maxaa Tiri) and stripped of their rights. Among the lead proponents of this view was the late Mr. Abdukadir Zoppe, a key Minister in the first post-independence government and a very astute politician.¹²

The second proponents of Federalism are Puntland and Somaliland. The rationale of this group of proponents is rooted in historical grievances anchored on violations of human rights, and also “facts on the ground”, ostensibly premised on the fact that both these regions have institutionally organized their communities¹³ into respective

¹² Ibid p7

governments (with varying degrees of successes) that have parliaments, executive, judiciary, police, revenue collection systems, and district level civil administrations. Somaliland's grievance goes much deeper than Puntland. The substance of Somaliland's deeply and widely held grievance is that in 1988, the national army of a functioning Somali state unleashed destruction and terror on the Somali citizens in that region, terror that included air bombings on Hargeisa and other towns, resulting in an exodus of families, children, women and the vulnerable into refugee camps in Ethiopia with squalid conditions. On the other hand, some Puntlanders cite the 1991 civil war as a grievance marker since thousands of their members had to flee from Mogadishu where significant numbers of them called home for generations. Both groups further claim that successive governments after independence failed to provide economic development to their respective regions by way of projects and that power, wealth and even services were concentrated in Mogadishu to the extent that many services could only be accessed in Mogadishu to the detriment of citizens living elsewhere.

The third proponents of federalism are found within Somali academic circles and practitioners of peace building. The premise of their arguments is thus: In divided societies with diverse historical narratives of grievances and counter-grievances, in countries where there are separatist or secessionist tendencies and in societies coming out of nasty and prolonged civil wars, it is best to diffuse power vertically through the enshrinement of the principles of separation of powers in the constitution, and horizontally through decentralization, devolution or federation¹⁴. This group further posits that a unitary system is a disincentive to economic development of the regions and

¹⁴ Ibid p16

a dangerous incentive to massive urbanization of a few big cities as young people in the regions would flock to major cities in search of opportunities, a trend that would depopulate the regions and exert demographic pressure on a few cities. The penultimate argument in this thesis is that the regions would turn into pockets of small towns characterized by poverty and inequality while major cities would also end up with massive poor and uneducated migrants from the periphery whose only recourse to eke out a living would be a life of crime and anti-social behavior. To put it in another way, decentralization, devolution and federalism would, the argument goes, provide the regions with the appropriate powers (through some slice of the national tax base, resource sharing, equalization through the national budgeting regime) to enable them engage in economic development and provision of services to citizens residing in these regions, and also as a result contribute to the national economy.

On the other hand, those against federalism acknowledge the historical grievances of communities mentioned above but they hold that those historical wrongs can be rectified through a unitary system of government that upholds national unity and territorial integrity. They assert that it was not the unitary system per se that is culpable for the atrocities of the past decades but the absence of rule of law, participatory democracy and a robust constitution that could serve as a bulwark against human rights violations of citizens. They further argue that economic development eluded all regions (and not only Somaliand and Puntland) during successive governments, since governments post-independence governments placed priority on militarization and thus allocated significant resources to the army and armaments. This group believes that only a unitary system with built-in constitutional safe guards can accomplish what a

cumbersome and myriad of governments and sub-national governments in a federal arrangement cannot do. Put another way, preserve the unitary system but improve its governance and bring it up to international standards, essentially saying, “Do not throw the baby with the bath water”. As a reflection of the level of mistrust over this issue, some proponents in this camp, including Somali academics, openly profess that Federalism is a foreign imposition and that Ethiopia and the USA are scheming behind the scene, and that federalism is a Trojan horse designed to divide the Somali people, weaken the Somali nation through balkanization into self-autonomous regions and then loot the natural resources under the cover of international cooperation. To this group, the grievances of the DM people and those of members of Somaliland and Puntland fall on deaf ears.

1.3.2 Definitions and Debates

Scholars describe the term ‘federalism’ in various ways, such as political philosophy, normative ideal, ideological position, programmatic orientation and historical phenomenon¹⁵. It is therefore essential to consider the various interpretations and definitions of the concept for the benefit of understanding the debates and to be as clear and explicit as possible when using the concept in this dissertation. A good point of departure is the definition developed by Daniel Elazar, one of the leading experts in field of federalism. According to Elazar¹⁶ ‘federalism has to do with the need of people and polities to unite for common purposes yet remain separate to preserve their integrity.

¹⁵ King, P. (1982). *Federalism and Federation. Maryland*: The John Hopkins University Press; Elazar, D.J. (1987). *Exploring Federalism*, Tuscaloosa: The University of Alabama Press; Burgess, M. (2000). *Federalism and European Union: The building of Europe, 1950-2000*, London and New York: Routledge; Oyovbaire, S.E. (1985). *Federalism in Nigeria A study in the Development of the Nigerian Stat*. London: Macmillan Publishers.

¹⁶ Ibid p5

Federalism is concerned simultaneously with the diffusion of political power in the name of liberty and its concentration on behalf of unity or energetic government'. Here, the basic federal principle is concerned with the combination of 'self-rule' and 'shared rule'. It is the framework that involves the linking of individuals, groups, and polities in lasting but limited union in such a way as to provide for the pursuit of common ends while maintaining the respective integrities of all parties.

Accordingly, federalism is considered as a comprehensive system of political relationships which emphasizes the combination of self-rule and shared rule within a matrix of constitutionally dispersed powers. Elazar interpreted federalism, as the contractual combination of self-rule and shared-rule, as a broad genus of political organization encompassing a range of different species. In his article, From Statism to Federalism, Elazar explicitly used the term 'federal' in its largest sense, not simply to describe modern federation like the United States, Canada, or Switzerland but all the various federal arrangements in use in the world today including federations, confederations and other confederal arrangements, associated states, special interest joint authorities with constitutional standing, and others

In contrast, however, Watts¹⁷ warns that though defining federalism as a broad generic term encompassing a variety of forms is helpful, the use of 'federalism' as both a normative and a descriptive term opens some potential for logical confusion. Consequently, he argues, following Preston King's distinction that making the three terms- 'federalism', 'federal political systems' and 'federation' distinct is essential. According to Watts while 'federalism' should be seen as normative concept, 'federal

¹⁷ Watts, R. (1999). Comparing Federal Systems. London: McGill-Queen's University Press

political systems' should be understood as the generic descriptive term for the whole genus encompassing the wide variety of political systems combining 'self-rule' and 'shared-rule'. In addition, he considers 'federation' as one specific form or species of federal political system, nothing as well that there may be hybrids combining some features of the different forms of 'federal political systems'.

In his vital contribution to the theoretical discussion, King¹⁸ made a distinction between 'federalism' and 'federation' as normative and descriptive terms respectively. Thus, 'federation' is defined 'as an institutional arrangement, taking the form of a sovereign state, and distinguished from other such states solely by the fact that its central government incorporates regional units in its decision procedure on some constitutionally entrenched basis', whereas, federalism is an ideological and/or philosophical position. In accordance to this definition, there may be federalism without federation, but there cannot be federation without some matching variety of federalism. Following King's distinction of 'federalism' and 'federation', Michael Burgess¹⁹ explains that 'federation' as a constitutionally entrenched institution that recognizes diversity in a state or as he puts it: 'the institutionalization of those relationships in a state which have political salience,' Accordingly this type of political institution takes many forms and his definition is concerned chiefly with those diversities which have the capacity for political mobilization. However, he makes the point that 'federation is not a universal panacea to the politics of difference; on the contrary, it is one direct response to those diversities which can determine the very legitimacy and stability of the state itself'. Thus for Burgess, 'federation' is a specific organizational form which includes structures,

¹⁹Watts, R. (1999). *Comparing Federal Systems*, Montreal: McGill-Queens University Press.

institutions, procedures and techniques. It is a tangible institutional reality. It is ‘a case of corporate self-rule, which is to say as some form of democratic or constitutional government’.

Without basic consensus on some form of federal principles and processes it is likely that the concept could become too flexible and any regime could call its system ‘federal’ on the basis of the mere existence of the structures alone. As King states that ‘if it is to be used meaningfully, it has to be given some reliable and fairly fixed sense. Otherwise ‘the variety of meanings associated with federation creates a genuine basis for misunderstanding’. Hence, the gist of the matter is not determined only by the presence of the structures, but indeed, the reflection of the process as well and in the senses of relationships that exist between and within the federal and the states structures as well as peoples-states relations. The process could reflect, in some justifiable form, to the extent the structures embody the interests of the people. ‘It not only embraces individual citizens, with an equal entitlement to vote, but also individual territories or states or provinces, which also enjoy some form of equal influence at the federal centre’. Subsequently, without such a process, the federal structure could just serve as a means for the concentration of power or the tyranny of local oligarchy in the name of federalism or regional government.

1.3.3 The Somali Conflict

According to Clapham the fall of the Mohamed Siad Barre regime in 1991 had unintended consequences on the Somali state institution. The fall of a government does not necessarily signal the collapse of a state in democratic societies. The basic assumption is that the threat of state collapse unsurprisingly arises in countries in which

the preconditions for state formation and maintenance were most uncertain in the first place and derives from the relatively recent assumption that the entire world should be divided into states²⁰. When Siad Barre seized power in a military coup in 1969, the Somali state was nine years into its formation with visible structural weaknesses. The military government destroyed even the rudimentary structures of a functioning state such as the legislature, judiciary and the civil service. Therefore, the collapse of the Somali state was not a chance event, but a process, which began at the time of independence in 1960. Thus, it can be stated that the state “collapse was triggered when the Siad Barre government fell in 1991.

When the Somali state collapsed in 1991, there was no formidable political formation capable of filling the vacuum left by the weak government of Siad Barre. The country was fragmented in terms of clan lineage and patronage and the devastating drought and ensuing famine introduced food security as a source of conflict. Another element consistent with the concept of an intractable conflict concept was introduced: the changing goalpost in the life cycle of such a conflict. A lack of political vision and the politics of exclusion became the ingredients for the current civil war in Somalia. The absence of a political formation capable of channeling the anger of the Somalis to change the divisive legacy of the Siad Barre regime constructively was another factor in Somalia’s protracted civil war.

²⁰ Clapham, C. (2003). The Challenge to the State in a Globalised World, part one. In *State Failure, Collapse and Reconstruction*, edited by J. Milliken. Oxford: Blackwell Publishing.

1.3.4 The Concept of Federalism

Many arguments for federalism have traditionally been put in terms of promoting various forms of liberty in the form of non-domination, immunity or enhanced opportunity sets²¹. When considering reasons offered in the literature for federal political orders, many appear to be in favor of decentralization without requiring constitutional entrenchment of split authority. Two sets of arguments can be distinguished: Arguments favoring federal orders compared with secession and completely independent sovereign states; and arguments supporting federal arrangements rather than a (further) centralized unitary state. They occur in different forms and from different starting points, in defense of ‘coming together’ federalism, and in favor of ‘holding together’ federalism.

Federations may foster peace, in the senses of preventing wars and preventing fears of war, in several ways. States can join a (con) federation to become jointly powerful enough to dissuade external aggressors, and/or to prevent aggressive and preemptive wars among themselves. The European federalists Altieri Spinelli, Ernesto Rossi and Eugenio Colorni argued the latter in the 1941 Ventotene Manifesto: Only a European federation could prevent war between totalitarian, aggressive states. Such arguments assume, of course, that the (con) federation will not become more aggressive than each state separately, a point Mill²² argued.

Keohane and Joseph²³ argue that Federations can promote economic prosperity by removing internal barriers to trade, through economies of scale, by establishing and

²¹ Elazar, D.J. (1987). *Exploring Federalism*, Tuscaloosa: University of Alabama Press.

²² Mill, J.S. (1861). *Considerations on Representative Government*, New York: Liberal Arts Press, 1958 [[Text available online](#)].

²³ Keohane R.O. and Joseph, S.N. (2001). *Power and Interdependence: World Politics in Transition* (3rd Edition), New York: Longman.

maintaining inter-member unit trade agreements, or by becoming a sufficiently large global player to affect international trade regimes. Federal arrangements may protect individuals against political authorities by constraining state sovereignty, placing some powers with the center. By entrusting the center with authority to intervene in member units, the federal arrangements can protect minorities' human rights against member unit authorities.²⁴ Such arguments assume, of course, that abuse by the center is less likely.

Watts notes that federations can facilitate some objectives of sovereign states, such as credible commitments, certain kinds of coordination, and control over externalities, by transferring some powers to a common body. Since cooperation in some areas can 'spill over' and create demands for further coordination in other sectors, federations often exhibit creeping centralization. Federal arrangements may enhance the political influence of formerly sovereign governments, both by facilitating coordination, and particularly for small states by giving these member units influence or even veto over policy making, rather than remaining mere policy takers.

Karl and Otto also pointed out that, federal political orders can be preferred as the appropriate form of nested organizations, for instance in 'organic' conceptions of the political and social order. The federation may promote cooperation, justice or other values among and within member units as well as among and within their constituent units, for instance by monitoring, legislating, enforcing or funding agreements, human rights, immunity from interference, or development. Starting with the family, each larger unit responsible for facilitating the flourishing of member units and securing common

²⁴Watts, R. (1999). *Comparing Federal Systems*, Montreal: McGill-Queens University Press.

goods beyond their reach without a common authority. Such arguments have been offered by such otherwise divergent authors as Althusius, the Catholic traditions of subsidiarity as expressed by Popes Leo XIII (1891) and Pius XI (1931), and Proudhon. Acton in support of federalism stated that federal arrangements may protect against central authorities by securing immunity and non-domination for minority groups or nations. Constitutional allocation of powers to a member unit protects individuals from the center, while interlocking arrangements provide influence on central decisions via member unit bodies. Member units may thus check central authorities and prevent undue action contrary to the will of minorities: “A great democracy must either sacrifice self-government to unity or preserve it by federalism. The coexistence of several nations under the same State is a test, as well as the best security of its freedom ... The combination of different nations in one State is as necessary a condition of civilized life as the combination of men in society”.²⁵

Mill specifically argues that, federal arrangements can accommodate minority nations who aspire to self-determination and the preservation of their culture, language or religion. Such autonomy and immunity arrangements are clearly preferable to the political conflicts that might result from such groups' attempts at secession. Central authorities may respond with human rights abuses, civil wars or ethnic cleansing to prevent such secessionist movements. Federal orders may increase the opportunities for citizen participation in public decision-making; through deliberation and offices in both

²⁵ Acton, L. (1907). “Nationality,” in J. N. Figgis (ed.), *The History of Freedom and Other Essays*, London: Macmillan.

member unit and central bodies that ensures character formation through political participation among more citizens.

According to Oates, federations may facilitate efficient preference maximization more generally, as formalized in the literature on economic and fiscal federalism, though many such arguments support decentralization rather than federalism proper. Research on ‘fiscal federalism’ addresses the optimal allocation of authority, typically recommending central redistribution but local provision of public goods. Federal arrangements may allow more optimal matching of the authority to create public goods to specific affected subsets of the populations. If individuals' preferences vary systematically by territory according to external or internal parameters such as geography or shared tastes and values, federal or decentralized arrangements that allow local variation may be well suited for several reasons. Local decisions prevent overload of centralized decision-making, and local decision-makers may also have a better grasp of affected preferences and alternatives, making for better service than would be provided by a central government that tends to ignore local preference variations. Granting powers to population subsets that share preferences regarding public services may also increase efficiency by allowing these subsets to create such ‘internalities’ and ‘club goods’ at costs borne only by them.²⁶

Acton further states that federal arrangements can also shelter territorially based groups with preferences that diverge from the majority population, such as ethnic or cultural minorities, so that they are not subject to majority decisions severely or

²⁶ Oates, W. (1972). *Fiscal Federalism*, New York: Harcourt Brace Jovanovich.

systematically contrary to their preferences. Non-unitary arrangements may thus minimize coercion and be responsive to as many citizens as possible. Such considerations of economic efficiency and majority decisions may favor federal solutions, with “only indivisibilities, economies of scale, externalities, and strategic requirements acceptable as efficiency arguments in favor of allocating powers to higher levels of government”.²⁷

Buchanan likewise argues that federal arrangements may not only protect existing clusters of individuals with shared values or preferences, but may also promote mobility and hence territorial clustering of individuals with similar preferences. Member unit autonomy to experiment may foster competition for individuals who are free to move where their preferences are best met. Such mobility towards member units with like-minded individuals may add to the benefits of local autonomy over the provision of public services, absent economies of scale and externalities²⁸ though the result may be that those with costly needs and who are less mobile are left worse off.

1.3.5 National Stability

National stability is widely considered to be the product of combined political, economic, and social variables. It is generally assessed as the composite performance of a nation across a variety of components or factors. For example, the Failed States Index assesses indicators (mounting demographic pressures, economic decline, human rights violations, etc.)

²⁹. Alternatively, the World Governance Indicators assesses 6 indicators (voice and accountability, political stability and absence of terrorism,

²⁷ Ibid p10

²⁸ Buchanan, J. (2001). *Federalism, Liberty and the Law*, Collected Works (Volume 18), Indianapolis: Liberty Fund.

²⁹ Fund for Peace. (2011a). *Failed States Index 2010*. Retrieved March 3, 2011, from <http://www.fundforpeace.org>

government effectiveness, etc.)³⁰. It is useful to note that linear, criteria-based frameworks such as these may be criticized because they do not fully examine the dynamic interaction of factors collectively.

The stability of nations can be an important indicator for both positive and negative conditions. On one hand, nations that rank higher on stability indexes tend to also have higher income per capita, primary school completion, levels of democracy, and government effectiveness. Those nations that rank higher for stability also tend to have lower levels of corruption, child mortality and undernourishment, political instability, and violence. So, the benefits are two-fold, both yielding positive outcomes and providing a buffer to negative ones. Importantly, nations with lower stability scores tend to maintain their poor position persistently. For example, Somalia has been ranked as the number 1 failed state three years in a row (2008-2010). And, in the last four years of the Failed States Index (2007-2010) just 11 different nations made up the top 10 countries when ranked according to instability. Further, nations ranked as unstable are more likely to experience violent conflict.³¹

Federal political orders require attention to several constitutional and other institutional issues, some of which raise peculiar and intriguing issues of normative political theory. They determine the boundaries of the member units, e.g., along geographical, ethnic or cultural lines; whether establishment of new member units from old should require constitutional changes, whether to allow secession and if so how, etc.

