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**FEDERAL GOVERNANCE SYSTEM BETWEEN THE PURPOSE  
OF UNITY AND FEAR OF DISINTEGRATION: CASE STUDY  
SOMALIA**

**MASTER'S THESIS**

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## ABSTRACT

After twenty one years of military dictatorship the central government of Somalia collapsed in 1991. The country witnessed a severe civil war which unleashed human suffering. After years of tremendous efforts, the Somali political stakeholder and with the support of the international community succeeded to establish a federal government. Since the adaptation of the federal system in 2004, very little have been achieved in the federalization of the country. The widespread misunderstanding and misinterpretation of the federal system is the very challenging obstacle. The misunderstanding stems from the strangeness of the system in Somalia, where since the independence Somalis have been familiar with a unitary central government. Sixteen years since the system is officially embraced, the federal constitution is no finished and very significance issues for federation are yet to be agreed- this created continuous conflict and power struggle. For theoretical contribution, this study will apply the basic concepts and components of Malcom M. Feeley and Edward Rubin's theory of "*Federal Theory: The political identity and Tragic Compromise*" to the Somalia case. The study will examine the politicized clan identity and the relative geographical distribution of clans and how these factors compelled to a federal system after the breakout of the civil war.

## ÖZET

Yirmi bir yıllık askeri diktatörlüğün ardından, Somali'nin merkezi hükümeti 1991'de çöktü. Daha sonra, Somali inanılmaz bir insani dram altında ağır bir iç savaşa tanık oldu. Yıllarca süren çok yoğun çabaların ardından, Somali'de siyasi paydaş ve uluslararası toplumun desteğiyle bir federal hükümet kurulabildi. 2004'te federal sisteme geçilmesinden bu yana ülkenin federalleşmesi anlamında çok az şey başarıldı. Federal sistemin yaygın bir biçimde yanlış anlaşılması ve yanlış yorumlanması bu konuda çok ciddi bir zorluk yaratmaktadır. Yanlış anlaşılma, bağımsızlıktan bu yana Somalililerin üniter bir merkezi hükümete aşına olduğu Somali'deki sistemin tuhaflığından kaynaklanıyor. Sistemin resmen benimsenmesinin üzerinden on altı yıl geçti, ancak federal anayasa hala tamamlanamadı ve federasyon için çok önemli bazı konular üzerinde henüz anlaşmaya varılmadı. Bütün bunlar sürekli çatışma ve güç mücadelesi yarattı. Teorik katkı için, bu çalışma Malcom M. Feeley ve Edward Rubin'in "*Federal Teori: Siyasi Kimlik ve Trajik Uzlaşma*" teorisinin temel kavramlarını ve bileşenlerini Somali vakasına uygulayacaktır. Çalışma, siyasallaşmış klan kimliğini ve klanların göreceli coğrafi dağılımını ve bu faktörlerin iç savaşın patlak vermesinden sonra federal bir sisteme nasıl zorlandığını inceleyecek.

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## LIST OF ABRIVIATIONS

FGS.....	Federal Government of Somalia
FMS.....	Federal Member States
USC.....	United Somali Congress
UN.....	United Nations
UNOSOM.....	United Nations Operation in Somalia
NATO.....	North Atlantic Treaty Organization
NFD.....	Northern Frontier District
OAU.....	Organization of African Union
NRC.....	National Refugee Commission
SSDF.....	Somali Salvation Democratic Front
SNM.....	Somali National Movement
SPM.....	Somali Patriotic Movement
TFG.....	Transitional Federal Government
IGAD.....	Intergovernmental Authority on Development
UIC.....	Union of Islamic Courts
TNG.....	Transitional National Governments
HDM.....	Hisbia Digil & Mirifle
SNL.....	Somali National League
SYL.....	Somali Youth League
GSL.....	Great Somalia League
NUF.....	National Union Front
SNU.....	Somali National Union
USP.....	United Somali Patriotic
SODAF.....	Somali Democratic Action Front
SSF.....	Somali Salvation Front
SDM.....	Somali Democratic Movement
USF.....	United Somali Front
SNF.....	Somali National Front
AMISOM.....	African Union Mission in Somalia
AU.....	African Union
EU.....	European Union

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# CHAPTER ONE

## 1.0. Introduction

Somalia struggles to stand its foot again after nearly three decades of civil war and absence of capable state which certainly unleashed a severe violation of human rights, the rise of terrorism and the emergence the pirates. The endeavors have been going on in a full swing to establish functioning state with the involvement and the supervision of the International Community since 1991. In order to create a better future for millions of Somalis, tremendous efforts were paid to build confidence among the ordinary people as well as among the political stakeholders. Fifteen reconciliation conferences were held inside and outside of Somalia between 1991 and 2009 to actualize a consensus among the warlords who competed over the power and resources. Most of those conferences fell short to achieve the objectives due to the short sightedness and the particularistic agenda of the Somali of the political elites.

Thanks to the international community, at the end Somalis have been amalgamated under a federal system which operates since 2004. The federal system had been a long-standing dream of tribes and political leaders, both before and after independence, as the best method to fairly share power and wealth (Yassin et al, 2019). But the federalization got momentum and plausibility after the collapse of the central government as a suitable system that enables the creation of trust among the elites of the different clans.

Arguably, after the collapse of the unitary centralized state, the majority of Somalis advocated for the formation of a kind of decentralized government, hence, the discussion was limited the selection between a decentralized unitary state or federal state. The International Community particularly the neighboring countries were compelling towards the federalization of Somalia. Certainly, the advocacy of some of the neighboring countries especially Ethiopia, the historical archenemy of Somalia to the federalization project, sowed seeds of skepticism among Somalis.

The idea to establish a federal government in Somalia after the collapse of the central government was put forth in Djibouti conference in 2000. 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 a 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).

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 government of two levels, the central or the federal government in Mogadishu and federal member states.

Due to the fragility and the lack of trust among Somalis, the road to stable federal government have been winding and became a subject to the contradicting interests and interpretations. Despite the adoption of the federal system practically, the contradicting debate among those who embrace it as a system suitable for the fragmented Somalia and those portray the federal system as dysfunctional system and not compatible to the political and social structure of Somalis has not mollified yet.

One of the controversial issues have been the formation of the Federal Member States (FMS). Although the provisional federal constitution stipulates the legal process to be followed during the FMS formation, the competition among the clans over the power and resource overshadowed and prevailed in the scene- some FMS are in constant change and reconfiguration for merely a political purposes. Except 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.

Also, some FMS are in loggerhead among them 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 mechanisms.

On the other hand, the power struggle between the Federal Government of Somalia (FGS) and FMS hindered the collaboration on state building. Subsequent FGS administrations have been accused of interfering the internal issues of the FMS by imposing leadership 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 FMS of trans-passing their constitutional mandates and meddling federal government area of power. The provisional constitution assigns for the FGS a limited authorities such as, defense, foreign affairs, naturalization, and currency, while the rest of duties are either left for the FSM , shared between the two levels, or postponed for further consultations.

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

There is a growing misunderstanding towards the federal system, represented by the perception that the current political stalemate is caused by the federal system. It seems as the people looks federal system in opposite to system's nature which is to reconcile conflicting political identities under one state not to boost good governance and development. Other systems of governance such as the decentralized unitary state may work more effectively than the federal system in terms of good governance and political harmony. According to Feeley et al (2008), the decentralization as a managerial strategy can achieve the results it desires in a more effective manner. A central government can achieve uniformity and may be able to command greater resources and prestige (Feeley, et al, 2008, p: 20).

## **1.1. Research Questions**

This study focuses on the underlying factors that compelled the adoption of the federal system in Somalia since 2004 and the suitability of the system to the political environment that emerged during and after the military regime. The study answers three questions:

1. Why Somalia resorted to federal system rather than other systems particularly decentered and centralized unitary systems?
2. Does federal system is compatible to Somalia?
3. What are the challenges that encounters the federal system in Somalia?

## **1.2. Problem Statement**

Somalia faces a recurring political turmoil which negatively affected the process of state building that started from 2000 with the formation of the first interim government since the collapse of the state in 1991. The issue of federalism has been in dispute in both societal and political level and a lot of time and energy were consumed on the debate over its relevance to solving the country's governance blights. Although the federal system is constitutional and a matter of fact, but still a bulk of the society have a resentment and yet the kind of federal constitution which is suitable to the social internal dynamics have not been agreed. Arguably, the misunderstanding towards the nature of the federal system is prevalent among the elites as well as among the ordinary people. In Somalia the mainstream understanding towards the nature and functions of the federal system is not well-grounded in a way the expectations of good governance and prosperity are high, while these expectations may not be realized through the federal system which merely is a system of managing a contradicting political identity.

## **1.3. Methodology**

The study apply the basic concepts of Malcom M. Feeley and Edward Rubin's theory of "*Federal Theory: The political identity and Tragic Compromise*" to Somalia. The study examines 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. In addition to that, the study utilizes a secondary data

by scanning the literature related to this topic like, books, articles, journals, reports, policy and strategy papers, news sources. Also, experts, academicians, and policy makers are interviewed as much possible.

#### **1.4. Significance of the study**

Somalia is in the process of state building after years of destruction and chaos, although the federal system is *de facto* constitutionally, yet there is a huge mis-interpretation and disagreement over the system. Certainly, analyzing the causes of adopting the system in the first place through of Malcom M. Feeley and Edward Rubin's theory contributes theoretically to the existing literature on the Somalia's federal system. Much of the existing literature defends the federalism on the bases of its democratic nature or its suitability for broad-based decision making, were, on the other hand, the anti-federalists explain the system based on conceived flaws like conflicts and disputes over power and resource sharing which eventually according to them leads to fragmentation. Based on Malcom M. Feeley and Edward Rubin's theory, this study has a different explanation about the causes compelled to the adaptation of a federal system in Somalia.

