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FEDERAL SYSTEM IN SOMALIA RATIONALE AND OBSTICLES

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Introduction

Somalia struggles to stand its foot again after nearly three decades of civil war and absence of capable state which led to severe violation of human rights, the rise of terrorism and the emergence the pirates. Since 1991, the endeavors have been going on to establish a functioning state with the involvement and the supervision of the International Community. A number of national reconciliation conferences have been convened by external mediators in an effort to resolve the crisis (Menkhaus, et al, 2008). Fifteen reconciliation conferences have been held inside and outside Somalia between 1991 and 2009 to actualize a consensus among the warlords who compete over power and resources. Most of the conferences fell short to achieve the objectives intended due to the particularistic agenda of the Somali's political elites.

Arguably, after the collapse of the centralized military regime in 1991, majority of Somali elites advocated for the formation of a kind of decentralized government and the discussion was limited on the selection between a decentralized

unitary state and federal state., after tough journey, thanks to the interntional community,Somalis have been amalgamated under a federal structure which operates since 2004. The neighboring countries were pushing towards the federalization of Somalia, where the involvement of Ethiopia-the historical archenemy of Somalia to the federalization project sowed the seeds of skepticism among some Somalis.

The federal system had been a long-awaited dream for certain clans' elites before and after independence- they considered the system as the best method to a fairly share of power and resources The elites from Digil-Mirifle clans were the first to advocate for the federal option, but due to fear and opposition from the majority their endeavors failed The political party that represented the Digil-Mirifle clans was the Independent Constitution Party. The party believed that the only option to unite Somalis, who were divided into small groups because of the primitive tribal system, was to develop a constitution based on a decentralized or federal system, which would ensure the

democratic autonomy of the various Somali regions (Abubakar 2016).

The federalism got momentum and plausibility after the collapse of the central government as a suitable system which enables the creation of trust among the elites of the different clans. The idea to establish a federal government in Somalia after the collapse of the central government was put forth in Djibouti conference in 2000 (Badiyow,2007). But the first federal government saw the light in 2004 and the government was named the “Transitional federal Government of Somalia”, it was the product of very daunting two years of international mediation led by Intergovernmental Authority on Development “IGAD”. This came about after years of conflicts, inter-community mistrust, severe political instability, and a prior history of a unitary system (Najibullah et al, 2019). Since the declaration of adopting federalism in 2004, most Somalis and the majority of policymakers are yet to understand the nature and effects of federalism, including the campaigners who had been leading the transformation of the Somali Republic into a federal government (AbdinorDahir et al, 2019).

The provisional constitution, which was adopted in August,2012 states in the Article (1) section (1) that Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system and social justice. Since then, Somalia officially became a federal government with two levels of administration- the central government named Federal Government of Somalia (FGS) and Federal Member States (FMS). Due to the fragility and lack of trust among Somalis, the road to stable federal government has been winding and became a subject to the contradicting interests and interpretations. Despite the

official adoption of the system, there is contradicting debates among those who embrace it as a system suitable for the fragmented Somalia and those that portray the federal system as dysfunctional system and not compatible to the political and social structure of Somali.

One of the controversial issues has been the formation of the FMS. Although the provisional federal constitution stipulates the legal process to be followed during the FMS formation, the competition among the clans over power and resource overshadowed and prevailed in the scene. Some FMS are in constant change and reconfiguration happens merely for a political purposes. Except for Puntland State which has a relative stability, the other four federal member states have been intense political bickering that negatively affected the stability and hindered the institutional building. Some FMS are in loggerhead due to border dispute, Puntland and Somaliland have been fighting on the ownership of two regions Sool and Sanaag, while Puntland and Galmudug states fought several times over similar issues. The driver of the recurring clashes among the FMS is the fragility of the state and the absence of agreed upon conflict resolution mechanism.

On the other hand, the power struggle between the FGS and FMS hindered the collaboration on state building. The FGS have been accused of interfering in the internal issues of the FMS by imposing leaders from above rather than allowing the legislatures of the states to elect the state’s president as the provisional constitution stipulates. Meanwhile the FGS accuses the states of trespassing their constitutional mandates and meddling federal government area of power. The provisional constitution assigns for the

FGS Limited authorities such as, defense, foreign affairs, naturalization, and currency. While the rest of duties are either left for the FMS, shared between the two levels, or postponed for further consultations.

Since, inherently the federal system is complex by its organization of powers in a single state between different layers of the government, to ease the conflict between the FGS and FMS, it requires tools that harmonize the conflicting interests of the different levels such as a written constitution, distribution of legislative powers, distribution of executive powers, the existence of constitutional court and conflict resolution mechanism.

There is a growing misunderstanding towards the federal system, represented by the perception that federal system is responsible of the chaos that prevails in the political scene. It seems as the people looks federal system in opposite to system's nature which is to reconcile the conflicting political identities under one state, not that the system is better than other systems of governance in terms of good governance and development. Other systems of governance such as the centralized unitary state may work more flexible and work able than the federal system and upon it state can achieve the desired results more effective manner. A central government can achieve uniformity and may be able to command greater resources and prestige (Malcolm Feeley, et al, 2008, p: 20).

Methodology

The study applied the basic concepts and components of Malcolm M. Feeley and Edward Rubin's theory of "*Federal Theory: The political identity and Tragic Compromise*". The study examined the politicized clan identity and the relative

geographical distribution of clans and how these two factors pushed towards the adoption of a federal system after the breakout of the civil war. The study utilized secondary data by scanning the literature related to this topic like, books, articles, journals, reports, policy and strategy papers, news sources. Primary data was collected interviews from experts, academicians, and policy makers .