³⁰Kaufmann, D. (2010a). Governance Matters 2010: Worldwide governance indicators highlight governance successes, reversals, and failures. Washington, DC: Brookings. Retrieved March 4, 2011, from http://www.brookings.edu/opinions/2010/0924_wgi_kaufmann.aspx

³¹ Hewitt, J., Wilkenfeld, J., & Gurr, T. (2008). Peace and conflict 2008. London: Paradigm.

They also dictate the allocation of legislative, executive, judicial and *constitution-amending* power between the member units and the central institutions. In asymmetric arrangements some of these may differ among member units. Moreover, they determine the form of influence by member units in central decision-making bodies within the interlocking political systems. As political orders go, federal political arrangements pose peculiar problems concerning stability and trust. Federations tend to drift toward disintegration in the form of secession, or toward centralization in the direction of a unitary state. Such instability should come as no surprise given the tensions typically giving rise to federal political orders in the first place, such as tensions between majority and minority national communities in multinational federations.

Filippov *et al* are of the opinion that federal political orders are therefore often marked by a high level of ‘constitutional politics’. The details of their constitutions and other institutions may affect these conflicts and their outcomes in drastic ways. Political parties often disagree on constitutional issues regarding the appropriate areas of member unit autonomy, the forms of cooperation and how to prevent fragmentation. Such sampling bias among states that federalize to hold together makes it difficult to assess claims that federal responses perpetuate cleavages and fuel rather than quell secessionist movements. Some nevertheless argue that democratic, interlocking federations alleviate such tendencies.³²

Many authors note that the challenges of stability must be addressed not only by institutional design, but also by ensuring that citizens have an ‘overarching loyalty’ to the

³² Filippov, M., Peter, C.O. and Olga, S. (2004). *Designing Federalism: A Theory of Self-sustainable Federal Institutions*, Cambridge: Cambridge University Press.

federation as whole in addition to loyalty toward their own member unit³³. The legitimate bases, content and division of such a public dual allegiance are central topics of political philosophies of federalism. Some accept (limited) appeals to considerations such as shared history, practices, culture, or ethnicity for delineating member units and placing certain powers with them, even if such ‘communitarian’ features are regarded as more problematic bases for (unitary) political orders. The appropriate consideration that voters and their member unit politicians should give to the interests of others in the federation in interlocking arrangements must be clarified if the notion of citizen of two commonwealths is to be coherent and durable.

Another and related central philosophical topic is the critical assessment of alleged grounds for federal arrangements in general, and the division of power between member units and central bodies in particular, indicated in the preceding sections. Recent contributions include. Among the important issues, especially due to the risks of instability, are: How the powers should be allocated, given that they should be used but may be abused, by political entrepreneurs at several levels to affect their claims. The concerns about stability require careful attention to the impact of these powers on the ability to create and maintain ‘dual loyalties’ among the citizenry. As Mill noted, “the power to decide between them in any case of dispute should not reside in either of the governments, or in any functionary subject to it, but in an umpire independent of both.” Such a court must be sufficiently independent, yet not utterly unaccountable.

The “Principle of Subsidiarity” has often been used to guide the decisions about allocation of power. This principle has recently received attention owing to its inclusion

³³ Ibid p18

in European Union treaties. It holds that authority should rest with the member units unless allocating them to a central unit would ensure higher comparative efficiency or effectiveness in achieving certain goals. This principle can be specified in several ways, for instance concerning which units are included, which goals are to be achieved, and who has the authority to apply it. The principle has multiple pedigrees, and came to recent political prominence largely through its role in quelling fears of centralization in Europe a contested role which the principle has not quite filled.

According to Norman, regarding distributive justice, federal political orders manage tensions between ensuring member unit autonomy and securing the requisite redistribution within and among the member units³⁴. Indeed, the Federalists regarded federal arrangements as an important safeguard against “the equal division of property”. The political scientists Linz and Stepan may be seen as finding support for the Federalists’ hypothesis: Compared to unitary states in the OECD, the ‘coming together’ federations tend to have higher child poverty rate in solo mother households and a higher percentage of population over-sixty living in poverty. Linz and Stepan³⁵ explain this inequality as stemming from the ‘demos constraining’ arrangements of these federations, seeking to protect individuals and member units from central authorities, combined with a weak party system. By comparison, the Constitution of Germany (not a ‘coming together’ federation) explicitly requires equalization of living conditions among the member units. Normative arguments may also support some distributive significance of federal arrangements, for instance owing to legitimate trade-offs between member unit

³⁴ Norman, W.J. (2006). *Negotiating Nationalism: Nation-building, Federalism and Secession in the Multinational State*, Oxford: Oxford University Press.

³⁵ Ibid p16

autonomy and redistributive claims among member units. A central normative issue is to what extent a shared culture and bonds among citizens within a historically sovereign state reduce the claims on redistribution among the member units.

1.3.6 The Role of External Actors

On the 26 March 1993, the UN Security Council invoked Chapter VII of the UN Charter and unanimously adopted Resolution 814 (1993) to expand the UN's role in Somalia. The new mandate provides authorization for the establishment of the United Nations Office for Somalia II (UNOSOM II). The implication of the resolution is that it entrenches the militarization of the UN's engagement in Somalia at the operational cost of \$1.5 billion, making it the most expensive UN peace-keeping operation, according to Bradbury³⁶. On 5 June 1993, the Pakistani UN peacekeeping troops used the provision of Chapter VII, which gives powers for peace-enforcement to UNOSOM, to search for weapons at General Aidid's compound and Radio Mogadishu. The UNOSOM miscalculation led to the killing of 24 Pakistani peacekeeping troops. General Aidid's action has changed the dynamics of peacekeeping in Somalia permanently, an act that also defines today's peacekeeping efforts in that country.

The events that led up to 5 June 1993 continue to puzzle peacemakers and scholars alike. One view is that General Aidid, who had never favoured UN military intervention, tried to test the new UN forces when UNOSOM II assumed control³⁷. The other view is that the rhetoric from the General Aidid controlled Radio Mogadishu against the UN was the cause of Pakistani action. The UN may have misread the defeat of

³⁶ Bradbury, M. (1994). The Somali Conflict, prospects for peace, An Oxfam working paper. Oxford: Oxfam.

Aidid by General Morgan in Kismayo to mean the military weakening of General Aidid, thus attacking Radio Mogadishu to deny him of propaganda capability. Whatever reasons UNOSOMII may give, changing the purpose of the mission without detailed diagnosis of the situation is a recipe for failure.

The UNOSOM retaliatory bombing of Aidid's headquarters and house on 12 July 1993 resulted in the killing of prominent personalities from the Habr Gedir clan³⁸. Bradbury argues that those that were killed also included the Ogaden, Dir, Majerten, Murosade and the Sheikal elders. The elders met to explore their options with regard to the confrontation between Aidid and UNOSOM. Bradbury is of the view that the gathering was intended to put pressure on General Aidid to reach out to UNOSOM and find an amicable solution for both parties. The fact of the matter is that the true purpose of the gathering will forever remain the subject of speculation in analyses of those studying the Somali conflict. The killing has arguably galvanized the Habr Gedir clan in their support for General Aidid.

The transformation of the UN's humanitarian mission to peace-enforcement under Chapter VII of the UN Charter compromised the centrality of the UN's diplomatic resolution of the Somali conflict. To date, disputants still argue that the UN is a party to the conflict, thus frustrating all endeavours by the UN to broker a peaceful settlement of the conflict. UNOSOM II-military operations against General Aidid were becoming a battle call to rally support against the UN mission. The UNOSOM II actions led to the destruction of a vaccine factory, a cigarette and a match factory, the National University,

³⁸ Adam, H. (2008). *From Tyranny to Anarchy*. Asmara: The Red Sea Press.

Radio Mogadishu, the Ministry of Livestock and other government buildings³⁹. This became a source of the Somalis resentment towards the UN mission in Somalia.

The military assault against General Aidid further generated and consolidated the Hawiye solidarity with General Aidid and when Admiral Howe placed a \$20000, reward on General Aidid's head, the latter did the same in a show of force against UNOSOM. General Aidid felt that the then UN Secretary General Boutros Ghali was tainted by his previous experiences with the Siad Barr regime. He was unhappy with the Egyptian government for having joined the Italian government in holding the Djibouti conferences that favoured Mohammed Ali Mahdi as the new interim President⁴⁰. The personalities and actions of the UNOSOM gave General Aidid the impression that the UN was against him, although he was correct in this regard. For instance, Admiral Howe had convinced the UN that General Aidid should be marginalized during the Addis Ababa Peace Conference.

The departure of UNOSOM II troops in March 1995 was an admission that a military option has failed to resolve the Somali conflict, although it was not acknowledged by its proponents. The military failure came at a cost of \$4 billion from June 1993 to March 1995 plus a further \$2 billion for the US mission on behalf of the UN. Were lessons learned that a military approach to the complex Somali Civil War does not work? Do peacemakers understand the intricacies of the clan system and its impact on the conflict? The argument by Adam⁴¹ that clannism is the Somali version of ethnicity or tribalism is an accurate account of the complexity of the clan system. International

³⁹ Ibid p19

intervention was not informed by a detailed diagnosis of the nature of the conflict, particularly of the clan dynamics and intricacies of the Somali body politics as well as the system and its impact on the conflict resolution. Disputants used the presence of the UNOSOM as a factor in the conflict, yet the conflict continued unabated after the departure of the UNOSOM. This reinforced the argument that the conflict is basically intra-clan, driven by a plethora of factors and actors.

1.3.7 Literature Gap

Several studies have been done on failed or weak African states, where focus mainly has been on factors contributing to their failure. According to Harry Verhoeven. Verhoeven challenges this “Orthodox Failed State Narrative”, which parallels state failure with terrorism and anarchy, by emphasizing the development of political entities capable of providing stability and order within the Somali territory. In contrary to Verhoeven, Leonard with Samantar tries to gain knowledge about the social contract through highlighting contemporary Somali polities, while the social contract in this study is used as an analytical tool applied on interview material. Furthermore, researchers have also focused on the process of reconstituting a Somali state, not least concerning the international involvement in such a transformative process. This study therefore, seeks to analyze Federalism and National Stability: the case of Somalia 1999-2013.

1.4 Justification of the Study

This research can serve as a useful resource for government policy formulation on conflict resolution in Somalia, given the centrality of nation stability in the country’s foreign policy priorities. It is also an integral part of the consolidation of the African Agenda, which is a critical pillar of the Kenyan foreign policy framework. The research

will furthermore contribute to the body of knowledge on Federalism and National Stability processes in Somalia. In addition, challenges and opportunities, presented to the mediators, by the peculiarities of the Somali political, social and economic system will be identified and discussed in this study. Lessons learned from the processes of mediating the conflict can serve as a resource for future diplomatic interventions in Federalism and National Stability and management.

1.5 Theoretical Framework

Social conflict theory is a Marxist-based social theory which argues that individuals and groups (social classes) within society have differing amounts of material and non-material resources (such as the wealthy vs. the poor) and that the more powerful groups use their power in order to exploit groups with less power.⁴² The two methods by which this exploitation is done are through brute force usually done by police and the army and economics. Earlier social conflict theorists argue that money is the mechanism which creates social disorder. The theory further states that society is created from ongoing social conflict between various groups. There are other theories of deviance, such as the functionalist theory, the control theory and the strain theory. It also refers to various types of positive social interaction that may occur within social relationships.

A social conflict theory puts change in perspective. Social conflict is the “heat” generated from the friction between contending parties in the processes of social change. All substantial social change involves social conflict. A realistic social conflict theory is an understanding of the positive role of social conflict in serving the common good.

⁴²Marx, Karl. 1971. Preface to A Contribution to the Critique of Political Economy, Tr. S. W. Ryazanskaya, edited by M. Dobb. London: Lawrence & Whishart

Social conflict theory plays a positive role, when properly understood, in promoting groups to find common ground, form alliances, define core values, identify differences in viewpoint, set group boundaries, and inform strategies for achieving desired change. Understanding these functions of social conflict in the context of a social conflict theory is an essential processes in positive social change. To understand social conflict theory, it must be known that in a democratic society no one group should dominate all other groups. The power of all groups, and especially of large institutions, is limited by force of law and by social compact, social tradition, and custom. Within that frame of reference, various interest groups and institutions compete, negotiate, compromise, and work out changes in socioeconomic arrangements, generating social conflict in the process.

Coleman points out that historically, the Realist paradigm has been the dominant perspective for the study of war and peace in history, politics and international affairs⁴³. Essentially a political metaphor, it views protracted conflicts as dangerous, high-stakes games that are won through the strategies of domination, control and counter-control. Thus, intractable conflicts such as the conflict in Somalia are thought to result from rational strategic choices made under the conditions of “real politics” of hatred, manipulation, dominance and violence in the world. However, and most importantly, Realism deals mainly with inter-state conflicts, whereas the conflict in Somalia is primarily an intra-state conflict.

⁴³ Coleman, P.T (2006). Cooperation and Competition, chapter one. In *The Handbook of Conflict Resolution*, second edition, edited by M. Deutsch, P. T. Coleman & E.C. Marcus. San Francisco: Jossey-Bass.

In 1981, Azar and Farah⁴⁴, add that the PSC's represent deep-seated religious, racial and ethnic animosities set these conflicts apart from those not involving group identities and the rights asserted and sought through these variants. According to D'Estree, Azar and Farah find that ethnicity is not the sole causative factor in these conflicts. They highlight the role played by structural inequalities and political power differences, particularly when these, in turn, result in the differential distribution of rewards among groups in society. These differentials are typically reinforced through unequal international connections, meaning that uneven and unequal development benefits will actually further exacerbate any prevailing differences.

Similarly, Coleman⁴⁵ argues that intractable conflicts regularly occur in situations where a severe imbalance of power exists between the parties in which the more powerful exploit, control or abuse the less powerful. He comments that the power holder in such situations will often use the existence of salient intergroup distinctions such as ethnicity, class, race and gender to hold on to power. Many of these conflicts are rooted in a history of colonialism, ethnocentrism, racism, sexism or human rights abuses in the relations between the disputants.

These legacies manifest themselves in ideologies and practices at the cultural, structural and relational levels of these conflicts, which act to maintain hierarchical relations and injustices and thereby perpetuate the conflict. Crocker, Hampson, and Aall⁴⁶ point out that intractable conflict tends to experience episodic, but recurring bouts of

⁴⁶ Crocker, C.A, Hampson, F.O & Aall, P. (2009). Why Mediation Matters: Ending intractable conflict, chapter 25. In *The Sage Handbook of Conflict Resolution*, edited by J. Bercovitch, V. Kremenyuk & I.W. Zartman. Washington DC: Sage Publications.

violence and appear to be highly resistant to efforts to resolve them. Intractable conflicts, however, are not necessarily impossible to resolve through a process of negotiated settlement or peace-making. They are also conflicts where the main targets are women, children and the defenceless segment of the population and the security establishment of the state. Furthermore, Crocker, Hampson, and All⁴⁷ argue that, even if violence is on the decline or even if it has disappeared completely, intractable conflicts may exist in a suspended state of animation because they refuse to yield to negotiated efforts to secure a more lasting political settlement. These kinds of conflicts are referred to as “frozen” or abeyant intractable conflicts, this means that the potential for a renewed outbreak of violence exists.

Crocker, Hampson, and All, define intractable conflicts as conflicts that have persisted over time and refuse to yield to efforts, either by the direct parties, or more often, with third-party assistance, to arrive at a political settlement. Their resistance to a settlement may be attributed to a single cause or principal ingredient, but closer examination usually points to multiple causes and many contributing factors. They state that intractable conflicts are also conflicts in which armed parties enjoy relative autonomy to pursue their unilateral objectives free from considerations of cost and risk. They are not accountable to anyone. Whatever conditions lie behind the dispute, intractable conflicts share a common characteristic: they defy settlement because leaders believe their objectives are irreconcilable and they have a greater interest in maintaining the status quo, which may be violent, than considering their political alternatives.

⁴⁷ Ibid p24

1.6 Hypotheses

The study will test the following hypotheses:

- i. Clan identity influence the federalist and National Stability in Somalia.
- ii. International actors involvement contributed to the federalist debates and its negative effects on national Stability.
- iii. Lack of a functioning government contributes to political instability in Somalia.

1.7 Research Methodology

To identify factors affecting Federalism and National Stability: the case of Somalia 1999-2013, the methodology employed throughout the thesis is a single case study on one phenomenon; hence the study is small-scale, but thick since focus is on one particular situation i.e. the Federalism and National Stability process in Somalia.⁴⁸ The study aims at gaining contextual understanding of the case of Somalia, and not generating generalizing results. Case studies can be over-simplified resulting in that readers draw misleading conclusions, as they presume the result is descriptive of a whole situation instead of an entity of it⁴⁹. Therefore, this study stresses that focus is only put on one entity of the Somali society i.e. the process of reconstituting the state, and thus the aim is not to describe every aspect of the Somali society.

Different forms of literature (factsheets, articles and books) will be read to get an insight into the situation in Somalia. This will clarify the limitations (time, access to the

⁴⁸ Merriam, Sharan B. Fallstudien som forskningsmetod. Trans. Björn Nilsson. Lund: Studentlitteratur, 1994, p.24-28

⁴⁹ Crang, Mike and Cook, Ian. Doing ethnographies. London: SAGE Publications Ltd., 2011, pp.14-19

field etc.) the study will have before “casting a net”, which means calling and e-mailing relevant interviewees. Since the situation in Somalia has been turbulent the possibilities to do an ethnographic study are nonexistent.

1.8 Chapter Outline

This thesis will be organized into five chapters with an introduction and conclusion of the themes discussed in every chapter.