#### **1.5. Organization of the Study**

This study is divided into four chapters, the first chapter includes the Introduction, research question, problem statement, methodology, significance of the study and the organization of the study. The second chapter examines the literature related to the issue of federalism in general. Thir chapter examines the political events that preceded the adoption of the federal system such as the colonial policy, the military regime 1969-1991 and the prolonged civil war. In the four chapter, the study apply the basic components of Malcolm M. Feeley and Edward Rubin's theory of "*Federal Theory: The political identity and Tragic Compromise*", to the Somalia case.

## CHAPTER TWO

### 2. Federalism Concept

The origin of the word federal “federalism” is traceable to the Latin words “foedus” and “fides” which when translated to English, the former means an agreement, treaty, compact or covenant while the latter means trust (Dosenrode, 2010). There is difference between federation or federal political system and federalism. Federation is simply a political system where at least two levels of government share the sovereignty of the state, while they may share some authorities; certainly there is a special area of power for each level. Federation or federal system is very easy to be grasped in theory and practice by evaluating the political structure that is put in place.

Federalism is surrounded by disagreements and difficulties either theoretically or practically. According to Michael (2006), one of the reasons that strengthens the problematic of federalism is that it’s a multifaceted, where in its very nature its constitutional, political, social, economic, cultural, legal, philosophical and ideological. Likewise, Watts (1998) states that Federalism is a philosophy, doctrine and arguably an ideology. Federalism deals simultaneously with fundamental moral questions as well as with amoral matter-of-fact issues (Michael, 2006). The moral bases of the federalism stems from certain virtues believed to be inherent such as, respect, tolerance, dignity and mutual recognition, which lead to a particular form of human association, namely, the federal state or federation. The amoral bases of the argument rejects the virtues given to the federalism, by portraying it as merely particular constitutional and/or political technique for achieving certain overarching goals such as territorial expansion or economic benefits and security (Michael, 2006).

In general, federalism is a constitutional arrangement intended to organize power and authority within a single state between different liars of the government. It is a mechanism used to divide power between designated federal unites and the federal government where constitution guarantees certain autonomies to the two levels of government- the federal and the sub-units. It is considered as an effective tool to manage complex socio-economic, cultural, and political issues at national, regional, and international levels (Arato et al, 2018). In the federal system there are usually two

main levels, national, central, federal, or federal level and a state, provincial or regional level (Bulmer, 2017).

As Elazar (1987), states that, federalism is a system that combines partial self-government with partial shared government. While Riker (1964) defined federalism as an arrangement where the “(1) two levels of government rule the same land and people, (2) each level has at least one area of action in which it is autonomous, and (3) there is some guarantee of the autonomy of each government in its own sphere. Since its first application in the United States of America in late eighteenth century the federalism have seen as an approach for the situation of sovereign units but still interdependent governments in a state.

In his vital contribution to the theoretical discussion, King (1982) made a distinction between ‘federalism’ and ‘federation’ as normative and descriptive terms, respectively. Thus, he defined ‘federation’ 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 with this definition, there may be federalism without federation, but there cannot be federation without some matching variety of federalism (Dahiye, 2012).

Federalism happens through two major ways; when a former centralized state decides to create units or regional administrations and delegate some of its powers, currently, the center is more power full than the states or regions. The second approach is when previously independent units come together and descend some of their sovereignty for a shared central authority, this time the units are more powerful than the center. Stepan (1999) reduces these processes of federal formation into two, i.e., Coming-together, and Holding-together federalism.

## **2.1. Significant Features of the Federal System**

There are several common features of the federal system that differentiates the federal system from other government systems like unitary state, decentralized system of

governance or the confederal system. Among these elements are; the existence of written and rigid constitution, distribution of executive powers, the existence of constitutional court, and the existence of unicameral legislature.

#### **2.1.1.1. Written and Rigid Constitution**

The federation is an internal system organized based on accurate and detailed constitution, which can prevent disputes between the regions and the federal government or the center during the implementation. The constitution should be written such as the constitution of the United States of America in 1778, the constitution of Switzerland in 1874 and the constitution of Belgium 1814 (Al-Gali, 2005). In addition to that, all components of the state should involve in the adjustment process in order not to have unfairness to any party participated in federalism (Sharkawy,2007). On the other hand, the subunits should have their constitution which is consistent with the federal constitution. The constitution of the federal state should be a rigid which means its emending process will not be easy rather it will go through a complex process. This prevents the constitution to be amended by one side without getting the acceptance of the others.

In order to establish an effective stable federal system, constitutional supremacy and constitutional entrenchment are necessary. The constitutional supremacy, which is the superiority of the constitution over the ordinary law and the constitutional entrenchment, is a notion, which implies how it is difficult to undertake any constitutional amendment compared to ordinary laws. (Bulmer, 2017). The supremacy and entrenchment of the constitution provide guarantees to the subnational units that their existence, status and powers will be recognized, and their autonomy respected (Bulmer, 2017).

#### **2.1.1.2. Distribution of the Legislative Powers**

The legislative authority in the federal state usually consists of two chambers, namely the lower house that represents the interests of the nation and the upper house that represents the interests of the regions (Anderson, 2010). The representation of the lower house is based on the proportion of the population for each region, whereas the upper

house represents equal proportions. The main objective of this feature is to issue the laws in a consensual manner. Also, the laws issued by the federal authority should not be in favor of a certain class regardless to the rest of people.

In most federal states the legislative powers are divided between the federal institution and the regional members of the federation. According to one or more lists of legislative competences that are specified in the constitution either in the body of the constitutional text or in schedules at the end of the text (Elliot Bulmer,2017). In some countries which adopted federalism, there is only one list in their constitution, a list which designates the policy area of the federal state or the state. Other thinks which are not included in the list are residual in principle for the constituent units. In other countries the authorities of both the federal state and constituent units are enumerated in the constitution and the residual area are either given to the federal state or to the subunits, countries are different in this matter. In some other countries there is a list of concurrent policy of area where the both the federal government and states should cooperate. In case of any conflict between them, the usual practice is for the federal legislation to prevail over state/provincial legislation (Elliot Bulmer,2017).

### **2.1.1.3. Distribution of Executive Powers**

As the legislative powers are divided between the federal government and subnational units, its normal to split the executive powers between the levels of the government. In polities that are constitutionally organized to give effect to the federal idea the challenge of understanding executive power is greater still, in federal-type systems, executive power necessarily is shared between at least two orders of government, each with their own executive organs (Saunders, 2010).

The federal government is obliged to translate the legislation of the federal parliament into actions while the subunits are required to work around the legislations of its local legislatures. While implementing policies there will be area of inter-correlation where according to the constitution the federal government and regions should cooperate. It is better to cultivate the sense of cooperation and interdependence rather than going to sum-zero game, which will eventually, harms the national interest. The regions should

not act as rivals to the federal government but should be an important component in the carry out of federal programs (Jessica Bulman et al, 2009).

In some countries like Germany the legislative powers of the federal government are effective and larger than its extent than its executive powers. Provincial or subunits are subject to the legislators of the federal parliament. If well handled, this arrangement can provide unity in legislative frameworks while allowing discretion to the states over priorities in implementing laws (Elliot Bulmer, 2017).

In almost all countries adopted the federal system the federal government is the sole responsible for matters such as defense, foreign policy, citizenship, and immigration, and macro-economic such as currency and foreign trade. In the other tasks, there are variations among the countries on which level is responsible on undertaking a certain task. But there is general trend is for more recent federal constitutions to grant more powers to the federal level, consistent with an expanding role for government in modern societies (Irving, 2008).

#### **2.1.1.4. The Existence of Constitutional Court**

Constitutional court is an arbitration organ in case of misunderstanding between the organs of the federal government on the interpretation of the federal constitution. It's the resort of the subunits or ordinary citizens when there is a complain about what some one sees as a misconduct from the federal or state authorities. Using a constitutional complaint, anyone claiming to have had a fundamental right infringed by an act of the authorities may seek protection from the Federal Constitutional Court (Limbach, 2000).

Because of its significance role in resolving the deadlocks between the different levels of the government, the supreme or the constitutional court should be in respected place by all sides so the court should be independent, neutral organ with high competence. Invoking to the constitutional court could be an action directed against the executive branch or against legislative action, which is less common to happen.

## **2.2. Theories of Federalism**

In the literature of federalism a plenty of theories can be found, these theories are different from each other in the dimension and depth of analyse. In this section for the benefit of the study several theories are to be delt such as, the federalist papers, K. C. Wheare's Legal-Institutional Theory, Carl Friedrich's Process Theory, Fiscal Federalism Theory, William H. Riker's Bargaining Theory and lastly the theory of Federalism: Political Identity and Tragic Compromise by Malcolm M.Feeley and Edward Robin.

### **2.2.1. Federalist Papers**

The intellectual argument about federalism can be traced back to the late eighteenth century when the United States of America shifted from the confederation to the federal system after a bloody civil war, hence, from that time the federalism got attraction and debate in terms of its meaning and significance. The peculiar circumstances that surrounded the shift from confederation to federation in the United States of America in the years between 1781 and 1789 shaped and molded the nature of the subsequent intellectual debate in way which had far-reaching consequences for understanding one of the important historical innovations in modern government and politics (Michael, 2006).

The federalist papers where first contributions to the intellectual debate on federalism and federal political system and came to being through the collective effort of Alexander Hamilton, John Jay and James Madison. At first, the papers where intended to be an essays for publications in New York City News Papers. But finally expanded into a wide and useful collection of 85 papers and where published as two volumes in March and May 1788. The federalists were campaigning against the weak union or the confederation that existed before the adoption of United States' federal constitution.

According to federalist papers of 2 & 15, the system are adopted as a response to a military necessity and to prevent unfolding security threats. While the federal papers of 9, 10, & 17 states that federalism provides provide individual liberty, prosperity, and freedom, and guarantee a democratic form of government. The Federalists' account is a widely accepted explanation on why states should adopt federalism (Gebeye, 2010).

The federalist papers emphasized the idea that horizontally the three branches of the national government and vertically the division of power between it and the states would prevent excesses-states, among other power centers, would check and balance national authority (Nathan, 2006).