1. Somalia's Federal System

After successive failure of dozens of reconciliation conferences for the Somali warlords, the idea of building block or bottom-up approach have got its place within the actors of state building such as the international community spear headed by the powerful neighboring country Ethiopia. This proposal was first coined in a position paper drafted in the late 1998 by the Ethiopian Ministry of Foreign Affairs (Badiyow, 2017). The paper notes that: Local administrative structures could constitute "building blocks" in the restoration of peace and statehood to Somalia and that an important role should be played by civil society the emergence and role of which should be encouraged by the international community (Bryden, 1999).

The practical endeavor to establish a federal system in Somalia was put forth in Djibouti reconciliation conference in 2000. At that time there was a huge disagreement among the conference participants who were divided them between those who support the federal and those who opposed and described it as a system which adds salt to wounds. In such circumstances, clan affiliation and the interest of each clan's elite have been playing a great role in shaping the perception towards the government system to be created. For example, clans inhabiting the capital city and the south-

central regions are mostly centralists or regional autonomists, while other clans on the peripheral regions are either federalists or secessionists (Badiyow, 2017). The anti-federalists project overwhelmed the federalists and Transitional National Government (TNG) was established- the first recognized administration in ten years after the collapse of the state.

The Transitional Federal Government (TFG), the first federal administration in Somalia saw the light in 2004; it was the product of very daunting two years of international mediation led by Intergovernmental Authority on Development "IGAD". The TFG was the fourteenth attempt to create a functioning government in Somalia since the end of Muhammad Siad Barra's dictatorial rule in 1991. Late Abdulahi Yusuf Ahmed was elected by the parliament as the president of the TFG. The implementation of the federal system has encountered formidable challenges due to power contest within the government particularly between the president and the speaker of the parliament. The opposition of warlords in Mogadishu and the emergence of ICU presented setback against the TFG.

The FGS was officially recognized by the international community after the end of the TFG mandate in 2012. This has meant a further step for the federal entrenchment in Somalia; the federal government became in a strong position in building the federal institutions as well as engaging a bottom up process for the establishment of the federal member states. For the first time in more than two decades, the United States has granted official recognition to the Somali government in Mogadishu (Watkins, 2013). Also, in 2013 the former president of Somalia Hassan Sheikh Mohamoud has met with Barack Obama- the former president of USA, the meeting

revealed a paradigm shift happened in the attitudes of the international community towards Somalia.

Furthermore, the transition from a central to a federal system has been problematic and beset by many complexities and difficulties (AbdinorDahir et al, 2019). The issue of federalism is surrounded by sharp political and societal disagreements, the incessant debate goes around the suitability of federal system to the context of Somalia or not. According to federalists who belong to the periphery, the federal system prevents the reemergence of a dictatorial regime through division of power and broader resource sharing. Proponents of federation gives credentials to the system for its effectiveness in trust building, enhanced participation in decision making, accessibility of the people to the government services, and the possibility of sub-units to undertake locally initiated developmental agendas.

On the other hand, the opponents of federal system argue that, the federal system is counterproductive in the context of Somalia. According to them the, the federal system is well suited to the contexts where there are linguistic, religious or ethnic differences. But in Somalia, those kind of structural differences are not exist- the Somali people are one ethnic, has one language and religion. The Somalia people, unlike, most of African continent, belong to one ethnic group and share one religion (Michaelson, 1993).

1.1. The root causes

Feeley and Robin (2008), in their theory of "Federalism: Political Identity and Tragic Compromise", displayed a unique interpretation on the factors that leads to the adoption of a federal system in

particular countries. In doing so, they took a radical step towards re-thinking the nature and meaning of the concept of federalism by discrediting the existing theories of federalism. They are dismayed that too many scholars confound and confuse federalism with other principles for organizing political regimes such as consociation, decentralization, local democracy, and democracy in general (Krane, 2010). According to Feeley and Robin, a theory of federalism should not be a merely prescriptive and descriptive, rather the theory of federalism should give a generalizable rationale for federalism that can explain the reasons federal system emerge and contributing factors to system's continuation.

Feeley and Robin commence with their the famous definition of federalism which is "a means of governing a polity that grants partial autonomy to geographically defined subdivisions of the polity" (p. 12)— and further specify that in a federal regime ". . . geographical subunits are allowed to establish their own goals and maintain their own values" (p. 22) through a grant of rights which permits regional governments to pursue policies based on "first-order" normative differences with the central government and ". . . where the central government has no authority" (p. 147–148).

In their explanation of the reasons behind the exclusive authority of the regional autonomies from those of the central government, the authors underlined the connection between the federal system and the political identity. Political identity connects people to their identity, thus, political identity can be considered as the bridge between the individuals and politics, where peoples' identity is effected by the individual's social group or community he belongs. Accordingly,

Regional autonomy ". . . will only be appealing to people if the region itself is meaningful to people, that is, if it relates to their sense of political identity" (p. 16).

The basic reason that nations adopt federal system or maintain existed federal system "is to resolve conflicts among citizens that arise from the disjunction between their geographically based sense of political loyalty and the actual or potential geographic organization of their polity" (p. 38). Feeley and Robin asserts the strong relations between the person and the place, in an extent people are ready to kill and die to maintain the integrity of their community. In order to solve this dichotomy of particularistic political identity and the actual polity person belongs to which is the state the federalism serve as "an alternative to dissolution, civil war, or other manifestations of a basic unwillingness of the people in some geographic area within a nation to live under the central government" (p. 51).

According to Feeley and Robin, the federal choice is a tragic one for the both the central government and its papules as well as for the sub-units. The central government and its papules see them self, that, they "they have authorized a political subunit of their own regime to adopt policies that they themselves—the leaders or the populace—regard as undesirable or morally objectionable" (p. 52). While those in sub-unit gets them self in a situation they do not have their obtain their sovereignty fully. Consequently, federal arrangements are "tragic" because no party to a new federal regime is fully satisfied—those who prefer rule by the central government will view the autonomy granted to one or more regions as a "misfortune," while those who prefer not to be ruled by the center will also see their situation as a "misfortune" (p. 151).