Chapter one introduction to the study(current chapter one) which covers the literature review, statement of the research problem, objectives and justification of the study as well as the conceptual framework and among other subheadings.

Chapter two highlights other findings conceptual and historical on the influence of clan identity and national stability.

Chapter three now focuses and analyzes the influence of International Intervention on Federalism and National Stability in Somalia.

Chapter four gives a critical analysis on federalism and national stability and key emerging issues in Somalia.

Chapter five will discuss, conclude and recommend on the key findings to the entire study.

CHAPTER TWO
THE INFLUENCE OF CLAN IDENTITY ON FEDERALISM AND
NATIONAL STABILITY: SOMALIA 1999-2013

2.0 Introduction

The previous chapter focused on introduction, problem statement objectives, hypothesis, theoretical framework, literature review and methodology in relation to federalism and national stability: a case of Somalia 1999-2013. This chapter focuses on the influence of clan identity on federalism and national stability: Somalia 1999-2013. Where rise and fall of Mohammed Siad Barre (1969-1991), the militarization of Somalia Clans and National Stability, the implications of the Ogaden War on Federalism and National Stability in Somalia and influence of Clan Identity on Federalism and National Stability in Somalia are discussed into details.

2.1 Clanism in Somalia

2.1.1 The rise and fall of the Military Regime(1969-1991)

Crocker et al⁵⁰ reveal that in 1969, General Mohammed Siad Barre, a member of the Marehan sub-clan of Darod, seized power in a military coup and renamed the country the Somalia Democratic Republic, based on Scientific Socialism. This effectively aligned the country with the Soviet Union in the Cold War. He outlawed clans and their structures, but concentrated political power in his Marehan sub-clan, his maternal Ogaden

⁵⁰ Crocker, C.A, Hampson, F.O & Aall, P. (2009). Why Mediation Matters: Ending intractable conflict, chapter 25. In The Sage Handbook of Conflict Resolution, edited by J. Bercovitch, V. Kremenyuk & I.W. Zartman. Washington DC: Sage Publications.

sub-clan and the Dolbahunte sub-clan of his principal son-in-law. All these sub-clans belong to the Darod clan, thus perpetuating the Darod domination of the Somali body politics.

Somalis have a common ancestry, a single language and belong to the Islamic faith (Sunni), yet they are one of the most divided people along clan lineage and patronage⁵¹. They are divided into six clan families; Darod, Hawiye, Dir, Issaq, Digil, and Mirifle/Rahanweyne, which are further divided, according to agnatic descent into subsidiary clans of lineage groups. The clan structure is therefore a fundamental political unit essential for individual and group survival, particularly during conflict times.

The political cabal based on clan patronage and lineage was known by the acronym MOD for Marehan-Ogaden-Dulbahunte in political circles in Somalia. The initial stage of Siad Barre rule maybe described as a period characterized by a concentration of problems such as local development and the consolidation of the regimes' authority. Political exclusion of other clans and a crackdown on the religious establishment soon became a source of conflict between the regime and those excluded from the mainstream politics, economics and social spheres of the country.

According to Lewis⁵², the sense of discontent and frustration was by no means limited to members of the non-Darod clans. Other sub-clans within the Darod clan also experienced frustration, mainly due to political marginalization by the dominant MOD cabal. Discontent within the Supreme Revolutionary Council made it indisputably clear that General Siad Barre's word was law and brooked no defiance or disagreement.

⁵¹ Bradbury, M. (1994). The Somali Conflict, prospects for peace, An Oxfam working paper. Oxford: Oxfam.

⁵² Ibid p30

Repression within the ruling cabal was also prominent as indicated by the public execution of two generals accused of plotting to overthrow Siad Barre's regime in 1972. According to Lewis, the execution of ten religious leaders and Sheikhs in 1975 had wider and more serious repercussions and touched a deeper nerve in the Somali society. Siad Barre's failure to respect the institutions of Somali's Islamic faith contributed to the general public's resentment of the regime, thus it became more and more alienated from society.

Tadesse posits that when Siad Barre assumed power in 1969, he declared that his Scientific Socialism was fully compatible with the Somali Islamic value system even though his deeds soon proved the opposite⁵³. Somalis are firmly attached to Islam and are traditionally divided into three main denominations: the Qadiriya, the Ahmadiya, and an Ahmadiya derivative, the Salihiya. These are the Sufi or mystical brotherhoods found throughout the Muslim world, the Qadiriya being the oldest and least puritanical. Wahhabi and other Islamic sects with Saudi Arabian, Sudanese or Iranian connections and resources began to compete for followers among the Somalis who had suffered from the consequences of the civil war in the 1990s. Wahhabism cannot therefore be attributed to the Somali Islamic value system. This is despite the infrastructural capacity of formations aligned with Wahhabism, such as the Al-Ittihad al-Islam organization, to influence the body politics of Somalis. The collapse of the Somali state in 1991 created conducive conditions for Islamist forces to emerge and compete for the centre of the political dynamics in Somalia.

⁵³ Tadesse, M (2002). *Al- Ittihad, Political Islam and Black Economy in Somalia*, Addis Ababa: Meag Printing.

The period leading up to the 21 October coup by General Mohammed Siad Barre was characterized by the ideological nature of the then parliamentary system, which was largely secular and was also characterized by the shifting pendulum of clans and pan-Somali nationalism.⁵⁴ It is important to point out that the weak government of Abdirashid AliSharmarke bears the hallmark of a failed state typified by corruption, nepotism and clan loyalty and patronage. The post-colonial state formation and consolidation was another contributing factor leading to General Siad Barre's seizure of power.

Milliken & Krause observe that during the era when the majority of the former colonial territories became independent, in the first two decades after World War II, these underlying problems of state maintenance were largely masked by the assumed universality of statehood and by the continued ability of hegemonic powers to intervene when their interests were threatened⁵⁵. The former colonial powers chose not to intervene and prevent General Siad Barre from seizing power from the democratically elected government of President Sharmarke forcefully because their interests were not threatened by the junta.

Several researchers agree that Siad Barre promised economic development and national unity by espousing the ideology of Scientific Socialism and by outlawing the notion of clan and political Islam⁵⁶. He took measures that led to the radical regimentation and militarisation of the Somali society and the imposition of secularism. Though Siad Barre espoused the notion of a common Somali national identity, the military regime was based on the three Darod sub-clans of Marehan, Ogaden and

⁵⁴ Ibid p33

⁵⁵ Milliken, J. & Krause, K. (2003). *Concepts, Lessons and Strategies*. In *State Failure, Collapse and Reconstruction*, edited by J. Milliken. Oxford: Blackwell Publishing.

⁵⁶ Ibid p33, 30

Dulbahante or the MOD cabal. Paradoxically, what Siad Barre created in the end was a military and clan dictatorship and he turned out to be more clannish, given the fact that the political and economic powers were mainly in the hands of the MOD to the exclusion of the other clans. This did not resonate well with the excluded clans and settled the stage for continued confrontation along the clan divides.

By 1977, the military regime was challenged by non–Darod clans and Islamic leaders, driven mainly by the exclusion policies of Siad Barre’s military regime. Siad Barre then launched the Ogaden War as a means of reasserting his political grip, while exploiting the Somalis’ desire to achieve the ideal of a greater Somalia, which encompasses Djibouti, Ogaden, Somaliland, the NFD of Kenya, and Southern Somalia. The desire to reunite the country on this basis was a common denominator among the Somalis.

2.1.2 The militarization of Somalia

Siad Barre was particularly adept at using the tensions of the Cold War and superpower interests to solicit a vast array of armaments for his government (Bradbury 1994: 10). Accordingly, the Barre regime was instrumental in achieving the hyper–militarization of Somalia since its inception. Bradbury⁵⁷ argues that not only the Soviet Union and the US contributed arms to the country, but also other countries such as China, Saudi Arabia, East Germany, Apartheid South Africa, Iran, Iraq, Italy and Libya were also arms contributors.

⁵⁷ Ibid p30

The arsenals of weapons driving the current conflict in Somalia are to a certain extent, leftovers of the Cold War arms proliferation, particularly the small arms that can be found in the country. This phenomenon is a source of concern for the security and stability of countries in the Horn of Africa. Weapons that have found their way to civilians are readily available in Somalia and are turned into a means of survival and defence in desperate economic times. Siad In his desperation, Barre distributed a large quantity of weapons to his Darod clan mainly, thus igniting intra-clan conflict on a scale never seen before.

Foreign military, technical and financial assistance to disputants is a factor that makes peace-making elusive. Somalia was one of the most militarized states in the international system during Siad Barre's rule. Adam argues that in 1977, the country had 25 MIG-17s and MIG-21s, 30 MIG-19s, a Shenyang fighter, a squadron of 24 MIG-21s, a six-plane transport squadron as well as a helicopter squadron⁵⁸. The Soviet Union provided 250 medium tanks, 100 T-54sand T55s, an arsenal of guided missiles boats, assisted in the establishment of the navy and a well-equipped army of 37,000 troops. The United States made an initial contribution of \$40 million in military equipment following the expulsion of the USSR in 1977, followed by a consistent pattern of military support until the collapse of the Siad Barre regime in 1991.

2.1.3 The implications of the Ogaden War

Osmanobserved that the defeat of Siad Barre in the Ogaden War was regarded by the Somalis as a national humiliation in their history⁵⁹. There were naturally bitter

⁵⁸ Adam, H. (2008). *From Tyranny to Anarchy*. Asmara: The Red Sea Press.

⁵⁹ Osman, A. (2007). Cultural Diversity and Somali Conflict, Myth or Reality? *Africa Journal on Conflict Resolution*, 7.2: 93 – 134.

recriminations, both regarding the conduct of the military operations, directed at the end by the President himself, and on Somali foreign policy. The country's foreign policy was predicated on the pan-Somali ideology. The defeat was therefore seen as the end of the desire to unite Somalis across colonial boundaries. The underlying realities were indeed daunting, particularly for the Darod clan that was blamed by other clans for the capitulation of a cause perceived to be noble by most Somalis.

The abortive *coup* by Majerten officers, led by Colonel Abdillahi Amhed Yussuf in April 1978, further polarized the Darod clan cohesion. The *coup* attempt also alienated the Majerten group from other clans who regarded the abortive coup as a narrow, parochial initiative. Abdillahi Yussuf Ahmed then formed the Somali Salvation Democratic Front (SSDF) in 1978. The SSDF collapsed in 1986 when Abdillahi Yussuf Ahmed was arrested by the Mengistu Haile Mariam government that was then seeking rapprochement with Siad Barre. The SSDF was subsequently reconstituted as a political entity in 1989 in Rome.

Siad Barre responded to the Majerten abortive coup with a heavy-handed military campaign, focusing on the north-eastern corner of the Somali peninsula in the Mudug, Nugaal and Bari regions. The area is populated by the Majerten sub-clan and they are also found in the coastal city of Kismayo where they are known as Harti (the generic term for the Majerten, the Dolbahunte and the Warsengeli. The military campaign against the Majerten became apolitical liability against the military regime at a later stage. The regime then confronted an array of military rebellions across the clan divide with the Hawiye clan taking centre stage in the war against the Siad Barre regime. The final downfall of Siad Barre was precipitated by the emergence, in 1989, of the Hawiye-based

military force, the United Somali Congress (USC) led by Mohammed Wardhigly who initially sought a peaceful solution to the conflict.

He died in June 1990 and was replaced by General Mohammed Farah Aidid, a Habr Gedir Saad. General Aidid favoured a military solution as opposed to other leaders such as a businessperson Mohamed Ali Mahdi, an Abgal. Mahdi belonged to a political group known as the “Manifesto Group.” Abdulqasim Salat Hassan, whom later became president of the Transitional National Government (TNG), was included, amongst others, in this group. The USC had become a primarily Hawiye political formation, dominated by the Habr Gedir and Abgal sub-clans. Siad Barre responded once again by urging Darods in Mogadishu to kill the Hawiye citizens whether they were Abgal or Habr Gedir.

According to Lewis⁶⁰ the ensuing inter-clan violence, however, threatened Siad Barre’s position further and in desperation, he finally turned his heavy war machinery on the Hawiye quarters of Mogadishu. Turning Mogadishu into another military front, he overstretched the military capability to contain the violence that was already spiralling out of control. The Issaq clan, under the Somali National Movement (SNM), had gained popular support in the northern part of the country (Somaliland) and was engaged in an armed rebellion. The SNM combatants attacked government garrisons and briefly captured the northern cities of Burco and Hargeisa. At the time of Barre’s fall, an estimated 50,000 people were killed in Somaliland and 600,000 had fled to Ethiopia.

Lewis further asserts that Ethiopia was serving as a reliable rear base for groups engaged in the armed struggle against the Siad Barre regime. In essence, Ethiopia’s

⁶⁰ Ibid p30

support was not based on any long-term shared political values, but was rather informed by the notion of “an enemy of my enemy is my friend, and the friend of my enemy is my enemy.” This marriage of convenience has become a permanent feature defining the manner in which Ethiopia manages its fears, apprehension and legitimate national security concerns. Cognisant of these dynamics, Siad Barre reached out to Mengistu and concluded a peace accord with the various parties, obliging each of them to terminate support for the other Somali dissidents. In April 1988, Siad Barre and Mengistu Haile Mariam signed a peace accord that normalised their relations. Abdillahi Yussuf Ahmed and other leaders of the SSDF were then arrested by the Ethiopian government as an integral part of keeping their allegiance to the peace accord with the Siad Barre regime.

The Somalis were determined to continue their armed rebellion against the military regime and not even Mengistu could stop the Somalis determination to remove Siad Barre’s regime from power. The assassination of the Bishop of Mogadishu in July 1989, the declining economic situation, and the rising tide of displaced people in the capital created conditions conducive to a popular uprising against the regime. In an attempt to suppress the uprising, the regime arrested prominent religious leaders and killed some 450 people in Mogadishu; this was fatal, as people were no longer prepared to be ruled in the same as before. On 3December 1990, armed Hawiye combatants attacked the army garrison at Villa Baidoa and the Presidential Palace Villa in Somalia.⁶¹

Othienostates that on 26 January⁶², Mohamed Siad Barre together with his son in-law General Siad Hersi Morgan fled from Mogadishu to Siad Barre’s home area in the

⁶¹ Ibid p30

⁶² Othieno, T. (2007). Somalia Needs Genuine Reconstruction Process, Johannesburg, Global Dialogue, April, 12.1: 19-40.

Gedo region in the south-west of the country. This marked the fall of the Siad Barre military regime an event that will remain synonymous with the collapse of the Somali state.

2.2 The Influence of Clan Identity on Federalism and National Stability in Somalia

When the Somali state collapsed in 1991, there was no formidable political formation capable of filling the vacuum left by the weak government of Siad Barre. The country was fragmented in terms of clan lineage and patronage and the devastating drought and ensuing famine introduced food security as a source of conflict.

2.2.1 The emergence of warlords

Moller argues that the political economy of violence through arms sales, smuggling, illicit commercial practices and the battle for control of humanitarian food supplies following the drought and famine in what was known as the triangle of death in 1991 set the scene for the emergence of the warlords in Somalia⁶³. These warlords, who had much to gain from their activities, had gained prominence by exploiting the inter-clan animosities.

Defeated Siad Barre generals also became warlords at the time that the political structures, which had formerly legitimized them, collapsed. The qat-chewing young gangsters, whose explicit role model was Rambo⁶⁴, provided a fertile ground for recruitment by warlords and mayhem, looting and killing became widespread in Mogadishu. Business people were also compelled to establish militia gangs to protect their economic interests in view of the prevailing anarchical situation in the country.

⁶³ Moller, B. (2009). The Somali Conflict: The role of external actors, DIIS Report 2009:03 . Copenhagen: Danish Institute for International Studies.

⁶⁴ Ibid p30

Businessman Mohammed Ali Mahdi was among the first people to provide financial support to General Mohammed Farah Aidid's USC, although these two later fought each other for control of the USC.

Lewis estimates that 14,000 people were killed in the ensuing battle between the two warlords in 1991 for the control of Mogadishu, following the collapse of the Siad Barre regime⁶⁵. Ali Osman Atto is another businessperson who became a warlord; he also started by first providing financial support to General Mohammed Farah Aidid and later fought a fierce battle with him over control of the Habr Gedir Saad. The feud ended with General Aidid losing his life and Ali Osman Atto emerging as the victor.

Musa Sudi Yalaho is also a businessperson who became a warlord⁶⁶. He hailed from the Abgal sub-clan of the Hawiye clan family, thus becoming a logical competitor of Mohammed Ali Mahdi in the battle for the soul of the Abgal. Lewis⁶⁷ pronounces that Musa Sudi Yalaho was destined to replace Mohammed Ali Mahdi as a leading Abgal warlord. Indeed, Musa Sudi became a dominant figure in the Abgal and this dominance would later earn him a seat at the negotiation table and a cabinet post in the Mbagathi Peace Process.

Contestation for control and clan manipulation was not only confined to the Hawiye clan and its sub-units. The Darod clan was also facing the same challenge. Ahmed Abdillahi Yusuf, from the Majerten, was engaged in an inter clan battle with General Muhammad Abshir, the former commander of the Somali police and chairperson of the SSDF. The two formed a united front against Al-Ittihad fundamentalists in Bossaso

⁶⁵ Ibid p30

⁶⁶ Ibid p37

and eventually defeated them. Al-Ittihad's defeat is viewed by Lewis as a turning point in the establishment of the autonomous region of Puntland⁶⁸.

The leadership of the SSDF never harboured secessionist tendencies - the internal clan rivalries were rather driven by the issue of how to share Bossaso's revenue among all the constituents of Puntland. The absence of a formal modern institution of government in the region led to the increase and extension of the duties and power of local lineage elders (collectively known as the Isimadda), especially the enhancement of the duties of those presiding over paying groups and who were directly concerned with the administration of customary law. This exposition by Lewis clearly illustrates the centrality of the clan system in conflict resolution. In this regard, the preceding chapter explored how the mediation process has utilised this fact concerning Somalian society, as an asset in the resolution of the conflict.