### **2.2.2. K. C. Wheare's Legal-Institutional Theory**

The Legal-Institutional theory is associated with K.C. Wheare who is regarded as one of the pioneer scholars of federalism and federal debate. Amadi et al (2017) contend that the discussion on contemporary federalism usually starts with K.C Wheare's postulations on the concept". Wheare's theory is classical theory reflects the American model of federalism where in late 18<sup>th</sup> century the thirteen former British colonial states came together in Philadelphia and agreed to unite under a federal system while the states retain some authorities, some other authorities were transferred to the central government. Wheare, evaluated the federalism as an "association of states, which has been formed for certain common purposes, but in which the member states retain a large measure of their original independence" (Wheare, 1953, p.1).

To ascertain that a system is federal or not Wheare set some features to be evaluated by saying that, "The test which I apply for federal government is simply this. Does a system of government embody predominantly a division of powers between general and regional authorities, each of which, in its own sphere, is co-ordinate with the other and independent of them? If so, the government is federal" (p.33).

When K.C Wheare was talking what necessitates for systems to be federalized or the pre-conditions before adopting a federal system he said that "Federalism is an appropriate form of government to offer to communities or states of distinct, differing nationality who wish to form a common government and to behave as one people for some purpose, but wish to remain independent and in particular, to retain their nationality in all their aspects" (p.35).

According to Wheare, the reason that sub-entities desire to join a federation is not only for the purpose of unity but also due to some other factors which pushes them to seek a federal union such as; the existence of sense of military insecurity and the consequent need for common defense; a desire to be independent of foreign powers, and a realization that only through union could independence be secured; a hope of economic

advantage from union. These half-dozen factors all operated in the United States, Switzerland, Canada and Australia, to produce a desire for union among the communities concerned. They operated in varying degree in each case, but they were all present” (p.37).

The Legal-Institutional Theory has been criticized by a lot of federalism academicians. K. C. Wheare’s legal-institutional theory of federalism has proven not to be a time-tested and a comprehensive theory going by his view of federalism as a federal principle of dividing power between the general and regional governments as spelt out in a federal/written/rigid constitution (Ogunnoiki, 2017). Wheare took into account only the federal cases of the some countries like United States of America, Switzerland, Canada and Australia thus he could be portrayed as Eurocentric because he failed to conduct a study of federal constitutions across the continents of the world, which makes his theory un-generalizable.

Finally K.C Whear’s theory has been criticized for what Riker (1975) called “extreme legalism”. Wheare, aside accentuating the constitution as a device that spells out how power is to be shared between the central and regional governments, he failed to take into account the sociological factor behind the adoption of federalism (Ogunnoiki, 2017). According to the critics of the Legal-Institutional theory, adoption of federal system has sociological elements, thus, federal system emerges as a result of differences in economic interests, diversity in religion, race and language or differences in historical backgrounds.

### **2.2.3. Carl Friedrich’s Process Theory**

Process theory is counted among the most pervasive and well-known theories in realm of federal arguments, where it contains the large debates over state building that emerged after the end of the World War II and during the decolonization process. According to the literature that emerged after the war, what nations need in order to survive is politically legitimate and functionally effective government (Feeley et al, 2006). The premise of the process theory is that, the government in order to avoid an opposition and get enhanced legitimacy and acceptance, should incorporate and embrace the preexisted sub national entities to the governance. Federalism in Friedrich’s view, is an essential means of incorporating into the national government

sub-national institutions- that is the regions or provinces into which all modern nations are divided (Feeley et al, 2006).

While articulating his perspective towards the federal system Friedrich stated that, “Federalism seems to most suitable term by which to designate the process of federalizing a political community, that is to say, the process by which a number of separate political organizations, be they states or any kind of association enter into arrangements for working out solutions, adopting joint policies and making decisions on joint problems or reversely, the process through which a hitherto unitary political community as it becomes differentiated into a number of separate and distinct political communities now separately organized become capable of working out separately and their own, those problems they no longer have in common” (Friedrich, 1963, p.9).

The process theory of federalism faced criticism form many federalism scholars. Friedrich’s theoretical proposition explained federalism in general term and secondly, by conceiving federalism as a dynamic process, it made it difficult to pinpoint a particular time when a polity can be said to practicing federalism (Ogunnoiki, 2017). While it’s correct to incorporate different preexisted sub-entities and broaden governance participation, but it does not distinguish the benefits of federalism from benefits of consociation and decentralization (Feeley et al, 2006). Friedrich’s approach portrayed the relationship between process and structure in ambiguous terms and it did not explain precisely how we could know for sure that a so-called federalizing process “had even begun” (Burgess, 2006).

#### **2.2.4.Fiscal Federalism Theory**

The economist Richard Musgrave introduced the theory of Fiscal Federalism in 1959. Richard Musgrave and other public finance economists focused on federalism in 1950s from their central insight which was that economic efficiency of the nation was partially determined by the way the public functions were assigned to different levels of government (Feeley et al, 2006). The theory assumes that federal system can be a useful system and effective when it comes solving the problems of distribution of income, efficient and effective allocation of resources and stabilizing economy. The underlying rationale of the theory is that, forms and procedures and vertical and horizontal revenue distribution play a significance role to realize efficiency and effective governance. This

goes back to the assumption that different taxation systems and dissimilar political structures result in diverse incentives that influence public choices in different ways (Weingast et al, 2003).

The theory posits that due to the flexibility of the federal system economic stabilization could be achieved through it. While allocation of resources to be left for the states and local administrations, the federal government intervention is indispensable to redistribute the output due to the economic uneven status of the states. By organizing the state federally, some benefits will be obtained such as; lower planning and administrative costs, competition among local governments favours organizational and political innovations; and more efficient politics as citizens have more influence.

According to the critics of the theory, the fiscal federalism theory does not illuminate about what necessitates adoption of federal system in certain countries rather it deals with the features of the federal system.

According Michael, (2006) in many ways fiscal federalism is a function of the national political economy and it serves to highlight several fundamental features of federation. The theory is an effort to explain institutional arrangements in terms of individual motivation and behavior, but can not confront the subject to describe the subject of federalism, thus, fiscal federalism is a managerial strategy (Feeley et al, 2006).

### **2.2.5. William H. Riker's Bargaining Theory**

One the famous theories in the federal scholarship is Riker's theory. Riker posited that people in leadership positions are rational and they seek what brings benefit for their self and people, thus their decisions are based on that rational and benefit purposes. He argues that federal system exists when 1) two levels of government the same land and people 2) each level has a particular area of autonomous and 3) the existence of constitutional guarantee of the autonomy of each level in the government. When Riker turned to the origins of the federal system or what causes the adoption of federal system in certain polity he underlined the bargaining between the strong and weak. The strong part takes the leadership against a foreign invader and guarantees the protection of the weak part in exchange of receiving the support and loyalty of the weak (Riker, 1964).

According to Riker before the bargaining there should be two preconditions the first one is the need of expansion from the strong part and secondly the existence of intense military conditions that presents threat to existence of the parts and consequently compels them to strike a bargain or reach a compact. The agreement between the strong and weak becomes necessary when the strong are not strong enough to defend the nation by themselves or even to subdue the weak and therefore must grant the weak partial autonomy in return for their support (Riker, 1964). The precise circumstances that necessitate such arrangement Riker argues vary according to the circumstances (Feeley et al, 2006). This set of assumptions and propositions, based upon the theory of rational political behavior, enabled him to claim at the very least 'a partially verified' political theory of their origins (Burgess, 2006).

Like, any other federal theory, Riker's theory has had a fair share of opposition and criticism. According to a numerous scholars, the idea of military threat as a factor that leads parts to unite under a federal system is baseless. According to Preston King (1982), the external-internal threat of Riker's theory is intuitively attractive' but analytically 'imprecise' and ultimately 'trivial'. The gist of King's critique of Riker was that the central case made 'for a strict correlation between the emergence of federations and the presence of a threat to local units is simply unclear (even self-contradictory) in what it maintains (Burgess, 2006). Also, the theory was criticized on its focus on decision makers as rational people, thus Riker ignored the sociological factors by which diversities among the society can be the compelling factor towards the adoption of a federal system.

### **2.2.6. Federalism: Political Identity and Tragic Compromise**

Malcolm M.Feeley and Edward 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 (Dale 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 there is 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 papulose as well as for the sub-units. The central government and its papulose 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).

### **2.2.6.1. Criteria for Federalism**

Having described federalism as tragic compromise opted to prevent disintegration of the country, Feeley and Rubin answers the question of when this pain full choice to be employed? and in what circumstances to resorted as the best alternative?.The authors display two criteria, which are; attitudinal criteria and structural criteria. Although the leaders of the center and the people that support the central unitary state have a say in the decision making but usually the leaders or people in the subunit are those their attitudes to be observed to determine the kind of the governance system to be adopted.

#### **2.2.6.1.1. Attitudinal Criteria**

The attitudinal criteria that show the direction of the people is the existence of large and significant people in a certain region that wants amalgamate autonomous federal state and ready to die for the mission. Also, besides peoples’ readiness to sacrifice their self, they have to be ready to kill opponents of the mission. The common sense tells that if people are ready to die for the mission of attaining quasi-autonomous regime, probably, they are ready to kill others in the other side of the fence. According to Feeley and Rubin (2009) these two criteria of dying and killing for the mission will generally occur together.

The willingness to die and kill certainly will lead to a total warfare, which takes different forms like gorilla war, and terrorist attacks against private or public scenes. If the region has the capacity to mobilize large people and technological facilities, which enable to fight against the central government with the hope of victory a total and open warfare will be engaged. On the other hand if the region that goes to have autonomy do not have the capacity that match that of central government and cannot defeat the center, the only choice is to resort to a gorilla war like what happens in most of the countries.

Also, another attitudinal criteria, which reveals the desire for federalism is the active resistance to the central government's authorities. Unlike, the desire for dying and killing, the active resistance is a nonlethal approach. This approach contains actions which are considered as criminal offenses in most of the countries such as interfering with the activities of government agents, destroying government structures, sabotaging transportation or communication facilities and harassing government officials and outsiders. Also, this kind of resistance might appear in non-violent ways such as demonstrations, organizing and mobilizing local communities, campaigns in the country or outside of the country and outreaching to the international organizations to support their mission.