In this study we examine the Somali Federalism based on the basic principle of this theory, the study examines the clan identity, politicization of clan, geographical concentration of clans, and criteria of federalism.

1.2. Clan Identity

Due to its explanation, significance for understanding the political and social context that prevails most of the time, there is no other single issue that is been debated constantly in academia and among the Somalis like the clan and clan system. The vast majority of Somalis are nomadic-pastoralist who are in a constant movement behind the posture and rain, such a life style prevents them from creating a sedentary life and consequently the genealogical bond is the strongest factor that correlates them rather than territorial ones. The semi-desert conditions with hardship living style characterizes the Somali people in the horn of Africa, hence, this forces them move along considerable distances with their herds of camels, flocks of sheep and goats, and less commonly cattle. Subsequently, clan as an identity inherited from the ancestors represents a strong factor that can determine everything related to power, resource distribution and even the recruitment of bureaucratic positions (Samatar,1987).

Agnation (relationship through male descent) or *tol* in the Somali language is the most significance principle in the social relations among the Somali people. According to Lewis (1964) the principle is to be operationalized by dividing the community into a vast hierarchy of highly segmented lineages, all genealogically connected. The clan family represents the highest level of lineage that every clan comes together to form agnation or (*tol*). Each clan is divided into large system of lineages and the most clearly defined unit

may be distinguished and called (*clan*), where the clansman counts 15 to 20 generations to the descent father of the clan. Although members of the clan units share strong sense of loyalty to their clan families, but because clans are too large, individual members do not act united fully in the traditional political system. Although clans are not strictly limited, but each clan has a geographical area of movement (Gundel,2009).

One very significance part in the Somali clan system is the “primary lineage”. The people in the primary lineage are those share 4 to 8 of common ancestor. The significance of this segment stems that, it’s the base of other social features like marriage. The estimated number of Diya-paying units range from 100s to 1000s. In the higher clan hierarchies, many Diya-paying units are amalgamated to constitute larger clan-lineages (Badiyaw, 2017).

Arguably, I.M. Lewis (1964), the English anthropologist was the first scholar who wrote at length in English about the clan system in Somalia and coined the famous phrase of “Segmentary Lineage Structure”. By using this structure Lewis divided Somalis into six patrilineal clan families and each clan family were then divided into patrilineally related clans, sub clans down to the diya-paying groups which is the smallest unit in the Somali clan system.

Generally, the Somali clans can be divided into two parts; the nomadic-pastoralists who speak the (Maxaa) dialect of Somali language and comprise Darood, Hawiye, Dir and Isaaq and the agro-pastoralists who speak the (Maay) dialect and comprise the Digil-Mirifle or Rahanweyn clans. The Digil-Mirifle clans are residing in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia. Also,

Lewis (1988) categorized Somali people between those belong to Samaale and those belong to Sab. The Samaale clan families comprises Darood, Hawiye, Dir and Isaq. These groups are further divided by a series of sub-clans which came into being over the 1000 years of migration from northern port cities to the inland Southern and Eastern reaches of modern Somalia (Fox, 2015).

1.3. Politicization of Clan

The clan based political identity started with the emergence of colonialism in Somalia. The colonial administration between 1840 and 1960 set the preparations and justifications for politicization of clan and clan divisions in Somalia. Through this divide and rule policy, the Somali clan families became divided into separate clan groups, however, these encouraged high levels of clan identity consciousness. (Anderson, 2011). The colonial regime pursued a policy that enforced the division of clans in the political arena to create clan elders who are loyal to the colonial government and finding the political elite up brought by them who admire and embrace the colonial mission. While clan elders were the supreme leaders of their clans before the colonial regime, after the colonial incursion, they became parts of the colonial system.

The early Somalis whom educated in the hands of colonial regime failed to understand the aim of the colonization and to overcome the traditional cleavages. Most of the political parties in the 1950s were based on clan divides, except the SYL, which were articulating nationalist ideals and sentiments (Badiyow, 2017). Although, most of the parties established in the early Somali political experience advocated for unity and great Somalia and on the other hand discredited the clanism,

but in the election times, the ferocious clout of clanism surfaced over any political alignment. The dilemma that Somali politicians faced was how to reconcile between the kinship and political party affiliation.

According to Touval (1963), the most significant fact about Somali politics is its essentially tribal basis. In the 1954 municipal elections 20 political parties that participated the race represented clan interests. Even the Somali Youth League (SYL) party which had cross-clan support due its nationalistic sentiments was dominated by the two clans Darood and Hawiye. The members of other major clan family in the South Digil&Mirifle were mainly members of HisbiaDigil&Mirifle (HDM). In the north the main political parties drew support from the clans. The Somali National League (SNL) was supported by the members of Isaaq clan families while SYL branch in North got support from the Darood clans in the north such as Dhulbahante and Warsangeli.

After getting independence from Italy and Britain and the realization of the awaited union of the south and north under the republic of Somalia, the impact of clannism and clan based dispensation of government seats reached the peak. In the first cabinet after the independence the seats were proportionally divided between the south and north and on the bases of clan identities. For example, for the 33 northern seats, 4 ministries were allocated two to Isaq and two to Darood, while out of 90 southern seats, 10 ministries were distributed 4 Hawiye, 4 Darood, and 2 Digil&Mirifle (Lewis, 1980). To save the country from a total collapse, the military launched a bloodless coup in October, 1969 under the leadership of military commander general Mohamed Siyad Barre. After few years, the frictions

among the military council emerged, when members of the Revolutionary Council (RC) plotted a failed military coup in early 1971 which caused the public execution of the failed coup leaders. In 1978 and after Somalia been defeated in its war against Ethiopia, the clan based political armed factions was established. The members of the armed factions hailed from the clans who felt they have been subjugated and marginalized in the political arena during the military socialist regime.