2.2.2 Intra-clan warfare

The feud between the Habr Gedir Saad and the Majerten was caused by General Farah Aidid's desire to acquire the grazing rights in the Mudug region. General Mohammed Farah Aidid was eventually defeated and the region was then divided into two parts: the northern Galkayo became inhabited by the Harti and the south became home to the Habr Gedir Saad. Having defeated Aidid, the SSDF leadership decided to participate in the 1993 Addis Ababa Peace Process and accepted its terms. The SSDF participation coincided with and is linked with the formation of the government as well as the

⁶⁸ Ibid p30

resurgence of conflict. Menkhaus proposes that a case can be made that attempts to revive a central state have actually exacerbated armed conflict⁶⁹.

In his view, federalism and national stability are two separate and in some respects, mutually antagonistic enterprises in Somalia. To support these hypotheses, the 2002 armed conflict between Musa Sudi and Omar Finish was directly related to the assumption that whoever emerged victorious would be accorded a seat at the negotiation table as a representative of the Abgal. The war between General Aidid and Ali Mahdi, following the fall of Siad Barre, is perhaps the most fundamental illustration of the argument that federalism and national stability are mutually antagonistic enterprises in Somalia.

2.2.3 Warlords and politics

In March 2001, the principal warlords established a coalition called the Somali Reconciliation Council and the Restoration Council (SRRC). The main actors in the coalition were Abdillahi Yusuf and Hassan Muhammad Nur, also known as “Shatigudud” or Red Shirt. Shatigudud comes from the Digle and Rahanweyne clans and was based in Baidoa. Lewis mentions that Ethiopia was the sponsor of the SRRC, an assertion denied by Ethiopia⁷⁰.

Elmi and Barissestate further that Shatigudud was sent to the Arta Conference by Ethiopia, meaning that he did not attend the conference to make a meaningful contribution, but to inform them of the outcome, thus enabling Ethiopia to make a

⁶⁹ Menkhaus, K. (2003). Warlord and Landlords: Non-state actors and humanitarian norms in Somalia, Draft paper presented at the Curbing Human Rights Violations by Armed Groups Conference, Liu Institute for Global Issues, University of British Columbia, Canada, 14-15 November 2003.

⁷⁰ Ibid p30

strategic assessment of the conference⁷¹. They also allege that he received military assistance from Ethiopia in order to capture Baidoa from Hussein Aidid's faction. Ethiopia remains opposed to the Arta Process due to its perception that the process was dominated by Islamists with irredentist tendencies that threatened its government and national security. By keeping the Somali people divided and weak, the current regime in Addis Ababa believes it can eliminate any threat from Somalia. The 2006 military invasion of Somalia was based on this parochial definition of Ethiopia's national security interest. It has, however, proven to be unsustainable and led to the unconditional withdrawal of all Ethiopian combat troops from Somalia in December 2008 as well as the eventual resignation of Abdillahi Yusuf Ahmed as president of the TFG.

Zartman asserts that the TNG failures are not only attributed to Ethiopia's refusal to underwrite it, but exist primarily due to the recalcitrant warlords in Mogadishu and Bossaso. The Mogadishu-based warlords became a force with which to reckon due to Abdulqasim Salat Hassans inability to reach out to clan elders and to undercut their support base within the clan structures of the Somali society⁷². In addition, the warlords had a wider clan representation than the TNG. They had Mohammed Qanyere Aftrah (representing the Murosade sub-clan of the Hawiye), Musa Sudi Yalaho (an Abgal), Omar Finish (an Abgal), Ali Osman Atto (a Habr Gedir Saad) and Rashid Rage (a Habr Gedir Ayr). One of the shortcomings of the Mogadishu warlords is that they included only the dominant Hawiye clan in their political formation. The TNG failed to rise to the occasion and to appeal to other clans not reflected in the Mogadishu warlord structure.

⁷¹ Elmi, A.A and Barisse, A. (2006). The Somali Conflict: Root causes, obstacles, and peace-building strategies, *Africa Security Review*, 15.1: 32-5. Johannesburg: ISS.

⁷² Zartman, I.W. (2009). Conflict Resolution and Negotiation. In *The Sage Handbook of Conflict Resolution*, edited by J. Bercovitch, V. Kremenjuk & I.W. Zartman, London: Sage Publications.

He further argues that the TNG did well to establish some form of a working relation with the Sharia courts and their militias regarding the addressing of street crime, thus keeping some business areas of Mogadishu functioning, including the Bakara market, which forms the backbone of trade in Mogadishu. However, the Sharia courts experienced certain limitations in addressing core issues of the rule of law.

According to Menkhaus some of the most powerful constituencies in Somalia are those served by the rule of law which controls criminality by the underclass, but not a system which has the regulatory, investigatory, and enforcement capacity to address “meta-criminality” war crimes, incitement of communal violence expropriation of land and buildings by force, forced labour, distribution of counterfeit currency, money laundering, piracy, drug smuggling, illegal exportation or charcoal and embezzlement of foreign aid and money from the coffers of regional government or the TNG, to name a few⁷³.

When the Sharia courts defeated the warlords in 2006, they were able to establish some law and order, particularly regarding the perennial problem of piracy. The contention by Menkhaus that some constituencies were threatened by the narrow scope of the Sharia courts is best illustrated by the manner in which the warlords described them as an “Al Qaeda” and a “terrorist” establishment. The description appealed to the USA and the Ethiopian government, which led to the former country invading Somalia, under the pretext of fighting Al Qaeda, and limited American air strikes against targets in Somalia with civilian collateral casualties. Ethiopian and American paranoia about the

⁷³ Ibid p43

Sharia courts is a factor in the transformation of the courts into a political force that became known as the Union of Islamic Councils (UIC).

The UIC's short stint in power has proven that it is possible for a single political entity to rule Mogadishu and establish the rule of law, something that has been illusive since the fall of the Siad Barre regime in 1991. The refusal of Osman Ali Atto to join the war against the Sharia court is yet another indication of the clan centrality in the Somali federalism and national stability. Atto's refusal was based on the fact that the courts were mainly supported by the Habr Gedir Saad, Ayr, Suleiban and Sarur. Being a Habr Gedir Saad, Atto derives his support from the entire Habr Gedir and particularly his sub-clan. The other warlords asserted that Atto was not allowed to join the war against the courts due to his previous links with the Afghan Mujahedeen involvement against the Americans in the 1993 Somali invasion. The argument is further presented that the Americans were not prepared to provide him with their financial resources. Whatever the truth may be, Osman Atto emerged from the situation with his integrity intact in the view of his clan.

2.3 Conclusion

The mode of operation of ethno politics and clan politics in the African context are similar, both are based on tribal allegiance. The experiences in Somalia have revealed that when political majority is equated to clan demographic majority and when cultural patriotism is emphasized rather than civic identity and a republican state founded on the respect of human rights and democratic principles, federalism and national stability require an alternative framework. Clan politics and the Somali model of clan-democracy are a challenge to the concept of federalism and national stability as government of the

majority. Clan-democracy as a conflict regulation framework encouraged a selective application of democratic principles, for example the organization of elections and the policy of constituency representation. Considering that elections and votes were influenced by clan allegiance, clan politics was a factor of conflict and not its solution.

Somalia is an example in Africa where the social category 'ethnic' has been replaced by the 'clan'. It is by definition a culturally homogeneous nation-state. The clan is the unit of political and social mobilization and organization, under normal circumstances, shared cultural values, traditions and customs as well as language are the basis for unity and social cohesion. On the contrary, the dynamics of the armed conflict between 1990 and 1997 revealed the negative potential of exclusive affirmations of clan identity, clan allegiance and non-civic patriotism in politics, to be menaces to the creation of a stable civic state or civil society. The clan-based political factions and armies undermined the conflict resolution processes initiated by the Somalis and the international community.

The dynamics of state building and the modernization process introduced in 1970s, which required the ability to manage the internal and external affairs of Somalia, posed two conceptual challenges. First, overcoming the conceptual opposition between clan and civic identity; second, promoting the concept of inclusive identity, using a wider African identity framework. As we have seen, Islam as a common religious identity was not useful in preventing civil war. In the African cultural context, identity is the individual's definition of self, conception of membership and allegiance to symbolic social, cultural, political and territorial units. Therefore, identity is continuous and cannot

be defined in rigid terms; it has been constructed in relation to a group and with reference to land. This means that the issue of land is important in federalism and national stability.

The conflict in Somalia has confirmed the role of five interrelated issues of identity participation (clan, religious); (democracy, political system) distribution; (management of economic resource) legitimacy (authority of government over the national territory) and state building and governance penetration (extent of authority on population). The frequent cabinet reshuffles in the 1970s and the democratization process introduced by President Barre in the mid-1980s as a government crisis resolution strategy, demonstrated that federalism and national stability is more than the organization of elections. It is a culture of governance, a long term process, which entails wider political participation, definition of a political programme which responds to the needs of the population, creation or revival of institutions, freedom of expression of different viewpoints and mechanisms for non-violent regulation of conflict. The experience confirms the argument that freedom and respect for human rights and democratic principles are the conditions for equal citizenship, development and peace.

A sustainable democratic political system cannot be based on impunity or punishment decided by military courts in an arbitrary manner. In theory, sustainable democracy indicators include freedom of speech, freedom to vote for change of government, an independent justice system, equality among citizens and a military structure whose line of command comes through a civilian government. The establishment of social and political institutions and their normal functioning should promote civic values and civil society, tolerance and state-civil-military relations of co-operation. In addition, disputes and conflict between citizens and groups should be

resolved through open and prescribed procedures which everyone understands and which can offer redress.

The prevention of the recurrence of conflict, political crisis and civil war in Somalia required a policy of multicultural education for two reasons. First, because the state has to guarantee the survival of all its citizens, to produce and reproduce citizens and to ensure that the particular clan identities coexist within an inclusive political system and with a more inclusive identity. A more general identity is required to overcome clan politics as a factor of conflict and to promote understanding of the various paradigms. In this context, education for responsible citizenship, democratic principles, human rights, tolerance and coexistence are necessary. Civic values and relevant Somali cultural values should be articulated in a coherent manner in order to ensure social cohesion and political stability. Non-African experiences have demonstrated in history how societies that emphasize civic education have been able to develop and sustain stable civic states.

Somalia is at a turning point in its modern history, particularly in the capital and large swathes of the south. The period following the collapse of Mohamed Siad Barre's regime in 1991 is often referred to as 'two decades' of anarchy, occasionally with the qualifier 'especially in the south.' It is perhaps more useful, however, to consider Somalia's recent past in terms of three 'decades'. Rather than drawing a line at 1991, the first 'decade' to consider is a period of intense violence from the mid-1980s, as insurgent movements picked up intensity along with the government's reprisals to the mid-1990s, by when the explosion of clan-linked violence had dwindled considerably.

In the northwest and northeast, the mid-to-late 1990s marked a turning point, with political entities emerging, Somaliland and Puntland, that have continued since then to consolidate and deepen their political institutions. Even in southern and central Somalia, the period from the mid-1990s until about 2004/05, the second ‘decade’ saw fairly stable control established by various militia groups in different parts of the country. Not uncontested, not without violence, but certainly of a lower order than the violent convulsions of the preceding decade.

However, from 2005, violent conflict escalated dramatically again in southern and central Somalia, as the government created by the 2004 Transitional Federal Charter attempted to establish itself in Mogadishu, amid an escalating conflict between warlords and Islamists for control. The emergence of the Islamic Courts Union administration in the capital led to the forceful intervention of Ethiopia to remove it and ensconce the Transitional Federal Government triggering the insurgency of al-Shabaab, a radical militia within the Islamic Courts fold which chose not to flee the Ethiopian offensive. With violence continuing into the present, this period has been our third ‘decade’.

When the mandate of the TFG was brought to close in August 2012, amid intense regional and international pressure, many perceived a potential shift in the country’s fortunes, both inside and outside Somalia. The heady optimism of the initial ‘Somalia rising’ moment was fairly swiftly re-injected with weight and challenges of political reality. Nevertheless, there remained, and still remains, a sense that for southern and central Somalia, a different trajectory is possible.

Because of this sense of prospective opportunity, it is all the more important to move away from a view of Somalia as emerging from ‘two decades of conflict,’ and instead to put in the context of a longer view of Somali history the choices facing the authorities in Mogadishu and the range of sub-state political entities in the rest of Somalia, from the various clan militia, nascent local administrations, and emerging and aspirant regional states, to the established governments in Puntland and (even) Somaliland. Even the administration of al-Shabaab is ultimately a part of the political calculus.

And the question at the root of the Somali political project is now the question of federalism. In seeking answers, Somalis are viewing not only the past two decades since the collapse of the state, but also looking back to the experience of the previous Somali state itself. Somalis are seeking not merely to ‘restore’ institutions, but rather to build a new set of institutions. A pervasive sense of distrust in a strong central government, the legacy of the Barre era, informs the political negotiations, although this is magnified for many in a ‘regional’ context, and subdued for many directly linked to the administration in Mogadishu. The federal government has to recognize the existing problems with the constitution and take steps to fix them. Not doing so now will lead to continued problems with federal state creation, which may ultimately lead to a return of hostilities between rival states that have overlapping territories.

CHAPTER THREE
THE INFLUENCE OF INTERNATIONAL INTERVENTION ON
FEDERALISM AND NATIONAL STABILITY: SOMALIA 1999-2013

3.0 Introduction

The previous chapter focused on the influence of clan identity on federalism and national stability: Somalia 1999-2013. Where rise and fall of the military regime (1969-1991), the militarization of Somalia, the implications of the Ogaden War and influence of Clan Identity on Federalism and National Stability in Somalia were discussed in details.

This chapter focusses on the influence of international intervention on federalism and national stability in Somalia, where international interventions, efforts and influence of international intervention on federalism and national stability in Somalia are debated.

According to Ngwane⁷⁴, Somali new government and Ethiopian government entered into a war in 1964, based on a Somali claim that Ethiopia conquers Somali Western Zone (Ogadenia). From 1960-1969, Somali fragile government was wrestling internal challenges such as corruption, nepotism and tribal effects as well as regional challenges especially the Ethiopian and Kenyan conflict. Moreover, it became automatically the battle ground of the great powers; this competition led to the military coup in 1969 led by the commander of the Somali national army Major General Mohamed Siyad Barre. Almost twenty one years, Somalia was under a military rule. It entered regional conflict with its neighbor such as Ethiopia in 1977 war.

⁷⁴ Ngwane, G. (1996). *Settling Disputes in Africa*, Yaounde: Buma Kor.

Muravesik observes that unfortunately the military government did not change the political mistakes which the three Somali civilian governments employed especially international and regional strategies⁷⁵. The African Union (OAU) passed in its constitution session in Addis Ababa 1963 to leave Africa borders as it was in European colonies, but Somali leaders rejected this decision. So from this period onwards, Somalia entered regional conflict with Ethiopia and Kenya as well as international community who put heavy pressure on Somali leaders to respect international agreements, but Somalia leaders both civilian and military government maintained this policy which caused the Somali crisis.

3.1 International Interventions

At last both Ethiopian authorities and Somali authorities, armed opposition groups, the consequences of which led to collapse of Somali state in 1991. From 1991 until 2008, the international community and neighbor countries held 14 reconciliation conferences to rebuild Somali government, but these efforts ended in futility. On the other hand, from the 1992 until now international community endeavored to solve Somali crisis militarily. For instance, in 1992 America led the UNOSOM1 and UNOSOM2 missions who extended until 1995, this mission deepened Somali tragedy than it solved.

Adam observes that by 2006 in a haphazard way Islamic court emerged in southern Somali who defeated war lords⁷⁶. The Islamic courts were consisted of 12 groups, with divergence ideologies and visions, in less than six months; they imposed stability and peace almost throughout southern Somalia. These different groups, who had

⁷⁵ Moravcsik, A. (2008). New Liberalism, chapter 13. In *The Oxford Handbook of International Relations*, edited by C. Reus-Smith & D. Snidal. Oxford: Oxford University Press.

⁷⁶ Ibid p36

no political maturity, faced internal and external challenges. The neighbor countries realized that Islamic courts threat its stability and encourage at the same time minorities and Islamic societies inside Ethiopia, Kenya and all African countries in the region.

Mayer declares that for that reason they got green light from the United States of America to destroy and eliminate Islamic courts⁷⁷. Now, there are approximately 17,000 AMISOM troop in southern Somalia which comprises Uganda, Kenya, Ruanda Djibouti and Ethiopian troops who enter Somali territory any time they wanted. Whereas, the south wrestling instability, and continues war: The ex-northern Somalia which is now called Somaliland and middle region which is now called Punt land created stability and peace in that areas, but international community did not listen to their claims and arguments.

3.1.1 The United Nations (UN) intervention

On the 26 March 1993, the UN Security Council invoked Chapter VII of the UN Charter and unanimously adopted Resolution 814 (1993) to expand the U's role in Somalia. The new mandate provides authorization for the establishment of the United Nations Office for Somalia II (UNOSOM II). The implication of the resolution is that it entrenches the militarization of the UN's engagement in Somalia at the operational cost of \$1.5 billion, making it the most expensive UN peace-keeping operation, according to Bradbury.⁷⁸ On 5 June 1993, the Pakistani UN peace-keeping troops used the provision of Chapter VII, which gives powers for peace-enforcement to UNOSOM, to search for weapons at General Aidid's compound and Radio Mogadishu. The UNOSOM miscalculation led to

⁷⁷ Mayer, B. (2000). *The Dynamics of Conflict Resolution*. San Francisco: Jossey-Bass.

⁷⁸ Ibid p30

the killing of 24 Pakistani peace-keeping troops. General Aidid's action has changed the dynamics of peace-keeping in Somalia permanently- an act that also defines today's peace-keeping efforts in that country.