The other attitudinal criteria, which figures out the need for a federal system is passive resistance. This approach of resistance ranks below the active resistance. It occurs when a significant proportion of a region's populous or leaders, while not prepared to openly disobey the central government, comply in a resentful minimalist manner (Feeley and Rubin, 2009). The passive resistance manifests in different forms such as regional officials may ignore the central government laws, avoid providing accurate information to the central authorities, citizens may refuse to cooperate with central government agents, escape from military services and refuse or cheat to pay tax due for the central government.

#### **2.2.6.1.2. Structural Criteria**

Unlike attitudinal criteria, the structural ones are observable and could be identified without looking to peoples' attitudes towards the central government or whether they desire a quasi-autonomy or not. Feeley and Rubin (2009) mentioned some important factors, which are relevant to federalism such as language, religion, ethnicity, culture and historical experience. These structural factors are varying in terms of the impact and power to push towards regime change. In addition to that, countries are different when it comes to the societal polarizing issue, while language represents the defining factor in some countries, in other countries religion or the combination of the two plays a pivotal role in determining political configuration and state structure.

Language and religion are the most structural criteria that induce federal system according to the majority of country cases where federalism became the resort. According to Feeley and Rubin (2009) and Rubin, they are capable of functioning as independent factors in the modern world although they usually overlap. Despite there is one language and culture in some countries but religious heterogeneity is enough to create serious divisions among the people, such countries are Irish, Lebanon and Ukraine. Where in some other countries language differences leads to a division and disintegration among the people, thus, demands of Quebec, Catalonia and Basque provinces of Spain, previous Tamils in Srilanka and many others are based on linguistic causes rather than religious differences. In some countries like Nigeria and Sudan, overlapping linguistic and religion have been the source of strong social cleavages.

The other two structural criteria that come after the language and religion are race and culture. Race doesn't stand independently but can overlap with language or religion as observed in many countries across the world. According to Feeley and Rubin (2019) race can exist as a suppurate from language and religion when people of two races have become intermixed in a greater extent and produce linguistic and religious unity, hence, this intermingle eliminates the geographical concentration necessary for specific people to require quasi-autonomous status. They argue that, multilateral nations have to resort to other kind of governance systems rather than federal system; the systems applicable to such countries are convocational system, democratic or human rights solutions to resolve their racial problems.

Two other factors, which are significant structural criteria are; different economic systems and different historical experiences. The existence of historical differences among the components prior the creation of the state may cause a need for federal system from some regions. But, usually the different historical situations do not generate by them self a quest for special autonomy within a federal state. Although, the different economic systems among the sub-units in most of the countries led to tensions based on particularistic agenda but have not been a drive towards a federal system. Altogether according to Feeley and Rubin (2009), while these structural differences spurred sectional tensions, surprisingly, they have not created demand for autonomy that linguistic or religious differences created elsewhere.

## **2.3. Other systems of governance**

There are several political structures that got a fair attention either in practical or theoretical examination. The systems of governance that are used in different polities have variations in terms of advantages and disadvantages based on the historical and circumstantial conditions. The main systems that operate in the world are; federal, unitary state, decentralized system, confederal and confederation. Because, federal system of governance is elaborated in previous parts of the chapter, the following explanations are related to other systems of governance.

### **2.3.1. Centralized Unitary State**

A unitary state is a government system in which all the powers are in a central polity that governs a certain country, thus the central government has a total power over all its other political sub-units. The unitary state is the extreme opposite to the federal system in which the power is constitutionally divided between the center and federal states or cantons. In the unitary states the central government may transfer some powers to the local governments through devolution but with the right to revoke or invalidate the powers devolved to the local governments in any time. A unitary state may involve the separation of powers horizontally, i.e., the separation of executive, legislative and judicial powers within a political unit. However, it will not permit the separation of power vertically, between a political unit and subunits (Manikkalingam, 2003).

Unitary states should not be confused with authoritarian states. In an authoritarian state, all governing and political power is vested in a single individual leader or small, elite group of individuals. The people do not choose the leader or leaders of an authoritarian state, nor are they constitutionally responsible to the people (Longley, 2020).

### **2.3.2. Decentralized Unitary State**

Decentralization has been at the central stage in the debates over the effective governance systems that could be an alternative unitary or federal state. The inclination towards the decentralization started after world war two and reached the peak with the technological development and the enhancement of information accessibility in 1980s and 1990s. Also, the shift towards the decentralization occurred due to the local

pressure for larger participation and autonomy in many countries. It has been an effective framework for industrial growth in China and India as it has been considered by governments as a way to increase efficiency and responsiveness.

It is often presented as a system suitable for reducing the extensive role of the state in general, by fragmenting central authority and introducing more intergovernmental competition and checks and balances (Bardhan, 2002). In addition to that the international institutions like World Bank and IMF have been encouraging and embracing the decentralization on the basis of its correlation with the democracy and broadening the decision-making process.

The concept of decentralization has a plethora of definitions but most of them are common in stating that it is the process where the central government transfers some of its authorities and responsibilities to the sub entities of the government away from the center. Decentralization is transfer of authority, responsibility, and resources through deconcentration, delegation or Devolution from the center to lower levels of administration (Cheema et al, 2007). The core of the decentralization is that, the central government creates a decentralized state institution and designates certain authorities with the scope of these authorities and jurisdictions. But, the central government can overturn or revoke the powers of devolved institutions by a unilateral decision by the central legislature.

The decentralization does not necessarily require a rigid constitution or strong judicial review, since most disputes between the center and the devolved regions can ultimately be resolved by political negotiations, not by judicial decisions (Elliot Bulmer, 2017). The decentralization is more flexible than other systems of governance like federalism, but this flexibility is dependent on the degree of confidence between the center and the sub-regions. If there is a lack-of trust between the center and the sub-regions, the decentralization will not be a viable choice.

Regarding the pros and cons of decentralization there are three perspectives namely: developmentalist, democratizing and centralist. From the developmentalist point of view the decentralization is pivotal in facilitating local community participation, enhancement of service delivery based on the needs of the local community, and to

educate people to become a responsible citizens. Also, decentralization improves public policy design; reduce conflict by helping people to accept government decisions; socially integrate the community; and make local economies more prosperous and more equitable (Yasin Olum,2014).

In the perspective of democratizers, the decentralization upholds greater citizens contribution to the governance by affording opportunity to the people in terms of policy formation and implementation. According to Burki et. al. (1999) the decentralization yields higher levels of government responsiveness, honesty, legitimacy, and tolerance among citizens because local officials have better knowledge of local conditions than central government officials and are thus better positioned to respond to local tastes and preferences.

On the other hand, the centralists list numerous flaws of the decentralization system. According to the centralists, the decentralization transfers the conflicts over resources and power to the lower levels which exacerbates the unpleasant situation. They argue that the clientelism and corruption is widespread in the local governments, thus this discourages the local community to participate in making the decisions. As central government loses the ability to rectify the deficiency of local government which misses the technical capacity, consequently, decentralization impairs the development. The difficulty of finding strong and consistent evidence of direct causal linkages between decentralization and many of the acclaimed benefits suggests that decentralization can be instrumental in promoting development and good governance, but it is not a *panacea* or an end (Yasin Olum, 2014).

### **2.3.3. Confederation**

Confederation is the union of sovereign states established to achieve a common goal or purpose considered to be a paramount significance for the wellbeing of the states. A confederation is a union for specific purposes of equal but independent states (Lewis, et al, 1995). Is a loser union of different countries where citizens are subject to their state rather than the confederal institutions, thus, the decisions of the confederation typically directed to the states which translate than into laws to be implemented. Representation tends to be organized on an intergovernmental rather than elective basis,

with each state government or state legislature sending delegates to the confederal assembly (Elliot Bulmer,2017).

The member country's tax base regarding the other members' tax base determines the weight of particular state's vote in the confederation. Usually created by treaty, the powers vested in the confederal institutions are limited in small areas like foreign policy, trade, and defense. Constituent states retain sovereignty thus making it a weaker union than that of a federation—but are obliged, by terms of the confederation, to adhere to policies (Elmi,2013). The states, which are members in the confederation, are able to veto the policies they consider as threat to their national interest.

Historically, confederations have often proved to be a first or second step toward the establishment of a national state, usually as a federal union. Thus, the federal union of modern Switzerland was preceded by a confederation of the Swiss cantons; Germany's modern federal arrangements may be traced to the German Confederation of the 19th century (the Deutsche Bund); and the federal constitution of the United States is the successor to the government of the Articles of Confederation (Britannica,2015).

Considerably, the power relations between the confederation and the member states are variant in a great extent where some looser confederal configurations resemble the international organizations, where some confederations have strict rules and regulations and resemble the federal system. Due to the nature of the structure and the relations, the confederations usually come short of providing strong executive authority, the member states keep their military and diplomatic representations with the right of the states to secede any time.

#### **2.3.4. Consociationalism**

Consociationalism is an approach for managing conflict in divided society democratically; it has a long history as a theory and a political practice. The term coined by Arend Lijphart (1969), is used as an effective tool through considering minorities, by ignoring the majority and territorial occupation. It means every community or sect has the same voice without regarding their number or territory and they have the veto

power to reject any decision, which jeopardize their interest. Majority domination is averted through power-sharing agreements and the formation of coalitions representing all groups in society is encouraged (Lijphart, 1977). Examples of non-territorial autonomy can be found in the various systems of personal-status law found in some multicultural or multi-religious societies (Elliot Bulmer, 2017).

In consociationalism there are two main characteristics; the grand coalition government in which representatives of all segments of the population participate the decision making through a delicately designed institution and the segmental autonomy. As its known, the consociationalism opposes the majoritarianism where decisions to be taken based on the majority-rule democracy. The plurality of the society is a prerequisite for a consociationalism. According to Lijphart (1981) four criteria may be used to determine whether a society is completely plural deviates from perfect pluralism to a greater or less extent on one or more of the four dimensions. The criteria are:

- In a completely plural society, it must be possible to identify exactly the segments into which the society is divided.
- It must also be possible to determine the size of each segment and how many people belong to each of the segments.
- In completely plural society, there must be perfect correspondence between segmental boundaries between the political, social, and economic organization.
- Political parties are one type of organization covered by the third criterion.