In 1978, Somalia witnessed a coup d'état staged by military officials from Majeerteen clan, a sub-clan of Darood. Its worthy to not that, Majeerteen was one of the dominant clans in Somali politics since the creation of first Somalis led local administration under the colony up to the 1969 before the military took over the power. The president's political reaction to the insurgence was to strengthen his clan's position in the government particularly in the military. Siyad Barre hidden behind his clan Marehan, a sub-clan of Darood to protect his regime from the armed opposition. Also, the government used some clans against the clans that threaten the regime.

One of the significance feature that preceded the prolonged civil war, is the clanization of political institutions by the Siyad Barre regime, this created an existential fear among the clans that were not allied with the regime. Kapteijns (2008), contends that, the authoritative strand of clan punishment that was a fundamental feature of the regime's violent repression of political oppositions, as well as the increasing extent of the repression the state unleashed against its own people.

1.4. Geographical Concentration of Clans

After the collapse of the state and subsequent civil strife, the clans begun to settle in their respective regions, cities and villages. Before the civil war, the dominant clans in politics and governance were divided geographically, but this took momentum and significance after the collapse of the state. During the civil war, the warlords of the clans were the key political players; hence, every warlord had to organize his followers in a certain geographical area to get privilege and bargaining power in the efforts to reestablish the state. The warlords and clans behind them succeeded in great extent by dividing the country along clan identity, with unsolved grievances of minority clans inside every territory dominated by the big clans.

The idea of clan based division got attraction, after the international community motivated the building block strategy. It was proposed that reconstruction of the Somali state should be based on the "bottom-up" approach, with federal arrangements of autonomous states (Ugo Mattei, 1998). The International Community orchestrated numerous reconciliation conferences to realize a consensus among the warlords and establish an agreed national government. The efforts failed because of the mistrust among the Somalis, the mistrust stems from the more than twenty years of military regime which poisoned the politics and the followed brutal civil war. The building block concept had clear, if superficial, appeal, given the continued failure of Somali factions and parties to respond to efforts to recreate a unitary Somali administration.

By giving consideration to the major clan families concentration, six territories were envisaged as the basis of the country division. First, North-East regions

dominated by Harti sub-clan of Darood, second, North-West (Somaliland) dominated by Isaq clan family, third, The Rahenweyne (Merifle and Digil) would cover the regions of Bay and Bakool and part of Lower Shebelli, a fourth region would be Jubaland, largely inhabited by Darod clans; and the territory of the Hawiye, in Central Somalia and including Benadir, would make up a fifth region, though Mogadishu's status is not agreed on, but if it remained the national capital, might be administered separately.

2. Criteria of Federalism

In their effort to lay the premises of the theory of federalism, Malcolm Feeley and Edward Rubin set a criteria that describes when federalism could be a functional in certain political regime and prescribe when a central government have to resort as a mean to create effective and stable regime or when the state should preserve an existing federal structure. They divided the criteria into two parts; attitudinal and structural criteria. Through analyzing the attitudinal and structural criteria, the suitability or harmfulness of the federal system could be determined.

2.1. Attitudinal Criteria

Attitudinal criteria consist of observable behaviors that reveal the individual feelings, beliefs, and opinions of either the leader or the populace (Malcolm Feeley et al, 2008,p:60). Mostly the demand for the federalism comes from the leadership or the citizens inhabit the subunits (in Somalia the elites from the big clans with a sense of clan based geographic senses) are those who are escaping from transgressions or demanding rights from the central government. While the leaders of the central government or their supporters are inclined to preserve the existing unitary regime and thus, will accept the demands for the federation only if the seekers of the

federal system have the ability to push their centralists towards accepting their agenda. The attitudes of the central government's leaders or populace, however will often be a factor in the determining whether a federal solution is offered in response to regional demands (Malcolm Feeley et al, 2008,p:61).

In their theory Feeley and Robinson underlined that, attitudinal criteria is the most definitive factor that indicates a remarkable number of a certain geographic's people are willing to establish a quasi-autonomous regime. There are two sub-criteria under the attitudinal; the willing of certain geographic's people to die for the mission of realizing a quasi-autonomous regime and also they are ready to kill for the same purpose. These two criteria are correlated and probably occur together. It may require slightly less commitment to kill others than to sacrifice oneself, since there is a certain independent pleasure in killing those whom one dislikes, but common suggest that if one tries to kill a particular group of people, those people will probably try to kill you in return (Malcolm Feeley et al, 2008,p:61).

In Somalia the attitude in the different regions or clans, towards the federal system is mixed of extreme support and commitment for the federal system and moderate support in some regions. The like or dislike of the federal system depends interconnected factors such as the interests to be reached by the clan political elites through the federal system. In some regions, the clan elites consider the federal system as a mean they can realize a political bargaining power against the central government and against the other elites from the different clans, thus they are committed to the federal system. On the other hand, elites from minority clans

evaluate the federal system as it contrasts with their political interests, thus, they propose a centralized unitary state to be adopted in Somalia.

The political elite of Digil and Mirifle people who inhabits and dominates the South-West State were the first ones who called the adoption of federal system immediately after the independence. One of the first advocates of federalism in Somalia was the Independent Constitution Party (HDMS), which was founded in 1947 (Mukhtar, 1989). Federalism remained the point of view of the HDMS party, as the party leader Jaylani Shaykh bin Skaykh articulated its goals in 1958 (Badiyow, 2017). As it appeared from the manifestation of party, the party was standing for the party stands for to defend the interest of the people of Dighil-Merifle or the people living in the inter-river regions.