The events that led up to 5 June 1993 continue to puzzle peace-makers and scholars alike. One view is that General Aidid, who had never favoured UN military intervention, tried to test the new UN forces when UNOSOM II assumed control. The other view is that the rhetoric from the General Aidid-controlled Radio Mogadishu against the UN was the cause of Pakistani action. The UN may have misread the defeat of Aidid by General Morgan in Kismayo to mean the military weakening of General Aidid, thus attacking Radio Mogadishu to deny him of propaganda capability. Whatever reasons UNOSOMII may give, changing the purpose of the mission without detailed diagnosis of the situation is a recipe for failure.

The UNOSOM retaliatory bombing of Aidid's headquarters and house on 12 July 1993 resulted in the killing of prominent personalities from the Habr Gedir clan.⁷⁹ Bradbury argues that those that were killed also included the Ogaden, Dir, Majerten, Murosade and the Sheikal elders⁸⁰. The elders met to explore their options with regard to the confrontation between Aidid and UNOSOM. Bradbury is of the view that the gathering was intended to put pressure on General Aidid to reach out to UNOSOM and find an amicable solution for both parties.

The fact of the matter is that the true purpose of the gathering will forever remain the subject of speculation in analyses of those studying the Somali conflict. The killing

⁷⁹ Ibid p36

⁸⁰ Ibid p30

has arguably galvanized the Habr Gedir clan in their support for General Aidid. The transformation of the UN's humanitarian mission to peace-enforcement under Chapter VII of the UN Charter compromised the centrality of the UN's diplomatic resolution of the Somali conflict. To date, disputants still argue that the UN is a party to the conflict, thus frustrating all endeavours by the UN to broker a peaceful settlement of the conflict.

According to Mayer UNOSOM II-military operations against General Aidid were becoming a battle call to rally support against the UN mission⁸¹. The UNOSOM II actions led to the destruction of a vaccine factory, a cigarette and a match factory, the National University, Radio Mogadishu, the Ministry of Livestock and other government buildings. This became a source of the Somalis resentment towards the UN mission in Somalia. The military assault against General Aidid further generated and consolidated the Hawiye solidarity with General Aidid and when Admiral Howe placed a \$20 000, reward on General Aidid's head, the latter did the same in a show of force against UNOSOM.

Milliken & Krause note that general Aidid felt that the then UN Secretary General Boutros Boutros-Ghali was tainted by his previous experiences with the Siad Barre regime⁸². He was unhappy with the Egyptian government for having joined the Italian government in holding the Djibouti conferences that favoured Mohammed Ali Mahdi as the new interim President. The personalities and actions of the UNOSOM gave General Aidid the impression that the UN was against him, although he was correct in this regard. For instance, Admiral Howe had convinced the UN that General Aidid should be

⁸¹ Ibid p53

⁸² Ibid p34

marginalised during the Addis Ababa Peace Conference. The Addis Ababa Conference is the subject of analysis in chapter four of this study and Aidid's participation will be explored to support this assertion.

The departure of UNOSOM II troops in March 1995 was an admission that a military option has failed to resolve the Somali conflict, although it was not acknowledged by its proponents. The military failure came at a cost of \$4 billion from June 1993 to March 1995 plus a further \$2 billion for the US mission on behalf of the UN.⁸³ Lessons were learned that a military approach to the complex Somali Civil War does not work. The argument by Adam that clanism is the Somali version of ethnicity or tribalism is an accurate account of the complexity of the clan system.

International intervention was not informed by a detailed diagnosis of the nature of the conflict, particularly of the clan dynamics and intricacies of the Somali body politics as well as the system and its impact on the conflict resolution. Disputants used the presence of the UNOSOM as a factor in the conflict, yet the conflict continued unabated after the departure of the UNOSOM. This reinforced the argument that the conflict is basically intra-clan, driven by a plethora of factors and actors.

3.1.2 Root causes

3.1.2.1 Domestic factors

Tadesse notes that the Somali conflict is caused by multiple and complex issues, ranging from political factors, economic factors, the colonial legacy, a repressive state and the

⁸³ Ibid p53

availability of weapons⁸⁴. The most important factor that has created and sustained the clan-based militia's conflict is the competition for power. This is the case especially when one considers how power is acquired and exercised: through economic might and military strength, through demographic resilience, access to natural resources, and through the ability to display, resolve and instill fear without showing it. By means of all those measures, the clan-based warlords are so much more powerful than those who taunt them with demands for disarmament. If this were a game of poker, rather than a deadly discourse, it would seem oddly asymmetrical. The sources of power in Somalia are the absence of state institutions and manipulation of the clan system.

The relentless quest for the creation of a central government may be inspired by the notion that those who control the state superstructure control the resources. This stems from the manner in which Siad Barre related to state institutions. He used the state to perpetuate the Darod hegemony over other clans. Clans' fears and apprehensions should be addressed in any arrangements intended to distribute power among them. Elmi and Barisse⁸⁵ contend that current realities confirm the assertion that competition for power and/or resources was the leading cause of conflict among clans and militia groups. The civil war within the Hawiye, the Darod, the Digil and Mirifle, and the Issaq clans was a resource and/or power motivated conflict. The struggle against Siad Barre focused at its core on the seizure of political power. Adam⁸⁶ points out that the tangible cause of Somalia's civil wars derives from a militarist state and its brutal repression of a vibrant social reality.

⁸⁴ Ibid p33

⁸⁵ Ibid p43

⁸⁶ Ibid p36

Lewis argues that the seeds for the Somali conflict were first planted in 1878 when the country was divided among the British, Italian and French colonial powers. The British transfer of the Ogden's autonomy to Ethiopia in 1945 further compounded the already precarious situation⁸⁷. The geographical location of the Horn of Africa is a contributing factor in the Somali conflict. Croker, Hampson and All⁸⁸ argue that geography and geopolitics may promote intractability. Using the above argument, one concludes that general instability in the area has a negative impact on the Somali conflict.

Wolff calls this phenomenon the bad leader's syndrome and the bad neighbour syndrome⁸⁹. This concept is also referred to as the proximate causes of conflict. It is more difficult to solve, but by no means impossible. The process of resolving the Somali conflict will be sustainable if it has a built-in mechanism to address the legitimate concerns of the country's neighbours. These concerns range from irredentism to national security issues.

3.2.1.2 Other International actors

The collapse of the Siad Barre regime in 1991 has led to the civilian population's access to weapons. Osman argues that civilians turned these weapons into a mode of survival and self-defence during the desperate economic times of the 1990s⁹⁰. The anarchical nature of the Somali state disintegration enabled materials such as weapons and money to become the regime's power resources and these resources became spoils for the contesting groups. Clans with heavy representation in the military sector and the

⁸⁷ Lewis, I.M. (1994). *Blood and Bone*. Lawrenceville: The Red Sea Press.

⁸⁸ Crocker, C.A, Hampson, F.O & Aall, P. (2009). *Why Mediation Matters: Ending intractable conflict*, chapter 25. In *The Sage Handbook of Conflict Resolution*, edited by J. Bercovitch, V. Kremenyuk & I.W. Zartman. Washington DC: Sage Publications.

⁸⁹ Wolff, S. (2006). *Ethnic Conflict*. Oxford: Oxford University Press.

⁹⁰ *Ibid* p37

administration were best positioned to benefit from the disintegration of the state, both materially and politically. The beneficiaries of the collapsed state spoils are the Darod and the Hawiye, which also signaled bitter rivalry between the two dominant clans in southern Somalia.

The rivalry continues to manifest itself in the manner in which the structure of the negotiations is designed. The two clans have had some form of a veto over the negotiation processes in Somalia, though not overly pronounced. When Abdillahi Yusuf Ahmed was elected President of the TFG in 2004, the Hawiye based warlords imposed obstacles on the return of his government to Mogadishu. Abdillahi Yusuf was equally unhelpful by insisting on the disarmament of the four main warlords, that is Mohammed Qanyere Afrah (Murosade), Ali Osman Atto (Saad), Musa Sudi Yalaho (Abgal) and Omar Finish (Abgal). It is important to note that the four warlords were part of the TFG cabinet.

The researcher's interaction with the four warlords was part of the South African (SA) government's efforts to make the TFG work and to implement the Mbagathi Agreement, which is seen by some states as the best compromised solution for the Somali conflict⁹¹. The four warlords were mainly in control of Mogadishu and they all represented the Hawiye clan family. Interaction with the four warlords dates back to 2002 when they threatened to abandon the peace conference in the Eldoret Process, which eventually ushered in the Mbagathi Peace Agreement and formation of the TFG and TFC. The researcher's task was to persuade them to continue participating in the negotiations. Their objections revolved around the extent and level of Ethiopian government

⁹¹ Ibid p32

involvement in influencing the outcome of who had seats at the negotiation table. At that time, the Eldoret Process was about “talks about talks” and was deadlocked regarding the requirements for becoming a delegate to the peace process. There were all sorts of manoeuvres by various factions to dominate the initial process, thus ensuring the necessary numbers when it comes to decision-making by vote. It was during the same process that Musa Sudi's dominance of the Abgal clan was challenged by Omar Finish, the two fought a fierce battle, which was eventually resolved by the creation of two militia factions within the Abgal clan. By the time the conflict had been resolved, an opportunity was created for Omar Finish to become a delegate at the Mbagathi Peace Process and also eventually earned him the cabinet position in the TFG.

Menkhaus observed that these conflicts were triggered by a number of factors, but some can be attributed to political manoeuvring linked to the IGAD sponsored peace talks in Eldoret⁹². Omar Finish was a commander of Musa Sudi's militias before establishing his own. Mohammed Qanyere Afrah related the Musa Sudi-Omar Finish phenomenon to the researcher with some amusement, perhaps because it guaranteed him a dominant position within the loose alliance of the Mogadishu based warlords, bearing in mind his relatively small in Murosade clan within the Hawiye family clan. Despite their differences, the Mogadishu-based warlords were united by their opposition to Ethiopia's involvement in the peace process. Resentment regarding Ethiopia is deep rooted in the colonial and conflict histories of the two countries and these factors have been relegated to the periphery by peacemakers in the Somali conflict.

⁹² Ibid p46

The inclusion of the Mogadishu warlords in the transitional government did not mean the end of the Somali protracted conflict, but presented new challenges for peacemakers and international diplomacy. The challenge was how to institute a process of changing people's perceptions about being in perpetual conflict with each other. Mayer contends that a resolution on the cognitive dimension is often the most difficult to attain because people hang on to their perceptions and beliefs about a conflict tenaciously⁹³. Abdillahi Ahmed Yusuf's inaugural statement that "those who want to fight should know that he too can fight" did not inspire Somalis to work for national reconciliation and forgiveness.

Nelson Mandela's⁹⁴ statement that people should "throw their weapons in the sea" was fundamental in conveying a message of national reconciliation compared to Abdillahi Yusuf Ahmed's war statement; consequently, he missed the opportunity to provide leadership to a country ravaged by a protracted civil war. The ultimatum by Abdillahi-Yusuf Ahmed for the Mogadishu warlords to disarm was premature. Disarmament should have been an outcome of a negotiated process informed by the Mbagathi Agreement, which stipulates that cantonments should be created for all armed groups and militias.

The Mogadishu warlords then used Abdillahi Yusuf Ahmed's mishandling of the situation to perpetuate their stranglehold on the situation and engaged in profiteering from the political economy of violence through arms sales, smuggling and other illicit commercial practices. During the researcher's visit to Mogadishu in 2005, the warlords

⁹³ Ibid p53

⁹⁴ Lynn – Jones, S.M. (1998). *Theories of War and Peace*. London: The MIT Press.

expressed their intention to ensure that the TFG relocated to Mogadishu as stipulated in the TFC. They were opposed to the idea of sending a protection force as requested by Abdillahi Yusuf Ahmed after his inauguration as an interim president of Somalia in 2004. Their opposition was based on the rumour going around that Ethiopia was going to contribute some troops to the protection force. The warlords' opposition to Ethiopia became a common denominator among them it united them and allowed the situation to develop where they even removed the checkpoints in Mogadishu. These checkpoints have served as sources of income for them.

The researcher's visit to Mogadishu was followed by another one to Jorha where a meeting was held with Mohammed Ali Ghedi, prime minister of the TFG⁹⁵. A similar meeting was also held with Mohammed Dhere, the warlord in control of the upper Shebelle region. The meetings were aimed at reconciling all the factions of the TFG. The Mogadishu warlords were amenable to a dialogue with Abdillahi Yusuf Ahmed, in contrast with Mohammed Ali Ghedi's list of preconditions for a dialogue with them. Meanwhile, the Ethiopian Government was instigating a confrontation between Hassan Mohammed Nur also known as Shatigudud and "Habsade." A large quantity of small arms was channelled to Shatigudud by the Ethiopian government in an effort to ensure that Baidoa remained in their influence. When Shatigudud was defeated by Habsade, there were celebrations in Mogadishu, a large quantity of arms was seized, and some were sent to the Mogadishu warlords.

The speaker of the transitional parliament persuaded the president, the prime minister, and the president of the TFG to relocate the government from Jorha to Baidoa.

⁹⁵ Ibid p32

Abdillahi Yusuf Ahmed accepted the offer from the speaker whose clan lineage showed that he came from the Digil and Mirifle, on condition that some security guarantees were implemented. Ethiopian troops provided security to the TFG and the TFP. The relocation to Baidoa did not enhance the transitional institutions' credibility among the Somalis, as Mogadishu was still associated with the seat of government even though the country had never had a functioning government structure since the fall of the Siad Barre regime in 1991.

The TFG gridlock then assumed different proportions with the Mogadishu warlords who were alleging that the UIC was an Al-Qaeda allied formation. The Ethiopian government, which had made similar allegations against the Mogadishu warlords, was now in agreement with regard to the allegations against the UIC. This was compounded by the US concern that the UIC might constitute a broader threat to international security.

Menkhaus posits that the overheated American policy towards Somalia provided a glimpse into the Bush administration's policymaking process in the expanded war on terrorism, dating back to 2001 and 2002⁹⁶. The use of Somalia as a trans-shipment point and a short-term safe haven for foreign terrorists resurfaced again in December 2002, when terrorists bombed a Mombasa hotel and attempted to bring down an Israeli charter plane at the Mombasa airport.

Menkhaus does not state that the terrorist attack and the attempted attack on the Israeli airplane were blamed squarely on Al-Qaeda. The misfiring of a SAM-7heat-

⁹⁶ Ibid p43

seeking missile negated the planning and the military precision with which Al-Qaeda had executed its operations in the recent past. The 9/11 attacks, the Bali night club attack, the Madrid train bombing and other attacks exposed a pattern of professionalism in contrast with the Mombasa attacks. Based on this argument, it remains dubious that the operation was carried out by Al-Qaeda. The question still remains as to who was responsible. Lewis argues that the Central Intelligence Agency (CIA) used the Mombasa attacks to justify backing the Mogadishu warlords' coalition, named the Alliance for the Restoration of Peace and Counter-Terrorism⁹⁷.

While Menkhaus challenges the conventional wisdom that collapsed states constitute a safe haven for international terrorists, by stating that Somalia appears to have all the ingredients for an ideal safe haven for AL-Qaeda. However, the environment analysts' assumptions were contradicted by the situation on the ground. He argues that the case of Somalia suggests that researchers may have been partially mistaken in their assumptions about the relationship between terrorism and collapsed states. Significantly, Menkhaus asserts that terrorists preferred and found safety in weak states.

According to Jonsson & Aggestam in fact, transitional criminals and terrorists have found zones of complete state collapse like Somalia to be relatively inhospitable territory from which to operate; instead, they flourish in states where the institutions of governance are weak and easy to corrupt⁹⁸. Somalia is less than ideal given these dynamics. Fundamentally, the continued misdiagnosis of the Somali intractable conflict has led to an emphasis on the peace-building process before building the foundation of

⁹⁷ Ibid p30

⁹⁸ Jonsson, C. and Aggestam, K. (2009). Diplomacy and Conflict Resolution. In *The Sage Handbook of Conflict Resolution*, edited by J. Bercovitch, V. Kremenyuk & I.W. Zartman. London: Sage Publications.

peace. Importantly, the US support for the warlords' coalition was influenced by a parochial political interest in defeating the UIC in Mogadishu. The UIC support found mainly within the Habr Gedir Saad, Ayr, Suleiban and Sarur was underestimated by the warlords and their sponsors.

Essentially, the UIC were a rather loose and informal collection of local traditional Sharia courts, initially mainly inside Mogadishu and varied regarding the degree of fundamentalism of their sheikhs; in addition, their kinship ties within the local Hawiye clans ensured their cohesion.⁹⁹ Sheikh Hassan Daahir Aways is the only sheikh known to harbour fundamentalist views, while the majority of the sheikhs are moderate Sunnis. The courts managed to win the support of the people of Mogadishu who were tired of the warlords' extortion and conflicts. Therefore, it came as no surprise when the warlords were defeated and driven out of Mogadishu. For the first time since the fall of Siad Barre in 1991, a single entity managed to establish authority in Mogadishu and ordinary citizens found that it was safe to go about their business in the streets of Mogadishu without fear of attack or molestation. In addition, trade quickly revived and food prices dropped dramatically.

Furthermore, for the first time, piracy was controlled and the sea and airports were open for commercial activities. The TFG president denounced the courts and called them Al-Qaeda allies and, for the same reason as the US clients, the Ethiopians reinforced their accusation that the Sharia courts were all full of dangerous terrorists. The Ethiopian government became more hostile to the new authority in Mogadishu and

⁹⁹ Ibid p30

appealed to the Americans to assist in the war against Al-Qaeda. The appeal struck a chord with the American war on terror policy.

Spector remarks that when the other side has been elevated to the role of villain, demon, rogue or pariah, policy generally dictates that negotiation is not a valid conflict resolution option¹⁰⁰. By the end of 2006, the Ethiopian army was advancing to capture Mogadishu and the city eventually fell in May 2007. Abdillahi Yusuf Ahmed was declared the victor in a war he did not fight. By 2008, the dynamics of the conflict had changed and the Ethiopian army was confronting an insurgency that was becoming more and more sophisticated, showing similarities with the Iraqi conflict. Furthermore, the Hawiye youths were swelling the ranks of the resistance against the Ethiopian occupation. The Ethiopian invasion of Somalia represents a fundamental misreading of the Somalis' resentment of the country and failure to acknowledge that the two countries would remain enemies not only by design, but also due to the history over which the current generations has no influence, except to strive to change and refuse to be defined by war.