## CHAPTER THREE

### 3. Break Out of the Civil War

Somalia has experienced a civil war in early 1990s which culminated after the collapse of the central government and the overthrow of the military regime led by the Mohamed Siyad Barre as he was ousted from Mogadishu in January 1991, by the militias of United Somali Congress (USC) which had support from Hawiye clans in South-central Somalia. The gap created by the collapse of the state left the country under the control of merciless and fragmented warlords scrambling to seize the rural and urban assets as well as political gains. In late 1991 an intense fight broke out in Mogadishu between two factions; one led by Ali Mahdi Mohamed and the other led by General Mohamed Farah Aidid. During the fight nearly 30,000 people died in Mogadishu where thousands fled from their homes (Healy et al, 2010).

Events that surrounded the time between 1991 and 1992 were so devastating displacing over 1.5 million people and leaving 25000 others dead (Healy et al, 2010). Within a short time, the country became without a state that imposes rules and regulations and provides services, thus the law of the jungle prevailed. In the midst of devastating war among the clans, a severe drought which was caused by plunder of private and public goods, the destruction of social and economic infrastructure, clan cleansing and disruption of humanitarian food supply chain claimed the lives of people estimated 250,000. According to Healy, et al (2010) "Those who suffered most came from the politically marginalized and poorly armed riverine and inter-riverine agro-pastoral communities in the south, who suffered waves of invasions from the better-armed militia from the major clans.

After incessant international pressure, the warring factions in Southern Somalia accepted a UN led humanitarian operations to help those who are in dire need for food before they vanish. A ceasefire was reached, and the UN teams and observers commenced to organize humanitarian effort there. In April 1992, the Security Council adopted its resolution of 751 (1992), upon that resolution, it has been decided to establish a United Nations Operation in Somalia (UNOSOM). Although the operations

faced challenges from the militias scattered in large geographical area of the country, but it succeeded to spare the lives of millions. However, when the undertaking proved the extremely challenging environment represented by the continuous fight among the warlords and cruel acts towards the humanitarian operation, a military intervention was at the quest.

Subsequently, the president of the United States of America George H.W. Bush in his last days in the office proposed to send American troops to Somalia for the purpose of protecting the humanitarian operations in Somalia and the proposal was accepted by the UN. At the auspices of US leadership, the UN succeeded to muster 30,000 troops. Ostensibly launched for humanitarian reasons, the intervention also responded to the challenge that the collapsed Somali state posed to a supposed 'new world order', proclaimed by President George Bush at the end of the Cold War (Sally Healy et al, 2010). On the other hand UNOSOM failed to yield any positive results in its efforts to mediate between the warring factions to realize an environment favorable for reviving the state.

Eventually, after three years of costly fighting with General Mohamed Farah Aided, the UN mission in Somalia came to the end in 1995, after the withdrawal of US troops due to the shoot down of Black Hawk helicopters and the killing of eighteen soldiers on board. The ensuing years of the withdrawal, the International Community disengaged from Somalia until the eleven September, 2001 when the World Trade centre in New York and the Pentagon were attacked by Alqaida.

### **3.1. Causes of the Civil War**

When the decolonization started, and new African states emerged the civil war became a prevalent plight in the continent. That is, the majority of the countries witnessed a kind of civil war that claimed the lives of thousands and displaced millions from their villages and homes. Elbadaw et al, (2000) noted "Over the last 40 years nearly 20 African countries or about 40% of Sub Sahara Africa have experienced at least one period of civil war". This created an outside understanding of Africa as an ill-fated continent in captive of its violent ethnic and tribal conflicts.

The approaches of explaining the phenomenon have been divergent. While some scholars looked from the lens of the globalization as a cause for the unrest in the continent. Kaldor (1999), described it as a “new war, “and noted that “During the 1980s and 1990s, a new type of organized violence has developed especially in Africa which is one aspect of the current globalized...I describe this type of violence as a new war.”, (P.1). Other scholars gave different causes, like the failure of political institutions, the ethnic diversity and hatreds, the greed of the elites for the resource and power, the inadequate state authorities, the inequality, and grievances. (Mudane,2018).

Similar to other numerous African countries Somalia experienced a devastating civil war since 1988 and reached the peak when the central government totally collapsed in 1991. After the downfall of the dictator regime led by Siyad Bare the opposition which was organized on clan bases failed to unite to fill the gap and restore the institutions. In the mayhem that followed, each faction in the opposition forces unilaterally claimed victory over the regime, causing the country to descend into a civil war (Abdi Samatar,1992). The consequence of the state collapse was awfully bad in terms of the disarticulation of the social fabric and destruction of the basic social service such as health, education, and public security. As a result, the country became synonymous with failed state, terrorists, warlords, famine, tribal wars and even pirates (Mudane,2018).

The factors behind the Somali civil war have been debated among the scholars and different angles were looked to the issue, thus, different theoretical explanations were used. Scholars evaluated the state collapse and the conflict in Somalia from different perspectives in accordance with their schools of thought. The studies in the field of explaining the Somali civil war since 1980s fall in to three inter-relating categories Cultural, Political and Economic. Elmi et al, (2006) proposes root causes and contributing factors to the eruption of the Somali civil war. The root causes were competition for resources and/or power, a repressive state, and the colonial legacy, where they regarded the politicized clan identity, the availability of weapons, the large numbers of unemployed youth, and certain aspects of the Somali culture that sanction the use of violence as a contributing factor to the conflict.

Lewis (2004) emphasized the role the clan identity in the collapse of the state and mayhem that ensued. Lewis argued that the conflict was caused by what he called the “of out-of-date kinship loyalties, unfitting for the modern age and hostile to progress.”. Lewis and his fellow scholars from the primordialism school blame the structure of Somali social bonds represented by the genealogical kinship, as the sole cause of the destruction of the Somali state. Lewis contends that the sense of clan identity has developed into clan-nationalism. In contrast to the argument of Lewis, Abdi Samatar (1992) argues that “the opportunistic methods by which groups and individuals have marshalled support to gain or retain access to public support has finally destroyed the very institutions that laid the egg.”. Samatar’s argument underlines the role of elite who are competing for the resources and power through manipulating the public in destroying the Somali state, thus in this context the clan identity become an instrument for realizing a goal by the elite.

Badiyaw (2017) displays perspectives looked to Somalia when explaining the collapse of the state and breakout of the conflict. These perspectives include the impact of the Cold War and dried foreign aid, Somali irredentism, and war with Ethiopia, primordialism, resource overextension, moral degradation, and eclectic factors.

### **3.1.1. The Impact of the Cold War and Dried Foreign Aid**

Somalia locates in important position geopolitically, its northern coast borders the Gulf of Aden and the narrow strait, which connects the Indian Ocean to the Mediterranean Sea, and % 40 of global shipment passes through the strait. Due to the strategic location that Somalia located in the Horn of Africa, the country became a hot spot competition between rivalry powers immediately after independence in 1960, particularly US and Soviet Union competed over Somalia after the independence where each of the two-power courted Somalia by financial and military relief. However, the Soviets won when Somalia precipitately signed a military agreement worth \$30 million in 1963 (S. Chirumamilla, 2011).

Also, the Soviet Union outbid the West by agreeing to expand the Somali army from 4,000 to 20,000 in comparison to the provision of \$10 million for military aid and training 5,000-6,000 army promised by the USA and its NATO allies ( Badiyaw,2017).

The Soviet Union became the big brother of Somalia especially after Siyad Barre came to power through a military coup in 1969 where he took further steps by adopting the scientific socialism as the ideology of the state. Only when the Somalia-Ethiopia war broke out in 1977-1978 the Soviet Union ended their support to Somalia. US took the advantage by offering Somalia a financial and military support, where estimates tell that Wastion gave Somalia nearly \$500 million of military aid during 1980s.

Arguably, when the Cold war ended with the disintegration of the Soviet Union in 1990, Somalia lost its strategic importance as it used to be in the seventies and eighties. Consequently, Somalia missed the financial and military aid that poured from the superpowers. Once the Siyad Barre regime lost the foreign aid his regime became weak and the downfall started automatically where the insurgent militia easily overthrew the regime in 1991.

The explanation of state collapse in Somalia based on the end of the cold war and ensued foreign aid shortage is an approach for many scholars. Ahmed Samatar (1996) states that "Artificial states without a strong social base of support, resource or popular legitimacy often survived during the cold war thank to the super power patronage and international norms that favored stability and sovereignty". And that is why According to Ahmed Samatar, several states collapsed after the end of the cold war, because of the withdrawn external support while the societal demands for economic advancement and better governance increased. Walter S. Clarke and Robert Gosende (2000) contends the role pivotal role of the end of the cold war to the collapse of the Somali State, the wrote, "Somalia's failure may be only partially related to the end of the Cold War". In spite the significance of the foreign aid to the very existence of the Somali weak state, but its not the only factor which precipitated the collapse of the state and start of the prolonged civil war.

### **3.1.2. Irredentism and War with Ethiopia**

After the independence of the British and Italian Somali territory and the formation of the Somali Republic in 1960, the newly born state embarked to search the missing territories. The other "missing territories" included the Somali-inhabited areas in the current Republic of Djibouti, Region Five or the Somali Region in Ethiopia, and the

Northern Frontier District (NFD) in Kenya. The newly independent country with huge financial and capable human resource scarcity, has to face the big moral dilemma of letting their brothers under a situation they did not wanted to live. After independence, the other assignment for the Somali Nationalists was to uproot the artificial borders with their blood brothers sat by the colonial powers. Instead of working and investing money and energy to the state building and economic advancement the newly born republic turned to liberate the missing territories by hook and crook, which had a caused bad ramification in later time.