As agro-pastoralists people, who have different dialect (Maay) and distinctive culture from the mainstream, they have feared the increased domination of politics and leadership by the pastoralist clans, thus, according to them, the only way that guarantees an equitable share from power and resources was the federal system. The elites from Digil and Mirifle formed their positive attitude towards the federal system even before the independence, where they felt marginalization after the first elections of interior administration. The distribution of positions in the newly elected government revealed the broad gap between the northern and southern regions (Mukhtar, 1989). The formation of the first Somali cabinet by the victorious SYL showed that the leaders were extremely conscious of ethnic-group composition, but almost totally ignorant of the Dighil-Merifle portion of the population (Lewis I.M, 1971).

Arguably, besides the marginalization and exclusion, several deadly events happened few years before the independence, where In October 1956, the Somali police killed 17 farmers in the Upper Juba region and injured 12 others and on February 17th, 1957, five farmers were killed and eight injured at "Oflo". Those accidents emboldened further HDMS and its supporters to call for a decentralized system of governance in Somalia.

The calls of decentralization failed due to its countervailing with the mood of great Somalia that prevailed at that time. Thus, the SYL party, the largest nationalist party proceeded towards strengthening the unitary centralized system which entrenched further after the independence in 1960. The marginalization of Digil&Mirifle people continued after independence and the formation of the Somali state. Although they inhabit the rich land in Somalia, between the two rivers Jubba and Shabelle, but they are the most vulnerable for famine and floods in the raining seasons. The civil and the military government did not implement tangible projects that contribute poverty elevation.

Moreover, the military regime's policies towards the Digil-Mirifle people were devastating and unjust. According to Mukhtar (2003), the agricultural and territorial value of the region played a significant role in the social change that Digil-Mirifle territory experienced during transition from the colonial period and short flirtation with democracy to the era of the military dictatorship that began in 1969 under Colonel Siad Barre. In a move against the Digil-Mirifle clan, Mohamed Siyad Barre created a new regional entity called Gedo, so that Luuq would lose its central economic, historical, and political

role...From 1974 the nomadic Marehan lan...settled in Luuq and drove out the original inhabitants, who became refugees in Baidoa, Huddur, and coastal cities (Thomas, 2007).

After formation of Gedo region, the Digil-Mirifle clan stranded in dry territory, because of lack of the access to the Juba river or to Luuq. Moreover, Barre's internal partition cut Luuq off from its century-old history as a center of [Rahanweyn] political and juridical life (Mukhtar, 2003). The displacement of Digil-Mirifle clan from their territories reflects a broader conflict among the clans that has been revolving around the powers and resource. The state power was used to bolster the argument of some clans while other clans were subjugated by using state apparatus. Hence, Digil-Mirifle clan were among those marginalized due to their less effective in the power and decision making arena.

After collapse of central government of Somalia early in the 1990s, Baidoa was one of the most places in Somalia hard hit when the civil war was outbreak and witnessed so many miserable actions including endless clan conflicts within the community of the Baidoa Town (Barrow,2020).After the of the central state, the people of Digil-Mirifle clan have witnessed a serious human rights violation committed by the militia of the armed clans from Hawiye. Thousands of civilians from the clans were killed withing few years after the collapse of the state while thousands were displaced from their homes. The regions of the current South-West State became the center for incessant fight between armed factions from in and outside of the clan. With technical and military support from Ethiopia the RRA liberated from the territory of Digil-Mirifle clans from the occupation of USC in 1995.

That liberation led to the formation of regional administration which later became an official federal member state in 2014.

Based on the distinct dialect and culture and the marginalization they faced since the formation of the Somali state in 1960, the people of Digil-Mirifle clan do not give-up from the federal system given the political and economic advantages they can get from having a quasi-autonomous administration that protects and promotes their interest. Through the South-West State, the Digil-Mirifle clans have a role in the current political and power structure, thus, the tangible role wouldn't be attained without a federal system. With the military and financial might they have, they Digil-Mirifle clan are ready to go war against any one tries to sabotage the rights guaranteed by the federal constitution.

The formation of Puntland State of Somalia preceded the current federal government, it was established in 1998 with the aim of seeking a federal government in Somalia. Puntland is the source of the federal system in Somalia. The attitude towards the federal system is positive in the leadership level and among the majority of the ordinary people. This pro-federalist attitude is based on the policies of the military government 1969-1991 and subsequent painful events during the civil war. The military government excluded the members of the Majeerteen clan from the top positions in the government, notably, the Majeerteen had a crucial role in the political dispensation before and after the independence before the Siyad Barre come to the power in 1969.

However, the situation got worse in 1978 when a coup d'état orchestrated by military officials from the Majeerteen clan

was failed. Immediately the regime executed dozens of military personnel who participated the failed coup. The regime responded by purging the Majeerteen clan from civil and military positions and sent heavy military to the regions inhabited by the Majeerteen clan- currently known as Puntland State of Somalia. The military regime committing reprisal killings against the Majeerteen civilian clan members that left roughly 2,000 dead (Kapteijns 2013). Besides the extrajudicial killing against the civilians, thousands were arrested due to their clan affiliation. The arbitrary policies of the military regime pressed some military officials from the Majeerteen clan to form the first armed opposition faction named SSDF. The movement engaged a guerilla war against the regime continued until the total collapse of the state in 1991.

Against that backdrop, after the country indulged into the chaos, the SSDF leaders embarked to establish autonomous administration that controls the territory that comprises Puntland State of Somalia. Apart from the aim of bringing stability and order to the territory, Puntland elites aimed to prevent the formation of a centralized regime which the power falls in the hands of one person or narrow group- which meant repeating the history of subjugation and marginalization of the periphery. Since the independence until the collapse of the state the developmental projects were concentrated the capital city Mogadishu while other parts of the country languished in extreme poverty due to the negligence.