3.2 The Influence of International Interventions on Federalism and National Stability in Somalia

The Somali conflict has often deceived mediators by its episodic but recurring bouts of violence, which Crocker, Hampson and All¹⁰¹ contend is usual for PSCs. Diplomatic mediation in Somalia has sometimes confused these episodic processes with moving to the next stage of the resolution, which is the establishment of a transitional government.

¹⁰⁰ Spector, B.I. (1999). *Negotiating with Villains*. In *International Negotiation*, edited by P. Berton, H. Kimaru & I.W. Zartman. New York: St Martin's Press.

¹⁰¹ *Ibid* p26

The haste to create a central government is perhaps informed by what Moller describes as the “relentless quest for state building” because the entire international system is constructed around states to such an extent it is unable to handle stateless territories inhabited by people who cannot be classified as citizens of any state¹⁰². Moving to the creation of transitional arrangements before the resolution phase has been the main challenge of international diplomatic efforts to resolve the Somali conflict. The confusion is sometimes caused by the view that a declining conflict reflects a final resolution.

Crocker, Hampson and Aall point out that PSCs may go into abeyant or frozen stages and then the potential for a renewed outbreak of violence exists. Under these circumstances, there is a need to deploy adequate conflict resolution resources and care must be taken not to rush to the next stage because disputants still experience conflict with each other. The abeyant conflict stage provides a window of opportunity for the intensification of diplomatic efforts to find a solution acceptable to all the disputants. During this stage, conflict resolution practitioners should ensure that key issues driving the conflict are addressed; these issues may range from the proximate to the root causes of the conflict.

Causes of intractable conflict often assume different forms and dimensions. The initial causes of the Somali conflict revolved around the repressive Siad Barre military regime. They have since adopted different assumptions and objectives. A systematic approach to intractable conflict is fundamental and, to this end, Coleman¹⁰³ contends that intractable conflicts are a pathological disease, an infection or cancer of the body politics

¹⁰² Ibid p20

¹⁰³ Ibid p25

that can spread and afflict the system. There is thus the need to diagnose the situation correctly.

At times, diagnosing the Somali conflict has been influenced by external factors and interests not relevant to the conflict. When the AU made pronouncements in January 2007 that endorsed the Ethiopian occupation and even went a step further by saying that the occupation presents a unique opportunity to resolve the conflict finally, pronouncements failed to recognize that Ethiopians are blamed by Somali's for the current state of affairs. This outlook can be traced back to the imperial partitioning of Somalia in 1897 and the defeat of Somalia in the 1978 Ogaden War, which act as catalysts in the current Somali intractable conflict.

The AU analysts also failed to understand pan-Somali nationalism. This ideology is based on the notion of a Greater Somalia which includes the Ogaden, Somaliland, the NFD of Kenya and Djibouti. The AU's pronouncements were informed by Ethiopia's subjective view of developments in Somalia. Wolff¹⁰⁴ refers to this kind of behaviour as the bad leader syndrome and the bad neighbour syndrome and is also known as proximate causes of conflict by conflict resolution practitioners.

Rutherford asserts that the AU's misdiagnosis of the Somali conflict follows on the earlier diagnosis by the UN in 1992. Intervention by the UN in Somalia was initially intended to provide humanitarian support to what was known as the "Triangle of Death" (Mogadishu, Baidoa and Kismayo). The food crisis was caused by the civil war and famine that were ravaging the country. The crisis was commonly referred to as a

¹⁰⁴ Ibid p58

manmade disaster due to the conflict implications for the general population. The UN Security Council resolution 794 (1992), which authorized the deployment of 30,000 US troops in Somalia, had a limited scope. The operation was codenamed Operation Restore Hope (ORH) by the US. The UN referred to it as the United Nations International Task Force (UNITAF). The primary objective of the operation was to create a secure environment for delivery of humanitarian relief throughout Somalia. The impact of the crisis was so severe that 300,000 Somalis had died, while 3,000 were still dying daily and 500,000 had fled to refugee camps in neighbouring countries by mid-March.

By the end of 1992, Bradbury estimates that over 400,000 people had died and 1.5 million had fled the country to seek refuge abroad. The magnitude of the crisis made it possible for the UN to mobilize international support to alleviate the impact of the crisis on the civilian population mainly, particularly women and children. The noble cause of the UN was compromised when the situation was misdiagnosed by military commanders on the ground, perhaps because ORH was primarily a military operation with a humanitarian strategic objective.

The argument by Rutherford that in the case of Somalia, it was the first time that the politically neutral International Committee of the Red Cross (ICRC) had hired armed forces to protect its relief supplies and convoys, which is indicative of the militarization of humanitarian intervention. The question is should the ICRC have protected its neutrality by refusing the idea of hiring armed militias to protect its operation? Only time will tell, once the conflict has finally been resolved.

3.3 Conclusion

Crocker, Hampson and All posit that there are two basic approaches to resolving intractable conflicts¹⁰⁵. The first is to abstain from intervention and hope that disputants either reach their own compromise or that one side wins. This assumption is predicated on the notion that disputants will reach a fatigue stage and develop some form of resolution or there will eventually be a victor (the zero-sum approach). The other approach is to persuade disputants to accept a third party intervention. In some cases, persuasion may be accompanied by pressure to make compromises and where necessary, coercive diplomacy, such as sanctions, may be a useful tool. If the Somali society is said to be conflict prone, the relevant mechanisms must also exist within the society to mitigate and resolve conflicts. The question then arises: how much did international diplomacy invest in persuasion during the mediation process to enhance federalism and national stability in Somalia.

Even when multiple regions are almost homogenous and state creation is technically feasible, there are problems with the state creation process, caused in part by constitutional ambiguity. The first clause of Article 49 of the constitution stipulates that it is the House of the People (the existing lower house of parliament) that shall determine the number and boundaries of the Federal Member States; however, clause 6 of the same article stipulates that two or more regions may voluntarily merge to form a Federal Member State. In effect, it is saying two things: the first is that it is the federal government that has the power to draw the boundaries of federal member states; and secondly, that any two regions can unite and form a state. This lack of clarity in who can

¹⁰⁵ Ibid p26

form a state has contributed to a rush to create federal member states by politicians in southern Somalia.

In mid-2013, representatives from the three Jubba river valley regions (Lower and Middle Jubba, and Gedo) met in Kismayo and declared a Jubbaland state. They met with strong opposition from the federal government and some clan elders, Jubbaland reached a compromise deal with the federal government. In Baidoa, there are currently two competing camps trying to create a South Western Somalia state. One camp wants to create a more technically feasible state comprised of Bay, Bakool, and Lower Shabelle regions; the other camp wants to add Gedo, Middle Jubba, and Lower Jubba and make SWS a 6-region state. While this confusion is rooted in local politicians' desire for power, the constitutional ambiguity and the federal government's mild participation in federal state building has exacerbated the problem.

CHAPTER FOUR
FEDERALISM AND NATIONAL STABILITY IN SOMALIA: A
CRITICAL ANALYSIS

4.0 Introduction

Chapter three examined the influence of international interventions on federalism and national stability particularly of the clan dynamics and intricacies of Somali politics, root causes as well as impact of the conflict resolution.

This chapter now presents a critical analysis of federalism and national stability: the case of Somalia 1999-2013. Content analysis was used to present the findings in a prose form in reflection of the relevant themes depicted from the data collected and some key emerging issues.

4.1 Emerging Issues

4.1.1 The absence of a Central Authority

In 1960 British Somaliland and Italian Somalia gained independence from their colonizers and joined together to form the Republic of Somalia. A bloodless coup in 1969 led by Major-General Mohamed Siad Barre overthrew the democratic government that ruled Somalia since independence. Barre went on to take power, and established an oppressive military dictatorship.¹⁰⁶ He reigned for 21 years until 1991 when Somalia's government collapsed and statelessness ensued. In 1970, under the influence of the Soviet Union, Barre transformed his military dictatorship into a socialist one. Full-scale central

¹⁰⁶ As is often the case in dictatorships, technically, the Somali "constitution" of 1979 guaranteed democratic elections for its "president." In practice, however, this guarantee was worthless. The first "election" for Barre was in 1986 in which he received 99.9 percent of the votes (US Library of Congress, 2006).

planning pursued under the government's policy of "scientific socialism" brutalized the Somali people. The government slaughtered civilians who posed threats to the government's plans or political power, used coercive intimidation to create artificial support for its activities, and forcibly relocated others to further the political or economic ends of Barre and his cronies. "Both the urban population and nomads living in the countryside (were) subjected to summary killings, arbitrary arrest, detention in squalid conditions, torture, rape, crippling constraints on freedom of movement and expression and a pattern of psychological intimidation".¹⁰⁷

The state ruthlessly suppressed free speech and controlled all forms of information reaching Somalis. Newspapers (only one was officially permitted by the government), radio, and television were fully censored and dissent in any form squelched with force. Under Somalia's National Security Law No. 54, "gossip" became a capital offense. Twenty other basic civil freedoms involving speech, association and organization also carried the death penalty.

The state invested aggressively in building its military. Besides weapons and troops for foreign defense, massive resources were devoted to military structures of domestic repression. Government created a secret police squad called the National Security Service and paramilitary unit called the "Victory Pioneers" for spying on and eliminating dissenters. Both had legal discretion to detain, invade, kill, and torture at the state's behest.¹⁰⁸

¹⁰⁷ Africa Watch Committee, (1990). *Somalia: A Government at War with its Own People*. Africa Watch Committee, New York.

¹⁰⁸ Ibid

This created a twofold dire effect for development in Somalia. On the one hand, it left few resources for investment in public goods, like education, health, or transportation infrastructure. This was especially so in pastoral areas where most Somalis lived.¹⁰⁹ On the other hand, Barre's military dictatorship eliminated any vestiges of restraint on the government's predatory power. Law No. 1 repealed the constitution and all democratic checks. There were no elections for any political positions; all were appointed by Barre. Military suppression prevented popular uprising. Even dissent through free expression was eliminated. Government was let loose to plunder and abuse citizens for the ends of political rulers. The state was notoriously corrupt and violent. Political actors and bureaucrats embezzled state funds, extorted and murdered weak portions of the population, and engaged in aggressive asset stripping of state-owned firms. As the UN Development Program characterized it, "The 21-year regime of Siyad Barre had one of the worst human rights records in Africa".¹¹⁰

This is no small feat considering that during this period Africa was home to some of history's most savage dictatorships, including the Democratic Republic of Congo's Mobutu. In 1975 all land was nationalized along with nearly all major industries and the financial sector. This facilitated government's ability to expropriate citizens' property for state projects, like massive state-operated farms, and for politicians' personal use. Unpopular minority groups, such as the Goshu, were particularly easy prey. In the 1970s and 1980s Barre expropriated Goshu occupied land to create state-owned irrigation

¹⁰⁹ Little, P.D. (2003). *Somalia: Economy without State*. Indiana Univ. Press, Bloomington.

¹¹⁰ UNDP, (2001). *Human Development Report 2001—Somalia*. UNDP, New York.

schemes that benefited his allies. In other cases his minions expropriated land for their private use, making Gosha serfs on their own property.¹¹¹

Incentives to be productive, keep costs down, or cater to consumer demands were virtually absent. Factory managers cared only about meeting quotas. This led them to pursue wasteful activities, such as purchasing inputs worth more as raw materials than the output they produced.¹¹² Some state-owned enterprises were developed purely to benefit political rulers and their friends. For instance, government created the Water Development Program to subsidize private watering holes for the livestock of Barre's allies.

In 1988 civil war broke out in the northern part of the country (Somaliland), setting in motion the beginning of the end of government in Somalia. In January of 1991 a coup d'état toppled Barre's regime, creating statelessness in its wake. Tellingly, the same year anarchy replaced government, 400,000 Somali refugees in Ethiopia returned to their homes in Somalia.¹¹³ For the next two years, rival factions fought to establish power. These were the days when Somali "warlords," such as General Hussein Aideed of Mogadishu and Ali Mohamed Mahdi, battled to solidify their bases of strength. At the same time severe drought struck the country, creating famine in its aftermath. In 1992 the UN sent troops to Somalia to quell the conflict and ease suffering, but failed to establish authority, stability or peace in the region. Some fighting continued into the mid-1990s, but died down considerably since 1991. By the late 1990s peace prevailed over most of

¹¹¹ Menkhaus, K. and Craven, K. (1996). Land alienation and the imposition of state farms in the lower Jubba Valley. In: Besteman, Catherine, Cassanelli, Lee V. (Eds.), *The Struggle for Land in Southern Somalia: The War Behind the War*. Westview Press, Boulder, pp. 155–178.

¹¹² Ibid, p.74

¹¹³ Ibid p74

Somalia. Until 2006, when the attempted reestablishment of central government sparked new violence, conflict was isolated and sporadic, confined when it did occur to pockets of small-scale rivalry in a few areas.¹¹⁴

Most depictions of Somalia leading up to the 2006 period grossly exaggerate the extent of Somali violence. In reality, fewer people died from armed conflict in some parts of Somalia than did in neighboring countries that have governments. In these areas security was better than it was under government. About the same number of annual deaths in Somalia during this period were due to childbirth as were attributable to war—roughly four percent of the total.¹¹⁵ And these deaths were combatants, not civilians. “Atrocities against civilians (were) almost of unheard of”. This is still too high, but far from cataclysmic. In fact, it’s not far from the percentage of deaths due to homicide in middle-income countries such as Mexico, which in 2001 was 3.6.

In 2006 “a loose coalition of clerics, business leaders, and Islamic court militias known as the Supreme Council of Islamic Courts (SCIC)” gained increasing dominance over key areas of Somalia, including the capital, Mogadishu.¹¹⁶ In response to this, the international community-backed Transitional Federal Government (TFG) attacked the SCIC, leading to a battle between them for power. It remains to be seen what long-run impact this conflict will have on Somali peace. But in the short run, at least, this conflict reversed the strides toward more peaceful anarchy that Somalia had largely succeeded in creating prior to the TFG-SCIC clash.

¹¹⁴ Nenova, T. (2004). *Private sector response to the absence of government institutions in Somalia*. The World Bank, Washington, DC.

¹¹⁵ World Bank, UNDP, 2003. *Socio-Economic Survey 2002—Somalia*. UNDP and the World Bank, Washington DC/New York.

¹¹⁶ CIA World Factbook, (2007). *Somalia*. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>.

4.1.2 The Role of International Actors

There is no statistical office in Somalia to collect economic, demographic or other types of data that could be used for regression analyses. Even before 1991, government collected almost no such information. However, the UNDP, World Bank, CIA, and World Health Organization have collected sufficient data to conduct a study that allows us to compare Somali development before and after statelessness emerged. To do this the study examines all development indicators in Somalia for which data are available pre- and post-statelessness, using figures for the most recent available year in each case. 18 key development indicators allow for comparison.

Data for the pre-1991 period come from the United Nations Development Program's (UNDP) Human Development Report-Somalia 2001 and the World Bank/UNDP's (2003) most recent Socio-Economic Survey in Somalia. Data for the post-stateless period are from the CIA World Factbook (2006), UNDP's (2001, 2006) Human Development Report, the World Health Organizations WHO (2004) Somalia Annual Report 2003, and the World Bank/UNDP (2003) Socio-Economic Survey in Somalia.

The data revealed a country with severe problems, but one which is clearly doing better under statelessness than it was under government. Of the 18 development indicators, 14 show unambiguous improvement under anarchy. Life expectancy is higher today than was in the last years of government's existence; infant mortality has improved 24 percent; maternal mortality has fallen over 30 percent; infants with low birth weight has fallen more than 15 percentage points; access to health facilities has increased more than 25 percentage points; access to sanitation has risen eight percentage points; extreme poverty has plummeted nearly 20 percentage points; one year olds fully immunized for

TB has grown nearly 20 percentage points, and for measles has increased ten; fatalities due to measles have dropped 30 percent; and the prevalence of TVs, radios, and telephones has jumped between 3 and 25 times.

Per capita GDP (PPP) is lower than its 1989–1990 level, but the data overstate the size of average income in the pre-1991 period, which is likely lower than in it is today. Three sources of bias inflate pre-1991 per capita GDP as a measurement of well-being. First, firm managers in planned economies have strong incentives to over-report output to meet quotas or obtain rewards (Shleifer and Treisman, 2005). Although Somalia officially abandoned socialism by 1980, the state continued to play a significant role in production until its collapse. In this environment, firm managers likely inflated reported output, leading to artificially high GDP figures. Second, under government a great deal of Somali production was military hardware that citizens did not consume. In fact, to the extent that this hardware was used to suppress the Somali population, this sizeable portion of pre-1991 GDP was actually negative value added from the perspective of citizens' welfare. Finally, in the pre-stateless period Somalia was one of the largest per capita foreign aid recipients in the world.¹¹⁷ In fact, "Pre-war Somalia was considered a classic case of an aid-dependent state". By the mid-1980s foreign aid was 58 percent of Somali GNP (UNDP, 1998, p. 57) compared to only nine percent today. In 1987 more than 70 percent of the state's operating budget was financed by foreign aid. And before government collapsed, nearly 100 percent of Somali education was financed by foreign aid. This discrepancy inflates pre-1991 GDP per capita compared to per capita income today.