Due to the burden of the Great Somalia mission and the relative military and financial superiority of neighboring Ethiopia, the republic of Somalia had to seek external support in the peak of the cold war competition. While the capitalist block led by the United States of America was reluctant to support Somalia, the Soviet Union filled the gap and donated financial and military assistance to Somalia. Pursuing the vision of "Greater Somalia", the newly independent state of Somalia was encouraged, manipulated, and absorbed into the Cold War by the two superpowers competing for the supremacy of the strategic Horn of Africa (A. Badiyaw, 2017). The hostile environment between Somalia and its neighbor countries led to eruption of two deadly wars between Somalia and Ethiopia first in 1964 and second in 1977.

In 1977 the Somali military and the Western Somali Liberation Front a gorilla movement supported by Somalia are waged war against Ethiopia. As the two countries were a member of eastern block the Soviet Union tried to prevent any severe war between the two-communist state, but President Siyad Barre could not accept any deal which concedes from the rights of the somali people in Ethiopia. Ethiopia- They captured most of the territory that inhabited by the Somali people. A coalition of Soviet Union, Cuba and other member states of the eastern block made intervention in favor of Ethiopia. The internationalization of the war led to a disastrous defeat for Somalia, leaving behind catastrophic results for both inside Somalia and to larger horn Africa region.

On the other hand, Somalia failed to justify its war with Ethiopia to the outside world. The Organization of African Union (OAU) was against the Somali claim of the Somali territories in Ethiopia, hence the backed Ethiopia morally. As I. M. Lewis (1989)238

“Except some handful countries Somalia failed to persuade the world the intention of its invasion into Ethiopia thus what seemed to be a justice and understandable turned to be a total miscalculation. Somalia was thus by all sides cast in the role of aggressor and little or not attention paid to the claims to self-determination of the Ogaden Somalis”.

After severe war, Somali troops withdraw from Ethiopia with the sorrow of defeat. After the withdrawal and the defeat of the Somali National Army, hundreds of thousands of Somalis escaped from Ethiopia and flooded into Somalia, the Somali government had faced the burden of this refugee and established National Refugee Commission (NRC).

Immediately after the end of the war, Somalia witnessed a downfall in the economy, the value of the Somali currency decreased dramatically where the inflation reached a staggering level. The first armed militia against the Somali government was established in Ethiopia, that was the start of the decline where other clans started to initiate their armed oppositions. Arguably, the policy of the Somali government against those armed groups fanned fuel to fire up to the collapse in 1991.

Jeffrey A. Lefebvre (1993) wrote: —Ironically, Siad's demise and the disintegration of the Somali state were not only a consequence of clan politics but also attributable in part, to Somalia's irredentist foreign policy, principally the aspect of it aimed at Ethiopia. The war with Ethiopia in 1977-1978 was a devastating one for Somalia politically, economically, and socially. The war did not lead to the liberation of Somali territory as a part of realizing the noble dream of Great Somalia but precipitated the total collapse of the republic, which descended to unprecedented bitterness and destruction.

### **3.1.3. The Oppressive State**

The military regime that came to the power through a coup in 1969 have been given responsibility when explaining the collapse of the Somali state. The revolutionary council which ruled the country under the leader of General Mohamed Siyad Barre realized a modicum achievement in area of institution building, education and gaining the peoples' trust to the state. On the other hand, the military regime outlawed all political activities and all political adversaries became either in custody or escaped from

the country. The oppression of the dissidents, extrajudicial killings, the arbitrary arrest of adversaries paved the way for emergence of armed factions. Accordingly, after the Somalia-Ethiopia war in 1977-1978 and particularly in 1978 several military officers from the Majeerteen clan attempted to overthrow the military regime but they failed. After the failed coup, the government initiated a military campaign against the Majeerteen clan which the officers of the failed coup belonged and inhabited in the central and north eastern regions of the country.

As reaction the failed coup d'état the government intensified its repression, extrajudicial summary execution, and collective punishment of clans though to have supported the insurgents. As a result, many Majeerteen fled into exile where some joined armed opposition groups that later merged to become the Somali Salvation Democratic Front (SSDF) (Ahmed Samatar, et al, 1995). According to Abdi Elmi & Barise (2006), this event was the beginning of Somalia's civil war where other clans such as the Isaaq, Ogaden, Hawiye and Digil and Mirifle also started opposition groups in order to seize power. In the decade of 1980s clan based armed factions were formed to fight against the military regime. Those factions were, Somali Salvation Democratic Front (SSDF) (1978),<sup>27</sup> the Somali National Movement (SNM) (1981), the United Somali Congress (USC) (1989), and the Somali Patriotic Movement (SPM) (1988).

As a result of premediated repression from the military regime and economic decline intellectuals, businessmen and political leaders hailed from Isaq clan in the north formed Somali National Movement (SNM). In the fight of 1989 between the government and SNM forces, the government unleashed its brutality, the second largest city of Somalia Hargaisa laid in ruins. The Somali government used scorched earth policy in its fight against the SNM gorilla where thousands of civilians have been killed. More than that according to Daniel Compagnon (1990) the regime unleashed loyal Ogaden clan militia, once armed to fight Ethiopians, to attack the civilians hailed from Isaq clan. The Somali government were accused of atrocities against the civilians during the war continued for a decade. Although the government regained the control of the destroyed urban cities, the countryside of the northern part of the country was controlled by the SNM.

The excessive use of power by the military regime did not limit the proliferation of the insurgent factions rather the armed opposition emerged in every part of the country. With the disintegration of the country and the takeover of the armed opposition in north and central regions, the chaos reached to the south and suburbs of the capital city Mogadishu. Finally, the USC forces overran the presidential palace of Villa Somalia in Mogadishu on January 26, 1991, and the military regime came to a disgraced conclusion (A. Badiyaw, 2017).

<b>Historical Period and causes of the Collapse</b>	<b>Factors of the State Collapse</b>
Original Causes (1880s-1960)	<ol style="list-style-type: none"> <li>1. Colonial division of Somali territory into 5 parts</li> <li>2. Social segmentation of the Somali society into clans</li> <li>3. Economic under development and lack of trained human resources</li> </ol>
Operational Causes (1960-1978)	<ol style="list-style-type: none"> <li>1. Policy of irredentism (Greater Somalia)</li> <li>2. Cold War and superpower rivalry in the Horn of Africa</li> <li>3. Conflict with the neighbors and politics of militarism</li> <li>4. Economic under-development</li> <li>5. Injustice, corruption, and moral degradation</li> <li>6. Military dictatorship and political clannism</li> <li>7.</li> </ol>
Proximate Causes (1978-1991)	<ol style="list-style-type: none"> <li>1. War with Ethiopia and defeat of Somalia</li> <li>2. Decline of nationalism and emergence of factionalism.</li> <li>3. The end of the Cold War and cutting foreign Aid.</li> <li>4. The civil war and armed factions supported by Ethiopia</li> </ol>

**Table (1). Cumulative factors of Somali state collapse. Source: Badiyow, (2017).**

### **3.2. Primordialism Explanation**

Primordialists argue that individuals which constitutes the society have a single identity whether its ethnicity or clan which do not change due to the historical process, while opponents argue that individuals could have multiple ethnic identities which are socially constructed and subject to historical process. Thus, anthropological school of thought considers the primordialism as the single cause behind the state collapse in Somalia 1991. They believe that the answer to the question of why the Somali state collapsed? lies in the root nature of Somali kinship and clannism. The proponents of this school include some famous scholars in the Somali studies like, I.M. Lewis, Said Samatar, Anna Simons, and Okbazghi Yohannes. The argument of primordialism is based on the segmentary lineage of the Somali social structure which they believe is contradicts with the modern state which is based on citizenship and loyalty to the state.

Said Samatar (2005) underlines how the segmentary lineage overrides any other Somali social norm he states that “Somali polity is shaped by a single, central principle that overrides all others, namely the phenomenon that social anthropologists call the Segmentary lineage system”. Also, Lewis (1994) states that “The collapse of the colonially created state technically represents a triumph for the Segmentary lineage system and political power of kinship”. The statement ignores all other factors that may contribute the dilemma of the Somali state that necessitates a social transformation in a way the social structure could be compatible with the modern state.

### **3.3. Instrumentalist Explanation**

The instrumentalist approach of explaining the collapse of the Somali state opposes to the primordialism. Their argument is that, the civil war that broke out in Somalia in 1991 was not created by the genealogical divisions and rivalry based on clan and kinship but rather the elite manipulation of the masses through exploitation of the clan to realize political objectives led to the state collapse and prolonged civil war.

A. Badiyow, Ahmed Samatar and Abdi Samatar are leading scholars in the field of Somali studies, they refuse the proposition of primordialism school of thought. A. Badiyaw (2017) states that “Somalia is a nation of clans in search of a state, and clan system can be used negatively or positively in nation-building, it can be used as a

conflict tool or a peace and conflict resolution mechanism. A. Badiyaw in his remarks rules out the characterization of the clan system as antithetical to the modern state and contends the possibility of utilizing the clan system for peace building and conflict resolution. Ahmed Samatar and Terrence Lyons (1995) argued that the underlying factors which are the root causes of the Somali mayhem, are “the disintegration of political institutions and the resulting chaos and insecurity.

Also, Abdi Samatar blames the elite as the ones responsible of the destruction. Abdi Samatar (1997) states that “The Somali nightmare is not the result of genealogical divisions among the population but of the narrow accumulation strategies of the elite.”. Similarly, Menkhaus (2003) blamed the political players for their role in state collapse and prolongment of the chaos. He stated, “Somalia’s crisis of state collapse, armed conflict, and lawlessness has endured because that is the outcome key players seek”. According Menkhaus those elites include warlords, businessmen, and politicians were successful in exploiting through what he called “clever manipulation of clannism”.

### **3.4. From Civil War to a Federal State**

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 Somali state building. The 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" (Matt Bryden, 1999).

Again, the idea to establish a federal system in Somalia was put forth in Djibouti reconciliation conference in 2000. A lot of disagreements raised among the conference participants, the motion polarized Somalis and divided them between those who support the federal as the best system suitable for the time been 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 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 first federal government saw the light in 2004 and named the Transitional federal Government of Somalia (TFG). 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. The implementation of the federal system encountered insurmountable challenges.