Based on that, the latest constitution which was ratified in 2009, stipulates in the article four , paragraph one that “Puntland State is part of Somalia; its duty is to contribute to the establishment and protection of a Somali government based on a federal system” (Puntland

Constitution, Article 4. No:1). This means that Puntland will be a member in a federal state in Somalia. The same article, paragraph four stipulates that “ Puntland State shall reserve the right to review the provisions in paragraphs 1, if Somalis fail to agree on a federal system”.

Currently, the elites in Puntland are committed to the protection of the federal system. Unlike the newly formed federal states that are extremely dependent on the support of the federal government, the relative financial and military independence of Puntland enables the state to take bold steps that can ensure the sustainability of the system. The pivotal role of state for the protection of federal system have been growing since the formation of the TFG in 2004, where the state gave full fledg support to the TFG under the precedence of Abdullahi Yusuf Ahmed- the founder and the first president of the state.

The states of Galmudug, Hirshabelle, South-West and Jubaland are the direct product of previous efforts by the TNG, TFG, Puntland and the International Community. The discussions on the future of Somalia and kind of the governance system that started immediately after the collapse of the state and reached the peak with the formation of Puntland state resulted the current federal constitution and the emerged FMS in later time. Although the elites from the states other than Puntland were present at the discussion on the system of governance to be adopted, but they were not represented by a federal member state, because at that time except Puntland, other states were not established.

These states are formed in accordance to the provisional federal constitution which in its article (49) paragraph (5) states that

“Federal Member State boundaries shall be based on the boundaries of the administrative regions as they existed before 1991”. Also, the constitution determines the number of regions that can unite to be a federal member state. In the paragraph (6) the constitution states that “Based on a voluntary decision, two or more regions may merge to form a Federal Member State”. Certainly, based on those constitutional articles the states of Galmudug, Hirshabelle, South-West and Jubaland were formed.

Somaliland declared one sided independence from the rest of Somalia in 1991 immediately after the collapse of the state. The decision to breakaway was a direct result to the misery and disappointment of Isaq clan elites inherited from twenty one years of a military regime which committed atrocities and human right violations against the ordinary people in the north-east regions of the republic. In the last thirty years Somaliland succeeded to differentiate its self from the rest of Somalia in terms of security and democratization. The territory succeeded the formation a power-sharing structure which is relatively accepted by the different clans, two legislative chambers- the parliament which is democratically elected by the populace and the house of senate which contains the officially recognized clan elders.

Since its formation Somaliland organized several presidential elections observed by international delegates from AU,EU, and USA. They all testified the transparency and peacefulness of the elections. This elections and stability increased the prestige of Somaliland among the international community and particularly among the donors. Although, until today, there is no a single country that recognized Somaliland as an independent state, but it

received a special status. Today Somaliland is not the beacon of the stability only in the fragile country Somalia, but also in the entire horn of Africa region which witnesses one of the worst social and political upheavals in decades.

Based on its famous argument that it’s an independent state, Somaliland was not a part in the negotiations that have been organized between 1991 and 2008 and aimed to re-establish again the Somali state. But the clans inhabits Somaliland are represented in the two chambers of the parliament and other governmental dispensations through the 4.5 formula. The politicians from Somaliland who are have been part in the politics of Somalia and having seats in the FGS have been considered as traitors, thus they can’t arrive Somaliland, otherwise they have to face arrest.

It’s widely believed that given the Somaliland’s populace attitude is against the re-union with Somalia, confederal or loose federalism could be the only arrangement in which the two parts of the republic could gain trust and re-unite again. Any unilateral decision by the FGS that aims to bring Somaliland through military force is doomed to failure. Somaliland has a military been built and trained for the last thirty years, hence, negotiations will be based on the events of the last sixty years which led to the total collapse of the state.

The magnitude of elite and peoples’ attitude towards the quasi-autonomous project depends on the nature of the government. In a democratic policy, nonviolent protest is very often legal and might be regarded as sufficiently effective to discourage people from committing crimes (Malcolm Feeley et al, 2008, p:63).

The military regime's violent response against his dissidents led to the uprising of armed factions from the clans that has a kind of geographic concentration. This violent suppression of oppositions invited calls for a federal system and even enabled the emergence of extreme projects like the one-sided independence declared by Somaliland. When the violence prevails on the political scene, the cleavage is enlarged and the divergent attitudes on governance lead to further disintegration.

An extremely important factor when evaluating the effectiveness of peoples' attitudes towards the federal system, is the existence of opposite support for a centralized regime within the region where federalism is supported. If some people in a region are willing to die and kill for the sake of political autonomy, while others are equally determined to preserve political unity, federalism may not be a particularly desirable solution, there is no reason of mollifying one group only to alienate another group of equal or greater size (Malcolm Feeley et al, 2008,p:64). In Somalia the minority clans have no the facility and the power to challenge the politically dominant clans, thus, a federal system could go forward smoothly without remarkable obstacles.

2.2. Structural Criteria

The second criteria that Malcolm Feeley and Edward Rubin have set to scrutinize the suitability of a country to the federal system is the structural criteria. Unlike, the attitudinal criteria which requires to measure the peoples' idea and belief towards the federal system, the structural criteria could be identified. The structural criteria that are most relevant to federalism are language, religion, ethnicity, culture, historical experience, and economic system (Malcolm Feeley et al, 2008, p:64).

The structural analysis can forward a descriptive and prescriptive advantages when a federal system to be resorted or not. In the descriptive side, they help observers predict when a federal solution will be useful or when these solutions are actually being used as opposed to serving as a façade for different considerations, in terms of prescription, they provide bases for recommending government authorities when federal solutions might forestall the advent of violent separatist action-the language and religion seem to be the most important structural criteria for a federal solution.