¹¹⁷ Ibid p74

If it were possible, accounting for fictitious production under government, the negative value added of military expenditures, and the “foreign aid gap” would likely reduce Somalia’s pre-1991 average income level below its post-1991 level. The dramatic increase in post-1991 Somali consumption depicted in the data corroborates this fact. A substantial observed rise in consumption⁸ without an attendant rise in per capita GDP suggests an unmeasured increase in per capita income between the pre- and post-anarchy periods not reflected in the data. Only two of the 18 development indicators show a clear welfare decline under stateless: adult literacy and combined gross school enrollment. Given that foreign aid was completely financing education in Somalia pre-1991, it is not surprising that there has been some fall in school enrollment and literacy. This is less a statement about the Somali government’s ability to generate welfare enhancing outcomes for its citizens than it is a reflection of foreign aid poured into Somali education by the international development community before government collapsed.

The Somali government ruthlessly suppressed free speech, censoring newspapers, radio and television. Most forms of free expression were punishable by death and foreign travel was severely restricted. Today, in contrast, Somalis are free to travel as they please (restricted only by governments of other nations) and enjoy greater freedom of expression, both privately and publicly. 20 private newspapers, 12 radio and television stations, and several Internet sites now provide information to the Somali public. Satellite-based televisions enable the transmission of international news services, including CNN.¹¹⁸ Authorities in Somaliland and Puntland have attempted to interfere

¹¹⁸ Ibid p73

with media providers in their territories, but freedom of expression remains improved compared to its status under government. This constitutes an additional important, though unmeasured, increase in Somali welfare under anarchy.

As a point of comparison, it is useful to consider Somalia's development improvements from the 1985–1990 period to the 2000–2005 period relative to movements in the same development indicators in its neighboring countries, Djibouti, Ethiopia, and Kenya. Looking at these countries helps to interpret the findings in Table 1. In particular, it helps to establish if Somalia's development improvements were the result of its predatory government's collapse and substitution with anarchy, or if Somalia would have experienced the same improvements even if it had remained under government simply because 'it was time' for Somalia to improve. Similarly, this comparison helps to establish if, for instance, the rise of new information technology in this part of Africa is responsible for Somali improvement and would have occurred with or without government collapse, or rather there is something unique about Somalia—namely the collapse of its predatory state—that accounts for Somalia's progress.

Although this analysis helps to exclude some alternative factors that might be driving Somali improvement apart from state collapse, with the data that are available only a tentative conclusion can be drawn. Further, the comparison does not help to exclude other possible sources of Somalia's improvement unrelated to anarchy. For example, the period of Somalia's state collapse coincides with the rise of a large Somali diaspora, which supports an enormous remittance economy that has undoubtedly been important to Somalia's improvement. Similarly, in 1993–1994 UNOSOM intervened in Somalia and provided large quantities of humanitarian and other resources to Somali

citizens, which might also have contributed to Somalia's improvement without government.

While the importance of these factors cannot be definitively decided, there is some reason to be skeptical that they, rather than state collapse, are responsible for Somali development. For example, rather than an independent cause of Somali improvement under statelessness, the rise of Somali remittances after government's collapse may in fact be a result of government's collapse. In stateless Somalia remittances are handled through the hawilaad system, discussed below, a private and self-enforcing financial system for transferring remittances sent to Somalia from abroad. Under Barre's government, however, the hawilaad system's predecessor, the francovaluta system, which served a similar purpose, was eventually criminalized, making it more difficult to remit finances to Somalia. When the government collapsed this barrier was removed, leading to the growth of Somali remittances under anarchy.

Similarly, although UNOSOM's intervention provided critical humanitarian aid to many Somalis, its affect on the situation in Somalia was not purely positive. UNOSOM's presence led to surges in Somali violence, both against UNOSOM and between competing factions, which feared a shift in the balance of power that UNOSOM's presence threatened to create. Thus, in addition to providing resources, which likely helped Somali development, UNOSOM also spurred additional violence, which likely inhibited Somali development. Another factor that complicates my analysis is Somaliland and Puntland, the two northern regions of Somalia, both of which, nominally at least, have some kind of government. Somaliland declared itself a fully independent sovereignty in 1991. Puntland, in contrast, identified itself as an independent territory

within Somalia in 1998. Although Puntland and Somaliland both have “governments,” and thus more formal structure than the southern part of Somalia, these “states” remain weak at best. Neither, for example, is recognized as a state by the international community. Further, neither exhibits some of even the most basic characteristics we associate with governments. For example, the “governments” in Puntland and Somaliland do not have a monopoly on the law or its legitimate enforcement. Although some public laws and courts exist, in both regions, the legal system functions primarily on the basis of private, customary law and mechanisms of enforcement—the legal system that governs the totally stateless southern portion of Somalia—which I discuss below.¹¹⁹

Similarly, neither Somaliland nor Puntland has proved very successful in extracting taxes from their citizens. In Puntland, government’s “revenue capacity is very limited”; likewise, Somaliland suffers from “weak revenue collection capacity”.¹²⁰ In addition to this, similar to fully-stateless Somalia, in both Puntland and Somaliland, the private sector delivers many, if not most, public goods. Calling Puntland or Somaliland “governments,” then, is misleading. It is more appropriate to think of these as ultra-minimal states, if they are states at all.

Unfortunately, there are little data that would allow for a disaggregated examination of Somali improvement in the post-state collapse period. Only five indicators allow even partial comparison. However, what they suggest is somewhat mixed. Somaliland has substantially better access to water and sanitation than Somalia

¹¹⁹ van Notten, Michael, 2005. *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*. The Red Sea Press, Trenton, NJ.

¹²⁰ UN, 2006. *Somali Reconstruction and Development Framework*, 4 vols. Available at <http://www.somali-jna.org/index.cfm?Module=ActiveWeb&Page=WebPage&s=clusters>.

overall. On the other hand, Somaliland actually fares worse on maternal mortality than Somalia overall and has about the same GDP per capita and infant mortality rate. Puntland also has significantly better access to sanitation, but does worse than Somalia overall on access to water and infant mortality. Although disaggregated data that would allow for a thorough comparison are lacking, these figures suggest that although Puntland and Somaliland may be “pulling up” Somalia overall on certain indicators, they may be “pulling down” or not really influencing Somalia overall on several others. The UNDP reports that Puntland and Somaliland are doing better than southern Somalia, which may well be the case. However, it does not seem that these regions are the exclusive locations of post-Barre progress in the country. Still, the absence of additional data renders any judgments along these lines very tentative. It is therefore important to keep in mind that the indicators reported do not disaggregate the regions of Somalia, and thus reflect overall conditions that include both citizens in Puntland and Somaliland, as well as citizens in the fully-stateless, southern portion of Somalia.

4.1.3 Clanism as an issue in Somalia

The ongoing ethnic or clan-based political conflict and civil wars in Somalia and elsewhere in the world represent a challenge to conflict resolution theory and practice. One important point that must be acknowledged is that although much has been written on ethnopolitics, clanpolitics has not been the focus of conflict research and scholarly debate on conflict resolution. Ethnically homogeneous, Somali society is distinct from other multiethnic sub-Saharan African societies with the exception of Burundi and Rwanda.

In traditional Somali society, the clan was a social and political unit of organization and government. Each clan had its own leaders and a council of elders as in many multiethnic societies in Africa. Land was communal property and its management was linked to the concept of power, religion and clan (the extended family). However, the post-independence processes of modernization greatly changed the traditional concept of land and power. In modern Somalia, the clan system and modern forms of social and political organization co-exist. The traditional clan structures which acted as a framework for identity, the settlement of disputes and conflicts, and communal security, were replaced by a national judiciary and constitutional laws, although the cultural and social status of the clan elders was maintained.

Indeed, political conflict, government crisis, and clan-based civil war in Somalia between 1989 and 2000 have both revealed the negative consequences of clan politics and the manipulation of clan differences to achieve power. In addition, such unrest has highlighted the limits of clan-democracy as a framework for conflict regulation. The clan has played a strong part in social, economic and political interactions, and has acted both as a cause of social cohesion and paradoxically, as a cause of political conflict. In traditional Somali society, private and public life were organized on clan principles which sustained the clan communities for centuries before the era of colonization. Although inter-clan wars were fought, they were brief and generally only involved men. By and large, women, children and the elderly were not involved. However, women would sometimes act as nurses to the wounded and perform roles comparable to those of the Red Cross in war situations.

In the late 1980s and 1990s, the political conflict in Somalia degenerated into a governmental crisis which eventually led to a general militarized social conflict throughout the clan faction network. The institutionalized principles of clan equality and representation in politics constituted a conceptual framework and basis for power sharing and government crisis management but failed to resolve the intense socio-political conflicts of the decade. The Somali government used the framework, although in a limited way, to promote representative democracy, crises management and conflict resolution. In the larger regional context, the pattern of refugee displacement and the dynamics of the spillover of the armed conflicts from Somalia to the neighbouring countries of Djibouti, Ethiopia and Kenya have on the contrary, revealed the strength of cultural solidarity as a factor of social integration in Africa.

The exclusive affirmation of clan identity and the clan-based political system were obstacles to the promotion of civic citizenship based on human rights and democratic principles. At a military level, the creation of clan armies by political faction leaders greatly undermined the military institution and led to its collapse. Under these circumstances, human rights, tolerance and coexistence principles central to violence prevention, conflict resolution, political stability, peace and development, were greatly undermined. Clan-democracy and clan politics were used by the governments in Somalia not only as a framework for ethnic conflict resolution but also as a military tactic, to avoid an unnecessary civil war. The desperate situation caused by intense economic crises, food shortages, insufficient medical services, sanitation, unemployment, insecurity and continued frustration of political aspirations required workable short and long term solutions. In this context, delays incurred in the payment of salaries of the armed forces

and public service officers meant that at the level of the extended family and community, parental obligations and social responsibilities in the wider community could not be fulfilled.

4.2 The sources of Somalia's progress

Much of the credit for Somalia's improved development belongs to its economy, which has been allowed to grow in the absence of government predation. Although economic advance has seen uneven, "in some areas, the local economy is thriving and is experiencing an unparalleled economic boom".¹²¹ Somalia's cross-border cattle trade with Kenya is particularly instructive of this progress. Livestock is the most important sector of the Somali economy. It constitutes an estimated 40 percent of Somalia's GDP and 65 percent of its exports. Examining changes in the cross-border cattle trade before and after statelessness is therefore a useful way of establishing changes in Somalia's economy since anarchy emerged. According to data from the Kenyan Ministry of Agriculture and Livestock Development collected by Little, Somalia's export of cattle to Kenya more than doubled between 1991 and 2000.

Between 1991 and 1998, for instance, the value of cattle traded at Garissa grew 400 percent, and between 1989 and 1998 this trade grew 600 percent. In terms of volume, annual sales grew from less than 25,000 cattle in 1989 to more than 100,000 by 1998. Further; these data reflect only official cross-border cattle exports from Somalia to Kenya. They do not include the substantial cattle trade that occurs without the Kenyan

¹²¹ Mubarak, J. (1997). The 'hidden hand' behind the resilience of the stateless economy in Somalia. *World Development* 25, 2027–2041.

government's approval. In 1998 unofficial exports entering Kenya from the Lower Jubba region alone add an estimated 70,000 cattle to these data.

The frequency of larger-scale livestock traders has also grown under statelessness. In 1987–1988, 80 percent of livestock traders had annual sales between one and 600 (small scale). Only 20 percent had annual sales above this level (large scale). By 1998 the percentage of large-scale traders had doubled. Consider Table 4. Information about crime in stateless Somalia can also be gleaned from this sector. The crossborder livestock trade is facilitated by brokers (dilaal) who certify for buyers and sellers that traded livestock are not stolen. Dilaal incur liability if livestock they certify is illegitimate. In this capacity they act as insurance for cross-border traders. Data on brokers' fees pre- and postanarchy suggest that fees have not risen since government's collapse. Between 1988 and 1998 dilaal fees remained the same. If thievery increased between 1988 and 1998 we would expect to dilaal fees to have risen. The fact that they have not suggests that, at least in the sizeable livestock sector, thievery has not increased under anarchy. In fact, dilaal fees are lower on the Somali side of the cross-border trade than they are on the Kenyan side, indicating that thievery is more problematic in Kenya, which has a government, than in Somalia.

The livestock sector's expansion is not limited to cross-border trade with Kenya. During the 1990s Somalia accounted for more than 60 percent of all livestock exports in East Africa. In the northern part of Somalia (Somaliland and Puntland) production and annual exports of sheep and goats from the major ports of Berbera and Bossaso have surpassed their pre-1991 levels. In 1999 these two ports alone were responsible for 95 percent of goat and 52 percent of sheep exports for all of eastern Africa.

Further, Somalia's economic improvement under statelessness is not limited to its largest economic activity. Other sectors that have grown under anarchy include service and hospitality. A large part of this progress has been in telecommunications. Local providers have joined forces with multinationals like Sprint, ITT and Telenor to provide cheap, high quality, and extensive mobile phone coverage.¹²² Transportation is also a growing service industry in Somalia. In addition to local transportation services, Somali-owned airlines provide international service for Somalis. By 1997, 14 firms operating 62 aircraft were up and running, an improvement over this industry's status under government.

In the hospitality sector, "unprecedented" construction is taking place in Mogadishu and other major urban centers, facilitating the growth of new restaurants and hotels. "In Hargeisa, Mogadishu, and Bosasso, investments in light manufacturing have expanded, indicating local investor confidence in the economy and local security".¹²³ An improved monetary climate has also contributed to Somalia's stateless economy. Inflation was a significant problem pre-1991 when government appealed to the printing presses to fund its corrupt activities. Skyrocketing inflation made it increasingly difficult to purchase consumables. It also created business uncertainty and distorted monetary calculations of economic participants. Although the monetary situation in Somalia is still problematic, under anarchy the Somali shilling (SoSh) has been more stable. The SoSh was the official currency of pre-1991 Somalia. Post-1991 there was no government to mandate its usage; however the SoSh continued to trade on the world market. Today the

¹²² Prendergast, J. (1997). *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia*. Pluto Press, London.

¹²³ UNICEF, 2005a. Education. Available at http://www.unicef.org/somalia/SOM_EducationFNL.pdf.

SoSh, along with the US\$, is the basis of Somalia's private monetary system.¹¹ There is no central bank or treasury in Somalia. This means that primarily old notes circulate, though in some cases discussed below private parties have printed new currency, adding to the SoSh supply. Figure 2 examines the SoSh/US\$ exchange rate between 1986 and March of 2000.

The first dashed line in 1991 indicates the emergence of anarchy. Under Barre's predatory regime the exchange rate soared. Steep depreciation drove the SoSh from SoSh 110 per \$1 in 1986 to SoSh 5700 per \$1 by 1991. Following the coup the exchange rate fell precipitously to SoSh 4200/US\$ despite the fact that Somalia was in the throws of civil war. Under statelessness, the SoSh has shown significantly greater stability. It lost significant value against the dollar twice during this period—first around 1996, and then after March of 1999. These dates, indicated by the second and third dashed lines, mark two monetary increases. The first was instigated by the Mogadishu-based warlord, Hussein Aideed, who imported new shillings he had printed abroad to fund his faction's activities. The second was instigated by the fledgling Transitional National Government in the spring of 1999. In an attempt to establish the TNG as a formal authority, its supporters imported SoSh 30 billion they had printed in Canada.

Since 2000, TNG supporters have further added to Somalia's money supply leading to additional depreciation against the dollar. Nevertheless, the average annual rate of depreciation under anarchy is still only a fraction of its size under government. In just the last four years under government (1986–1990), average annual depreciation of the SoSh was nearly 120 percent. In the first nine years of statelessness (1991–2000), average annual depreciation of the SoSh was just over six percent. The 2000 monetary

injection of TNG supporters boosted the 1991–2001 average to around 14.7 percent, and more recent injections promise to depreciate the currency further. Still, money appears to be more stable under Somali anarchy than it was under the last years of government.

The SoSh's improved stability is also reflected by the fact that, at least until several years ago, in parts of neighboring Ethiopia the SoSh was used more extensively than Ethiopia's own currency.¹²⁴ In fact, prior to the large monetary injections in Somalia in March of 1999 and then in 2000, the SoSh showed greater stability than the national currencies of both Ethiopia and Kenya. From 1996 to February 1999 the SoSh depreciated against the US\$ only 12.14 percent. Between 1996 and 1999 the Kenyan shilling lost 32.55 percent against the US\$ and the Ethiopian birr depreciated against the dollar 26.58 percent.

Somalia's financial market has also improved under statelessness. Numerous remittance firms discussed above, called hawilaad, handle an estimated \$500 million–\$1 billion sent by members of the Somali diaspora to their friends and family in Somalia each year. Hawilaad are instrumental in connecting Somalis with the resources they need to survive and expand their enterprises. At least one of the Mogadishu-based firms is multinational with branches in countries throughout the world.¹²⁵ Remittance businesses are also morphing into private depository/lending institutions and will likely contribute to the development of a Somali banking sector. Some offer travelers checks and non-interest bearing deposits, make small loans, and perform other bank-related services.¹²⁶ Though still in its nascent stages, Somalia's financial sector affords greater access to most

¹²⁴ Samatar, Abdi, 1987. Merchant capital, international livestock trade and pastoral development in Somalia. *Canadian Journal of African Studies* 21, 355–374.

¹²⁵ UNDP, 2001. Human Development Report 2001—Somalia. UNDP, New York.

¹²⁶ Ibid p66

Somalis today than it did under government when financial services (especially loans) went exclusively to public enterprises and political allies. As a result, under anarchy, “Somalis lend and borrow an extraordinary amount of money to one another”.

The financial sector is not alone to attract attention from multinational businesses. Others have also found stateless Somalia an attractive place to invest. Dole Fruit, for instance, has invested in Somalia. General Motors’ Kenya subsidiary has as well. Total Oil Company now operates in Somaliland, and the BBC has forged a formal affiliation with one of Somalia’s emergent media companies. Several international companies have expressed interest in investing in Somalia’s energy industry, and numerous fishing fleets from Europe and Asia have reached agreements for commercial fishing in Puntland.¹²⁷ The Somali economy has a long way to go, but in many ways has progressed since statelessness emerged.