In 2012 Somalia came out from the transition after the 275 of the parliament elected Hassan Sheikh Mohamud as the first non-interim president since the collapse of the state in 1991 and the government was named the Federal Government of Somalia “FGS”. This process was different from earlier ones in two important aspects: 1) it was the first time an entire government had been created inside Somalia since the 1960s, and 2) it ended the transitional governments that had existed since the beginning of the conflict in 1991 (Osman, 2015). Ever since, federalism has been a bone of contention, not least due to ambiguities over which political entity is to lead the process of establishing federal member states (Balthasar, 2014).

The FGS was officially recognized by the international community which 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 US has granted official recognition to the Somali government in Mogadishu (Watkins, 2013). Also, in 2013 the former president of Somalia Hassan Sheikh has met with Barack Obama, the former president of United States of America, the meeting revealed a paradigm shift happened in the attitudes of the international community towards Somalia.

Meanwhile the International Community changed its rhetoric around assistance to Somalia and an increased emphasis on Somali ownership of development priorities. The donors started to deal directly with the federal government of Somalia rather than

coming through a third party particularly the NGOs based in Nairobi or the local organizations, which have links with them. This was a significant development that created space for the FGS to assert a degree of authority over aid allocation, but it also had raised fundamental questions about the meaning of “ownership” in context of a highly- fragmented state and how “Somali priorities” are determined (Zimmerman, 2014).

During the leadership of Hassan Sheikh Mohamud, the establishment of the federal states has been launched except Puntland, which existed since 1998, and Somaliland, which claimed one-sided break away from Somalia. The process of creating most federal states has been fraught with delays, contestation and confusion. Under the provisional constitution, all federal states must be built from among the 18 regions that existed prior to the civil war. Two or more regions may merge to form a Federal Member State,” according to the constitution. Besides Somaliland, which declared a one-side independence from Somalia since 1991, currently there are five federal states, Puntland State, Jupaland State, South West State, Galmudug State and Hirshabelle State.

### **3.4.1. Federal Proponents’ Argument**

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 mostly belong to the periphery regions, the federal system prevents the reemergence of the 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.

#### **3.4.1.1. Solving Mistrust**

The military regime that ruled the country for more than twenty years left a deep societal and political mistrust, which permeated every aspect of the life. The mistrust manifested in wrestling on power and resource, where the elites of every clan tried to

prevent to be subjugated by other elite clans. The international intervention to ease the mistrust among Somalis have not been pacifying one, rather its intervention deepened the social cleavages in Somalia. From 1993 when the UN Security Council invoked chapter VII of the UN charter and unanimously adopted the resolution 814 (1993) which allowed the UN to expand its role in Somalia, up to the Ethiopian military intervention in 2006 to quell the Union of Islamic Courts (UIC), although slight improvements in state-building but almost the intervention failed to remedy the mistrust among the Somali clans.

The kind of government system to be adopted have been the cornerstone in the state formation hassles, the clans inhabit in the Northeast had their own administration even before the establishment of the transitional federal government “TFG”, so they campaigned and defended a decentralized system, their support of decentralized state esteemed from the past experience inherited from the unitary central government. Likewise, clans in the Baay, Bakool and Lower shabeelle showed a centrifugal tendency by supporting the federal system, also their support of the federal system stems from the negligence those regions witnessed during the subsequent unitary centralized states and the atrocities happened in those regions after the collapse of the state.

In the north there is Somaliland, a self-declared state, but internationally considered as a party of Somalia. One of the motives to separate from the rest of Somalia is the atrocity committed by the military state against the people in those regions in late 1980s. Given the cleavages and severe mistrust exist; any political settlement between Somalia and Somaliland will probably give consideration to kind of decentralization mainly the federal system. According to the proponents of the federal system, only through a federal system could be regained the trust that vanished before thirty years.

### **3.4.1.2. Greater Participation**

The federal system have been considered to be inherently more democratic than a unitary system, simply because there are more levels of government for popular opinion to affect (Bell, 1999). By not centralizing all power into the hands of a national government, but sharing that power with sub-units, which are closer to the level of the

common citizen, it will increase the citizen's ability to affect their government, government policy, and lawmaking (Wiseman, 2014). In Somalia the public haven't had any role in the decision-making process on the issues related to their respective regions or districts. Everything was imposed by the central government whether its nominating commissioners, security, and the formation of policies related the social services like education, healthy, electricity and sanitation. So, there is strong demand for democratic participation – people want to elect their local, regional, and national leaders (Afyare Elmi, 2006).

Robust public participation in decision-making will enhance their sense of civic belongings and ownership and consequently that will strength the legitimacy, bolsters democratic awareness and effectiveness. By widening the public participation, the federal system will give a space to previously underrepresented communities in federal or state level. Hence, instead of blaming the central government for the negligence or malfunctioning in performance the communities will have their share when to blame due to a failure and they will penalize the federal or local representatives they elected.

### **3.4.1.3. Access to Government Services**

According to the proponents of the Somali federation, one of the advantages of the federal system is its wider government services, which reaches the periphery regions. Enlarging the power-sharing base through federation, will allow different communities to get services in their district or villages, without need to go to the capital city as it was during the unitary central government. Also, federal system will instigate competition among different regions in innovating and experimenting a new policies and ways to solve problems.

Historically Somalis have been forced to travel to Mogadishu to acquire a passport or other vital services (Afyare Elmi, 2006). During the unitary central governments, everyone should have to go to Mogadishu to get higher education, health facilities or certificate of birth. The policy of gathering the services in Mogadishu resulted to an overpopulated capital city, and brain drain in the periphery cities where human shortage became visible. Afyare Elmi (2006) contends that limiting the access to the services in

capital was commonly viewed as a further evidence of central government's desire to consolidate control over the country.

#### **3.4.1.4. Developmental Motives**

According to pro-federalists, enabling the sub-units to initiate their own strategies and policies in order to respond the challenges in their respective regions or states, will make the people the people feel confidence that they have the ability and opportunity to enhance their life. Also they contend that, development will not be limited in the center where the elites and government bureaucracy have their bases. Federal system may encourage more geographically diverse economic and social development, in contrast to a unitary state where everything money, power, culture gravitates to the capital (Elliot Bulmer, 2017).

Certainly, Somalia has untapped reserves of natural resources, including uranium, iron ore, tin, gypsum, bauxite, copper, salt and natural gas. The northern coastline, with natural deep-water ports, faces one of the world's busiest shipping lanes. Fertile soils in southern Somalia offer strong agricultural potential. The livestock sector, supporting the livelihoods of more than 65 per cent of the population, already accounts for the majority of Somalia's export earnings though still holds strong potential for growth (Afyare Elmi, 2006).

Also, Somalia has a huge oil reserve; it's expected to generate huge revenue for the government treasury when it's discovered. If oil of commercial quantity is discovered, it is likely to compound regional competition for resources. This will have a profound impact on both demands for greater local autonomy and efforts to maintain centralized government (Elmi, 2006). Federalists argue that, in order to exploit these resources effectively a system that encourages local people to work and compete with others is indispensable.

#### **3.4.2. Federal Opponents' Argument**

On the other hand, the opponents of federal system argue that, the federal system is counterproductive to 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 differences do not exist were Somali people are one ethnic, has one language and religion. Among the factors that might/would justify federalism for any given country are: the existence of unbridgeable and irreconcilable ethnic, religious or other cultural differences, and/or geographical barriers that would make inter-action/interconnection among the inhabitants difficult or impossible- fortunately, none of such factors exist in Somalia (Abdirazak H. Hussein,2011).

The opponents of the federal system have great concern towards the unity of the nation if the system is adopted. Similar to that, in his essay, Abdirahman Hersi (2006) states that " Those who insist on federalism may wish, wittingly or unwittingly, to dig a grave for the Somali state that they purport to have been trying to revive". Dr. Hersi concluded with a clear forewarning by declaring: "Without doubt a federal system of rule is the ultimate, i.e. the most effective prescription for Somalia's natural self-destruction"

Since the collapse of Somali state in 1991, the two countries Ethiopia and Kenya played a crucial political role in the wake of government collapse through organizing numerous reconciliation conferences for the Somali greedy politicians back then. Ethiopia, initiated the "Building Block" policy, which affirmed the importance of building disintegrated regions in the first stage which later will be a member of a decentralized state. With the complication of the Somali case and the failure of the reconciliation conferences, the concept of the Building Block was tabled. The proposal was first coined in a position paper drafted in the late 1998 by the Ethiopian Ministry of Foreign Affairs (Badiyow, 2017).

In 2002 Ethiopia succeeded to convince the IGAD member countries to convene another reconciliation conference for the Somalis. Initially the aim was to reconcile between Transitional National Governments of Somalia (TNG) and its political adversaries, particularly the warlords. Based on that bases, the TNG and Djibouti accepted to participate the conference. TNG assumed the neutrality of Kenya, hence, agreed the conference to be hosted by Kenyan government. Surprisingly, due to Ethiopian political pressure the nature of the conference been changed from one intended to reconcile the TFG and the Warlords to completely new one. Ethiopia had the authority in preparing the list of conference participants, thus numerous of Somali

intellectuals and political figures are excluded from the list due to their anti-Ethiopian sentiments as Ethiopia professed.

With the alliance of the Somali warlords, Ethiopia realized a milestone achievement in the process of the state Somali formation. Among the first are the endorsement of the change from a unitary state to federalism without any nationwide discussion or referendum, an open invitation for endless clannish intrigue for regional status, the affirmation of an exaggerated number of seats in the new Parliament initially 337, later reduced to 275 for the lower house and 113 for an upper house yet to be set up (Ahmed I.Samatar, 2008). Among the results of the Ethiopian organized conference was, a new name for the country Somali Federal Transitional Republic.

Both Kenya and Ethiopia, the main voices in the regional political group, the Intergovernmental Authority on Development (IGAD), would be quite willing to accept the balkanization of Somalia with five or six regions linked in a weak confederal structure (David W. Throup,2012). The U.S. government formalized this approach in what it called the 'Dual Track Policy' in Somalia. Given the incapacity of Mogadishu-based governments to extend authority far beyond the capital and other major cities, the approach to working with non-central-state actors in Somalia can be explained in practical, as opposed to ideological, terms (Afyare Elmi, 2006).