Malcolm Feeley and Edward Rubin, contends that structural criteria are not more observable or less empirical than the attitudinal criteria, just, attitudinal criteria include readily observable actions such as dying, killing and protesting, thus, these actions are more observable than subjective tendencies.

2.2.1. Language

In terms of language, the official language that all Somali people speak is the Somali language. The Somali language belongs to the Cushitic branch of the Afro-Asiatic language family. Although it was written until 1972, but Somali language proved its distinctive quality as a language possess a great and rich oral literature. There are two dialects within the Somali language, the dialect of Maay spoken by the people of Digil-Mirifle in the south and Maxaa which is spoken by the majority of the Somalis.

The successive administrations since the independence, marginalized the Maay dialect under the claim that, Somali people speaks one language. Thus, the Maxaa dialect have been the official dialect that's been used in the academia and for the

government official circles. According to Lewis (1965), the existence of the distinctive southern dialect does not alter the fact that, from Djibouti to Garissa on the Tana river in Kenya, standard Somali provides a single channel of communication and a common medium.

The distinct dialect of Maay and life mode of agro-pastoralism have been the uniting factor of the people of Digil-Mirifle against the majority of pastoralists who speak the Maxaa dialect. The early policies of Somali government which bolstered the use of Maxaa dialect, magnified the sense of belongings and distinctiveness of the Digil-Mirifle people. Because of their special dialect within the Somali language the Digil-Mirifle people organized themselves as a one political unit by calling the adoption of a federal system in early time after the independence. The call for the adoption of the federal system stemmed from the fear of political marginalization they had. The early policies of Somali government which bolstered the use of Maxaa dialect, magnified the sense of belongings and distinctiveness of the Digil-Mirifle people.

Although it has been allowed for the Maay dialect to be aired in the government owned radio broadcast for some time, but mostly the subsequent administration solely allowed the Maxaa dialect to be aired on the radio as the only official language. The provincial, transitional pre-independence government endorsed airing solely AfMaxaa on Radio Mogadishu, effectively banning the broadcasting of AfMaay from the national airwaves (Mukhtar, 2010). Banning of Maay from the national broadcasting network was considered as the beginning of institutionalizing the marginalization of a certain sect of the population. After the military regime came to the power through

a coup d'état, the Latin alphabet was chosen for the the Somalia's orthography and Maxaa dialect particularly the which is used in the central/northern variety is adopted as the official language and the medium of the education.

Some politicians from the Digil-Mirifle considered the decision of the Somali government that made the Maxaa dialect the official one, not an accident but 'ethno-politically decession that aimed to marginalize the Maay dialect'. But according to Enno, et al, (2014), the Maay speakers, and particularly the Digil-Mirifle [confederation of communities], have been campaigning for a federal system of administration since pre-independence, it was therefore a signal to the Digil-Mirifle elite who were still sympathetic to the federal system and the recognition of the place of their Maay language, that a revival of the idea would not be tolerated by the Supreme Revolutionary Council.

The political mission of a federal system has been realized after the collapse of the state in 1991. Like other major clans, the Digil-Mirifle people formed the regional autonomy that controlled the regions they inhabit, thus, this enabled them to have a voice in the political dispensation. Consequently, the Maay dialect was recognized as an official besides the Maxaa during the amalgamation of the TFG in the neighboring country Kenya in 2004. The Article 5 of the provisional federal constitution articulates that "The official language of the Federal Republic of Somalia is Somali (Maay and Maxaa-tiri), and Arabic is the second language".

Arguably, the Maay dialect can be considered a factor that unites the people of Digil-Mirifle and compelled them to seek a federal system in the early days

after the independence. Also, the dialect will be a distinctive feature that shapes the perception of Digil-Mirifle people towards their self and towards the other Somalis, thus, the elites from those regions evaluate the federal system from the aspects of exclusion and marginalization and that is the reason they have been defending the federal system.

2.2.1. Historical Differences

Due to its closeness to Aden, the logistic hub of the British empire at that time, the port city of Berbera attracted Britain, thus after several deadly clashes, the British signed an agreement with the clan chives separately for the purpose of protecting them from any other external invasion. According to Lewis (1967), the Britain's interest in the coastal Somalia area stemmed from her possession of Aden which had been acquired by force in 1839 as a station on the short route to India. Also, Britain wanted the export of Somali meat to its bases in Aden. The Sultan of Warsengeli signed the first treaty of the British protectorate in 1884, heralding the new era of British protectorate in the northern Somali Peninsula (Badiyow, 2007). The British signed protection treaties with the other five clans residing in the British Somaliland: the Gadabursi, Issa, HabarGerhajis, HabrToljaala, and Habr-Awal in 1884 and early 1885 (Latham Brown, 1956). Eventually, the northern parts of Somalia became a protectorate under the British empire before the end of nineteenth century.

On the other hand, the Italians colonized the southern parts of the country. Like the British, Italians signed separate protection treaties with the sultanates and clan chives that controlled some area. At the end of 1888, the Sultan of Obbia requested Italy for protection (Omar, 2006, p. 53), while the Sultan of The Sultan of the Mijerteyn

reached an agreement with Italy on 7 April 1889 at Bender Alula (p.54). Also, Italy took possession of the Somali territories on the coast of Benadir from the Sultan of Zanzibar through a treaty signed on 12 August 1892 (Omar, 2006, p. 55). From late nineteenth century up to 1927, whole southern Somalia was incorporated under the Italian colonial administration. Unfortunately, the Somali people got themselves under different colonial administrations such as, the British, Italy, French and Ethiopia.