4.2.1 Improvement in public goods

Supporting the growth of the Somali economy is an improved public goods sector. Public goods remain extremely low, especially in Somalia’s rural areas. However, like Somalia’s economy, they show progress under anarchy. While factions are able to “tax” Somalis traveling on roadways they control, taxes and restrictions on Somalis’ movement and trading activities are substantially lower under statelessness than they were under government. “Taxes, payable to a tentative local authority or strongman, are seldom more than 5%, security is another 5% (more in Mogadishu), and customs duties are next to

¹²⁷ Shleifer, A. and Treisman, D. (2005). A normal country: Russia after communism. *Journal of Economic Perspectives* 19, 151–174.

nothing. There is no need to pay for licenses, or to pay to put up masts”.¹²⁸ Further, it does not seem that Somalis are any less likely to enjoy the benefits of fees paid to militia leaders than they were when they paid considerably higher taxes to government.

Public goods come from a variety of sources in stateless Somalia, including the “taxes” charged by militia. Clan militias provide security to citizens in their territories, and militiamen for hire protect businesses, seaports, large markets, and trade convoys. In other cases *sharia*, a form of religious law/courts discussed below, provide security by including guards in their court militia in return for payment from businessmen. Clan leaders also work together to provide needed public goods in areas outside of Somalia’s big cities where very few exist.

Law and order is provided privately by *xeer*, Somali customary law, which establishes rules regarding marriage, war, resource use, and social contracts between clans. It is also supported by *diya*, which defines rules regarding the punishment of misconduct, such as murder or theft. Although some secular courts exist, *sharia* courts perform an instrumental function in creating legal order. Private courts are funded by the donations of successful businessmen who benefit from the presence of this public good in urban centers. Under anarchy, dispute resolution is free and speedy by international standards.¹²⁹ This constitutes an important improvement in the provision of law and order compared to before 1991.

¹²⁸ Reporters Sans Frontieres, 2003. Freedom of the Press throughout the World: 2003 Africa Annual Report. Available at:http://www.rsf.org/article.php3?id_article=6451.

¹²⁹ Prendergast, J. (1997). Crisis Response: Humanitarian Band-Aids in Sudan and Somalia. Pluto Press, London.

Under government, the legal system was often used as a tool for preying on Somali citizens and punishing the opposition.¹³⁰ “Harassment, arbitrary arrest and imprisonment, denial of a fair public trial, and invasion of the home were common features of the life of the Somali citizen”. Rampant corruption and political pressures rendered the police and judiciary useless for most Somalis. Because of the state’s collapse, private providers of law and order have been freed to step in. Somalia’s stateless legal system is far from perfect. The justice system is still subject to abuse and the climate in a number of areas remained insecure even before the renewed conflict in late 2006. Nevertheless, there has been improvement compared to the situation under government.¹³¹ “In some parts of Somalia, local communities enjoy more responsive and participatory governance, and a more predictable, profitable, and safer commercial climate, than at any time in recent decades”.

Education has also benefited in important ways under anarchy. There are more primary schools in Somalia today than there were in the late 1980s under government, and this number is growing. The number of formal schools has increased from 600 in 1990 to 1172 under statelessness. There are many Koranic schools as well. These focus mostly on the Koran, but students also learn Arabic. Higher education has similarly benefited by statelessness. There was only one university in Somalia prior to the emergence of anarchy. Under statelessness, universities have emerged in Borama, Hargeisa, Bossaso, and Mogadishu. These universities offer subjects from computer skills to accounting. According to UNICEF, although the state of education in Somalia

¹³⁰ Menkhaus, K.. (2004). *Somalia: State Collapse and the Threat of Global Terrorism*. Oxford Univ. Press, New York.

¹³¹ Hashim, A. (1997). *The Fallen State: Dissonance, Dictatorship and Death in Somalia*. Univ. Press of America, Lanham.

remains poor, there is evidence of “gaining momentum in the education sector” and improving children’s literacy and numeracy.

4.3 Conclusion

without a doubt Somalia lacks a central governing authority, this created a twofold dire effect for development on one hand it left few resources in investment in public goods, like education and health infrastructure on the other hand Barre's military dictatorship eliminated any vestiges of restraint on the government's predatory power.

secondly the influence of international interventions such us the UNDP, World Bank. CIA and world health organization have collected sufficient data to conduct studies to compare Somali development before and after statelessness emerged.

CHAPTER FIVE

CONCLUSION

5.1 Summary

Somalia remains a country with severe problems. But it appears to have fared better under recent statelessness than it did under government. A comprehensive view of the data that allow pre-and post-anarchy welfare comparisons suggest that anarchy has improved Somali development in important ways. Contrary to our typical intuition, in Somalia it seems that social welfare has improved because of, rather than despite, the absence of a central state. Somalia's government was oppressive, exploitative, and brutal. The extent of this predation created a situation in which social welfare was depressed below the level it could achieve without any government at all.

The emergence of anarchy in 1991 opened up opportunities for advancement not possible before government's collapse. In particular, economic progress and improved public goods provision in critical areas flourished in the absence of a monopolistic and corrupt state. Recognition of this is not to deny that Somalia could be doing much better. It clearly could. Nor is this to say that Somalia is better off stateless than it would be under any government. A constitutionally-constrained state with limited powers to do harm but strong enough to support the private sector may very well do more for Somalia than statelessness. Further, Somalia's improvement under anarchy does not tell us whether continual improvement is possible if Somalia remains stateless. It is possible that past some point, to enjoy further development, Somalia might require a central government capable of providing more widespread security and public goods.

De Long and Shleifer (1993), for example, show that while pre-industrial European countries under “feudal anarchy” performed better in some ways than those under absolutist autocracies, countries under limited government performed better than both. But this was not the type of government that collapsed in Somalia 15 years ago.

The relevant question for Somalia’s future is thus whether or not a government, were a stable one to emerge, would be more like the constrained variety we observe in the West, or more like the purely predatory variety that systematically exploited Somalis between 1969 and the emergence of anarchy in 1991. In the latter case, even if Somalia’s ability to improve is constrained by statelessness, Somali development would still be better served under anarchy than it would be under government. If “good government” is not one of the options in Somalia’s institutional opportunity set, anarchy may be a constrained optimum. Among the options that are available, ultra-predatory government and statelessness, statelessness may be preferable.

In August of 2000, select Somali clan leaders gathered in Djibouti at the urging of the international community. At this meeting they established the Transitional National Government (TNG) in an attempt to reestablish formal government in Somalia. The TNG, while remaining in name for three years, failed to establish authority. It was crippled by a lack of popular support and an inability to raise tax revenues. The terms of the TNG expired in 2003. This gave rise in 2004 to the Transitional Federal Government (TFG), led by Abdullahi Yusuf Ahmed. The plan was for the TFG to go to Mogadishu and set up the center of the new central government. However, strong divisions within the members of the TFG initially prevented this. Instead of creating a new government, the

TFG effectively fractured into two new rival faction groups that did not fundamentally differ from the “warlord”-led factions it sought to replace.

In May of 2006, the TFG and the Supreme Council of Islamic Courts (SCIC), which provided the basis of Somalia’s private legal system, entered a conflict over control of Mogadishu and other key areas in Somalia. With Ethiopia’s assistance, in early 2007 the TFG succeeded in taking control of the capital city where it now resides. The SCIC continues to mount small-scale resistance, but for the moment at least, is not in a position to regain control of Mogadishu. The renewed violence of this most recent attempt to reestablish formal government in Somalia created has undermined the relative peace and stability that preceded it in the earlier period of Somali anarchy.

Despite the TFG’s victory over the SCIC and movement to Mogadishu, Somali statelessness persists. The TFG enjoys the support of the international community, but like the TNG, lacks the domestic support needed to establish genuine authority. Surprisingly, it seems that Somalia’s private sector has not totally collapsed in the face of the new violence. As one Mogadishu-based electronics store owner commented, for example, even “After the fighting between the Islamists [the SCIC-backed militia] and the warlords [the TFG-backed militias], people are still buying computers. The security [situation] is very, very good” (quoted in Tek, 2006, p. 31). Further, while it is certain that the renewed conflict has been harmful to the progress Somali achieved leading up to this, what little updated data we have on Somalia suggests that this conflict has not totally reversed the strides toward improvement Somalia has made since 1991. The only two development indicators from Table 1 available for 2007, infant mortality and life expectancy, both show improvement not only over their levels under Somali

government, but also over their levels in 2006. The improvement has been minimal in only one year, but is present nevertheless. Infant mortality has fallen from 114.89 to 113.08 and life expectancy has risen from 48.47 to 48.84(CIA World Factbook, 2007). Whether or not this improvement is part of a larger trend remains unclear. However, it provides at least some reason to be less pessimistic about the possible impact that recent Somali fighting has had on the progress Somalia achieved under anarchy before this fighting.

Harold Demsetz (1969) famously cautioned economists to avoid committing the “nirvana fallacy,” which compares an imperfect reality with a hypothetical ideal state. Instead we should compare the situation we confront with the relevant alternatives actually available to us. The plans for a path from here to there must be grounded in an assessment of how things were, how they are, and how they realistically could be. His caution is especially useful when considering reforms in the developing world and, as Coyne (2006) points out, for Somalia in particular. A consideration of the relevant alternatives based on realistically assessing Somalia’s past and present suggests it is unlikely a new central government, at least in the near future, would resemble anything like a constrained, supportive state. The history of Somalia’s experience under government, as well as the ongoing experiences of its neighbors, implies less optimism than is often projected by the advocates of recreating government in Somalia. The factional disagreements that led to civil war in the few years after government’s collapse remain strong. Any ruler to come to power from one of these groups would likely turn the state’s power against its rivals rather than to the good of the country, much as Barre’s regime did before it ended. The TFG has sparse domestic support precisely because of

this and because faction leaders recognize the strong possibility that any one faction gaining too much power could mean the virtual annihilation of the others.

Indeed, thus far in the stateless period, the three greatest disruptions of relative stability and renewed social conflict have occurred precisely in the three times that a formal government was most forcefully attempted—first with the TNG, later with the TFG, and finally most recently when the TFG mobilized violently to oust the SCIC. In each case the specter of government disturbed the delicate equilibrium of power that exists between competing factions, and led to increased violence and deaths due to armed conflict (Menkhaus, 2004). At the moment at least, it seems that in upsetting this delicate balance of power the attempted reestablishment of government in Somalia will lead to more conflict and obstacles to progress rather than less.

5.2 Key Findings

Much of the discussion on future state dynamics evolved around the notion of federalism. It was recalled that the concept of federalism had been introduced into Somali politics during the 2002 to 2004 Mbagathi Peace Process, when it was largely uncritically adopted into the emerging draft constitution. The particular type of federalism that was to be adopted was left to be defined by the Transitional Federal Parliament at a later point in time. While there has been frustration that this task has not been achieved to date, it was recognized that the current government has an opportunity to shape this debate and move ahead.

There was a lengthy discussion among diaspora representatives on the various models of governance structure available to Somalia. Perspectives on the most

appropriate governance model varied significantly. It was argued that some form of devolution is required, with the possibility of a decentralized unity state the long-term goal.

The majority of participants favoured a federal system of governance. It was suggested that past experiences of centralized governance had come at great cost to the Somali people and that they were not prepared to return to such a model. Decentralization of political and economic decision-making processes was therefore seen as necessary in order to move forward. Somalia needs to build the state on its regional foundations, with some participants advocating the idea of creating further federal units, based on the argument that central government would be given the key task of facilitating negotiations amongst the different regional stakeholders. But it was also argued that federalism was very likely to exacerbate the social and regional fragmentation of the Somali state, largely along clan lines. This would make the task of building a stable and secure country more difficult. Advocates of this position argued that Somalia needs a strong and capable central authority that is able to consolidate the state, harmonize its institutions, and unify its population.

Some postulated that federalism is not the best option for Somalia due to its small, largely homogeneous population in ethnic, religious, linguistic and other regards. Yet it was also pointed out that statistical evidence suggests that federal state structures work particularly well in exactly such settings. Alternative options of confederation and consociation, involving guaranteed group representation through power-sharing, received considerably less attention.

The need for a strong judiciary

A central challenge for the establishment of any kind of sustainable governance structure in Somalia is the need for a strong and capable judiciary. The building of strong, independent legal institutions with inbuilt dispute mechanisms is a necessary precondition for the devolution of power or the creation of distinct federal units. This issue was considered particularly salient with regards to the process of defining regional boundaries, devolving political decision-making processes, and ensuring transparent mechanisms of resource mobilization and public financial management. It was noted that the setting up of a strong judiciary was likely to prove inherently difficult and divisive in practice – less because of the technical challenges involved, but more due to its deeply political nature.

The challenging issue of clanism

The social concept of clan lay at the heart of many of the political challenges that Somalia has faced but expressed divergent views when it came to identifying the underlying reasons for this. Nuanced views suggested that it was Somali culture, rather than clan, which proved challenging. Others argued that it was not clan, but the ‘clanization’ of society by manipulative self-serving ‘elites’ seeking to galvanize a support base that was problematic. The social dynamics informing clan identity have been subject to continuous alteration and clans have been changing at varying degrees and speeds.

The divisive nature of clan makes it problematic to take this social unit as the building block for the (re-)construction of the Somali state. Many participants believed that while a federal state was the most appropriate model for Somalia, its separate federal

units should not be defined along tribal lines – as has largely been the case in the recent past – because this would enhance social and institutional fragmentation. It was argued that there was an urgent need to promote the development of non-clanist organizations, such as business, youth and women’s organizations, as well as genuinely cross-clan, issue-based political parties.

The need to go beyond state-building

The aspect of nation-building in light of the perceived obstacles of social fragmentation, mistrust and clanism to building peace and security. The apparent contradiction between reinstating nationhood and the current nature of fragmented Somali society. The primary identity of clan needs to be replaced with the nation as predominant point of reference. But cohesion could be attained with ‘socio-cultural federalism’; a concept whereby people’s shared concerns over culture and social policy bind them to the local region and by extension to the nation.

It is a central task of the government to overcome the social divisions in Somali society. Rather than buying into a federal state that could exacerbate and institutionalize existing social and regional divergences, it was suggested that Somalia needs a centralized state and strong government that is able to (re-)unite the population. It was agreed that the current government needs to prioritize reconciliation in order to rebuild the social contract amongst the Somali people and ultimately revive feelings of nationhood.

Building trust and security

A central theme that is present is the need for the Somali government to build trust and security. This is seen as a first step in overcoming the divisiveness of clanism, which Somalis have been largely reliant on for the provision of personal security in the absence of a capable state. In order to establish trust, there needs to be transparent and honest communication between the central government and the population. The new government has the opportunity to establish dialogue, as it is the first time in several years that the government can move outside of Mogadishu.

5.3 Recommendations

In order to ensure lasting peace and to rebuild a stable Somali state, there is a need to revisit the relationship between Somalia and Somaliland. It was the unification of these two polities in 1960 that had historically allowed for the evolution of the Somali state in the first place.

A twofold rationale for Somalia to bring Somaliland back to the negotiation table emerged. On the one hand it was argued that Somaliland's existence and quest for independence could have detrimental effects for the broader Somali state-making project. If Somaliland obtained international recognition as a sovereign political entity, it would create a dangerous precedent within Somalia, encouraging other regional sub-units to follow suit and significantly eroding the prospects of a stable nation-state. On the other hand, Somaliland could facilitate the revival of Somalia by re-joining the union. This unlikely scenario would prevent Puntland, Jubaland and other regional entities from insisting on the devolution of too many political and economic powers to federal units at the expense of central government.

It was acknowledged that discussions over a unified Somali state incorporating Somaliland were a long way off, but that consideration needed to be given due its relevance for other regions. Numerous issues need to be addressed before discussions on reunification can begin. There was understanding of Somaliland's cautious position, as it had made significant sacrifices in 1960 in order to realize the formation of the Somali union. It was suggested that Somaliland could present a list of minimum conditions that it wanted to see fulfilled for reunification. Somalia would also need to ensure that its government represented Somalis residing in both Somalia and Somaliland, and that Mogadishu was a federal capital that belonged equally to all Somalis.

The discussion on federalism, focus should remain on existing and potential regional entities rather than on Somaliland. The relationship between Somalia and Somaliland should not be the starting point for the reconstruction of the Somali state. While some considered Somaliland to be a related but distinct issue, there was acknowledgement that without prior acknowledgement in the Somali constitution, reunification with Somaliland would be difficult once the constitution was re-written, approved and adopted.

In order to ensure political stability and the survival of the current constitution, the constitution must be written and/or passed by a democratically elected or otherwise truly representative constituent assembly, and that there must be consensus amongst the country's political elite, in order to guard against 'spoilers'. The set-up or existence of institutions that facilitate economic growth in Somalia would provide a timely boost for the government's activities and by extension the endurance of the constitution.

At the same time the common assumption that it is beneficial or even necessary to involve large parts of the population in the process of rewriting the constitution is disputable. Reference was made to Kenya, where extensive consultation around the constitution did not lead to popular support and stability but rather to disappointed expectations. Hence, it was proposed that ‘constitutional road shows’ were no guarantee of the survival of a recently adopted constitution.

The need for a civic education campaign to raise awareness among Somalis on the issues pertaining to federalism and to the constitution. It was noted that the process of drafting and discussing the Somali constitution has up until now been reserved for the political elite. It was proposed that ‘constitutional patriotism’ was needed in Somalia in order to capture popular support for the constitution making process: this involves investing in a process to enable buy in and understanding after the constitution is written.

Overall, concern was expressed about the fact that thus far the constitutional process in Somalia has been deadline rather than subject driven. It was argued that some members of the international community have had too much influence on the discussion to date, which could have significant repercussions for the future of the Somali state. Ethiopia was mentioned as having strongly pushed for Somali federalism in the past. While acknowledging Ethiopia’s and Kenya’s legitimate security concerns, it was suggested that neighboring countries should not be allowed to influence the constitutional process.

The study established that international intervention affects Federalism and National Stability in Somalia. To augment this study, it recommends that another study

be conducted to establish the effects of Kenya defense forces (KDF) incursion on Federalism and National Stability in Somalia.

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