One of the historical narratives that is utilized by the elites to legalize the Somaliland's self-declaration of independence is the different colonial regimes that colonized the two parts of the current FGS before the independence. According to Beyene (2019), before signing a friendship treaty with Britain, the northern part of Somalia was an independent state. By using this and similar statements, elites from Somaliland justify the British colonialization as a treaty between the clans' chives and British empire with the aim to protect their sovereignty from the external intrusions, specially, clans had a fear against the expansionist policy of the Ethiopian Empire. After sixty-six years of control by the British Empire, Somaliland got its independence on June 26, 1960 and the new state received recognition from thirty five countries including all five permanent members of the Security Council (Beyene, 2019).

Evidently, during the colonial regime, the difference colonial context led to the emergence of several divergences between the two territories, thus- these divergences had a negative impact on the union after the independence. Civilian rule, re-established in the North in 1948, did not exist in Southern Somalia, which had been

under a ten-year Italian Trusteeship since 1950. The two territories were separated institutionally, linguistically and historically. As a consequence, the two territories qualified as two individual countries (Anthony J. Carroll, et al,1993).

Finally, the two parts colonized by Italy and Britain decided to unite under the umbrella of Somali republic in the first of July,1960. According to Anthony J. Carroll, et al (1993), two factors motivated Somalis to realize the union, the first one is the British foreign minister's proposal of great Somalia in 1946, where Bevin proposed the formation of a state that unites the nomadic Somalis dispersed in the Horn of Africa. The second factor that precipitated the union was the resentment and anger that resulted from the Britain's incorporation the Somali inhabited territories to Ethiopia.

Malcolm Feeley (2007), underlines that, the different historical experience do not generate intense demands for sectional autonomy by themselves. Which means there must be other factors that complements the different historical experience in order to push towards a quasi-autonomous state. The failure of the union to realize the objectives aimed, the military regime that suppressed adversaries and the atrocities committed against the Isaq clan in the north under the military regime have been tantamount effective argument besides the historical colonial differences and make the defection mission and have a relative acceptance internally and externally.

Currently, because of the region's special colonial context, the failure of great Somalia projects and the failure of union due to military regime's draconian policies against the people in the north in late 1980s,Somaliland leadership contends the

legality of their status as independent country, However, after thirty years of seeking recognition Somaliland administration failed to secure even the recognition of one country. Thus, if there is any future settlement, a union under a loose federal state will be a viable alternative.

2.2.3. Clan Factor

The other feasible and effective structural criteria is the clan. Since the formation of the modern state by the European colonizers, the politicians competed over power and resources by exploiting their clan background and the highest positions in the governance were only be occupied by politicians from certain clans due to their power and impact. What magnifies the role of the clan in the political dispensation is the relative power and the geographic concentration of certain clans, this makes some clans to be powerful, while some other clans feel marginalized, because they lack the hard-power that dominant clans obtains. Although, the clans are mixed in certain areas, but generally, each one of the powerful clans is concentrated in geographical area that has an artificial border. The geographic concentration of clans gives the federalism logic and attraction.

Conclusion

The thesis aimed to explore new reasons and conditions that necessitated the adoption of the federal system in Somalia since 2004. In the mainstream media and academia the focus is directed the advantages and disadvantages of the system rather than shedding light on the genuine factors that pushed towards the adoption of the system. Hence, the disagreement among elites which stems from misunderstanding on the nature of the federal system causes the prolonged failure of state building in Somalia.

According, to the theory of "Federalism: Political Identity and Tragic Compromise", the federal system is not resorted due to its goodness for realization of development, bolstering democracy or representation enlargement. Also, it isn't necessarily leads to disintegration of the state or weaken the government. According to this theory "The basic reason that nations adopt a federal regime or maintain a federal regime that was adopted in prior era, is to resolve the conflict among citizens that arise from disjunction from their geographically based sense of political identity and the actual or potential geographic organization of their polity.

The colonial regime started the politization of clan by creating political clan identity which was unusual issue before that time. To put in place the colonization project, the colonial regime pursued a policy that enforced the division of clans in the political arena to create clan elders who are loyal to the colonial government and finding the political elite upbrought by them who admire and embrace the colonial mission. The contagion of clan based political identity infected the civilian state that was formed after the independence, hence, the proliferation of tribalism, nepotism and corruption was the main justification enlisted by the military junta who overthrew the civilian government in 1969.

Ironically, the military regime that comes to power to tackle the clanism as its leaders claimed, used the clanism to keep power. One of the significance feature that preceded the prolonged civil war, is the colonization of political institutions by the Siyad Barre regime, this created an existential fear among the clans that were not allied with the regime. The military regime embarked to target certain clans considered to be a threat to the regime

while elites from some clans were empowered. The military regime implemented scorched earthy policy during its campaign to suppress dissidents against the clans inhabit in the north-west, north-east and those inhabit in the central and southern regions. The military regime's violent actions against the powerful clans instigated a deadly conflict which culminated the death of tens of thousands and the displacement of nearly a million people. At the end the state collapsed and country descended into a total chaos.

The state's oppression, the collapse of the state and ensued deadly civil strife resulted a centrifugal tendency among the elites from the clans oppressed by central government, also resulted acute mistrust among the clans over resource and power sharing. Hence, our argument which is based on the principles of this theory is that, the adoption of federal system and its continuation in Somalia doesn't stems not from the system's appropriateness for realizing democracy, development and good governance, but was adopted to reconcile the contradiction of geographically distributed clan based political identities in one side and the actual polity or the state in the other side.

Finally, without a genuine political reconciliation that mitigates the acute mistrust among the political elites and without policies that can be a remedy for the past mis-handlings by the civilian and military regimes represented by marginalization of certain clans, politicization of clan, extra-judicial killings and human rights violation, it seems the federal system would be the most acceptable option in Somalia.

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