The imposition of the federal system did not come into being solely from local deliberations, but it's been encouraged from outside, from the neighboring countries for the sake of their national interest and from the donor community as viable alternative for stabilization and good governance. While the 'good governance' agenda largely corresponds with some of the domestic drivers for decentralization, the promotion of existing or emerging subnational entities, suiting practical or domestic purposes, threatens to complicate the process (Elmi, 2006).

## CHAPTER FOUR

### 4. Theory Application

In this chapter aims to apply the concepts of the theory “Federalism: Political Identity and Tragic Compromise” to the Somali federal case. The theory initiated by Malcolm Feeley and Edward Rubin (2008). The application of the theory’s concepts is a new approach to the explanation on the causes behind the adoption of the controversial clan based federal system in Somalia since 2004, when the first Transitional Federal Government (TFG) was installed in the neighboring country Kenya. The application of the theory’s concepts to the Somali federal case aluminates the genuine factors that is behind the creation and the continuation of the strange system after the collapse of the state and the breakout of civil strife. The concepts that are in regard for application are: political identity, attitudinal criteria, and structural criteria.

#### 4.1. Political Identity

In their book of federalism: political identity and tragic compromise, Malcolm Feeley and Edward Rubin (2008), present a theory of federalism which is based on the concept of political identity to answer pivotal questions related to federalism such as, why of federalism? When and where does federal appear? And what are the reasons of its creation and continuation? Thus, examining the concept of political identity by linking it to the social political circumstances is very crucial to layout foundation for comprehensive answer for the kind of previous questions.

Political identity is the aspect of identity that connects individual with politics, that is with some group that exercises governance in a given area or competes for the ability to exercise governance (Feeley et al, 2008.p: 9). This definition underlines the existence of certain groups that controls the government or the situation where some groups in the opposite are going to pursue power to achieve particular identity-based missions. Although identity is simply the person’s self-interpretation, but it’s socially constructed and can have many forms, thus under one state, citizens could have sense of belongs to their region, religion, ethnicity, cultural group or clan in the Somali case.

But when different identities claim its right to have a special political autonomy due to any reason over certain geographical area at that time politics and identity are interlinked and federal structure may needed as settlement.

In Somalia the basic element of identity besides the Islamic religion is the clan which is patrilineal descent shared by certain group of people (Said, 1994). But, because Somalis affiliate to Islamic religion hundred percentage, the religion is not the base of power and resource sharing, only the pluralism in clan identity serves as a suitable instrument to be used by the elites in order to protect the clan's interest as they claim. Hence, segmental lineage structure (clan) have to be analyzed and conceptualized in order to create a framework of the logics behind the adoption of federal system in Somalia. Also, the relative advantage that certain clans have, such as geographical concentration, narrative and resource has to be checked, because without supporting elements, barely any clan based argument can push towards a certain system of governance (Samatar, 1988).

*The basic reason that nations adopt a federal regime or maintain a federal regime that was adopted in prior era, we argue, is to resolve conflicts among citizens that arise from the disjunction between their geographically based sense of political identity and the actual or potential geographic organization of their polity (Feeley, et al, p:38).*

Proceeding from the above statement, certainly, there is a huge mistrust among the elites who represent clans- the mistrust spills over to the polity that is supposed to unite all of them, which is the state, hence, each of the powerful dominant clans obtained a particularistic geographic based sense and avoids potential lethal central government like the military regime of 1969-1991. The prolonged civil war among the clans that dominates considerable geographic territories further entrenched the social cleavage and strengthened the particularistic clan based politics of identity. Consequently, there have to be a system that could incorporate the contradicting agenda of the elites and able to reduce the mistrust.

This theory in consideration postulates that, federalism can solve the disjunction between the peoples' political identity which is associated with the clan's territory and

the general state they belong to, which means the division of the citizen's loyalty. According to Feeley and Robinson:

*Federalism, as a concept, serves as a means of modulating or varying political identity, it thus, expands the range of psycho political resources available for creation a political regime (Feeley et al, p:15).*

Political authority is the power held by a political entity to require action and claim obedience to its rules (Landemore,2011). Because, of the nature of the political authority as the process of obtaining authorized monopoly of force, the contradicting clan based political identities in Somalia have no confidence to each other, thus, every sect works hard in order not be excluded. As the clan represents a significance social factor that permeates and overlaps with every other social sector particularly with politics, its paramount to examine the clan's nature and its pivotal role in identity formation in Somalia.

#### **4.1.1. Clan Identity**

There is no single issue that is been debated incessantly in the academia and among the Somalis like the clan and clan system, because its explanation significance for understanding the political and social context that prevails in the most of the of the time (Hassan,1988). Because, 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 (Said, 1994). The simi-desert conditions with hardship living style characterizes the Somali people in the horn of Africa, hence, this forces them mover 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.

Agnation (relationship through mal decent) or *tol* in the Somali language, is the most significance principle in the social relations among the Somali people .

According to Lewis (1963) the principle is to be operationalized by dividing the community into a vast hierarchy of highly segmented line-ages, 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. (Lewis, 1963). Although clans are not strictly limited, but each clan has a geographical area of movement.

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).

Although, inter-clan marriage is common among the Somalis, but most frequently marriage occurs between the people in the primary lineage. But the most clearly defined political nit, corresponding to this axis about which corporate political relations most frequently revolve, is the so-called “dia-paying group”, (Lewis,1961). The dia-paying group is the most functional and important for every individual who belongs the primary lineage. The aim behind the “dia-paying group” is that, the individual member’s liability as a result of his wrong doing is paid by his relatives within this group.

Only the agnatic ties do not bound the members of the dia-paying group, but also there is an explicit treaty or (xeer) that defines the conditions and terms of their collective responsibility. Due to life hardships brought by the scares resource, the Somalis developed a contract or xeer to settle disputes that arises among the clans who competes over the little resources in order to maintain order. Customary laws – referred to in Somali as xeer – through which “members of a mag-paying group are obliged to support each other in political and jural responsibilities, especially in paying and receiving

compensation for acts committed by members of one group against another - even over vast distances, since it is the kinship that bonds them (Joakim Gundel,2009).

This traditional system of law is thought to date to approximately the 7th century (UNESCO,1985). The Somali customary law or *xeer* is not a written document, rather it's an orally transferred from one generation to next generation, thus, works as rule of law that permits, safe travel, trade, marriage, and so forth throughout the region. In the fulfillment of the customary law, clan elders take the role of mediators by taking into account the custom and precedent cases.

The dynamics of clan relations and interactions change with the circumstances even within the inside of levels of the clan. Sometimes the prevailing situation unites the sub-clans under the umbrella of the bigger clan while the circumstance divided even the sub-clans. As Bradbury (2008), comments, “The clan or sub-clan a person identifies with (or is identified with) will depend on the prevailing context and issue at hand, such as access to environmental resources, the control of real estate, competition for political office or a collective response to security threats.”.

Arguably, I.M. Lewis (1961), 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 was 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-pastrolits 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 Isaaq. 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 (Anderson, 2011).

According to Lewis (1988) the Darood clan is the largest and most widely distributed of all Somali clan families. The Darood clans occupy the eastern, Nugaal and Mudug regions, most of the Hawd and Ogaden and also they are dispersed passing through the central regions up to the North-eastern region of Kenya. The Hawiye, next in population size to the Darod, occupy much of central Somalia (Anderson,2011). Hawiye clans are also living in around Moqadishu and somehow in Shabele river basin and like Darood, Hawiye clans have existence in North-eastern region of Kenya and Southern Ethiopia.

The Dir clans are concentrated the north-west of Somalia while some of them are living in the South particularly in the Merca district and in the area between the Juba river and Brava district. Nearly half of Dir clan are concentrated in the neighboring republic of Djibouti.,the Isaq clans who in great extend intermixed with Dir clans are living in the center of northern parts of the country, the Isaq clans are living in the Haud region in the neighboring country Ethiopia, where in their east Isaq clan families mingle with Darood sub-clans such as Dhulbahante and Warsangeli (Lewis,1963).

On the other hand, the Sab clans comprise the Digil-Mirefle or Rahanwen clans. As agro-pastoralist in nature, they are less distributed geographically than Samale clans and they are restricted to the fertile region between the two rivers, hence they are intermixed with the nomadic pastoralists. Digil-Mirifle clans are the descendants of the two sons of Mad Reewin with the Digil being the elder son and the Mirifle the younger son. The Digil settle around the Banadir the Jubba and the Shabelle regions while the descendants of the Mirifle settle around the central and the western portions of the region. The Mirifle is divided into two main groups the sagaal and the siyeed.

The Digil are divided into seven clans known as Todobadii Aw Digil. These two groups (Digil & Mirifle) are socioculturaly and linguistically different from more nomadic groups of the North. Dir, Isaak, Digil, Hawiye, Darod and Rahanweyn comprise what might be termed the 'upper level' of the Somali clan system (Anderson,2011).

*Federalism, as the term is used in political science and legal scholarship, refers to a means of governing a polity that grants partial autonomy to geographically defined subdivisions of the polity (Feeley, et al, p:12).*

Clearly, the clans of, Darood, Dir, Hawiye, Isaq and Digil-Mirifle, are those who possess a defined geographical territory and that renders them more influence than the conglomerate of other smaller clans. The elites of these larger clans are pushing towards the entrenchment of the federal system albeit disproportionately. Thus, the above definition of federalism given by Malcolm Feeley and Edward Rubin, is applicable to the nature and structure of the current federal system in Somalia which in great extent is based on geographical distribution of clans.

Also, there are minority clans and smaller ethnic populations in Somalia whom are important to be mentioned. The reason that these clans are minority and subsequently weaker in Somali political environment is merely because like the dominant clans they are not armed and mainly they either work in handcraft or in the farming sector for living. Because they are not well armed, they do not occupy special territory that enables them to have say in the political dispensation.

There are Somali Bantu or (Jarer) as Somalis call them who are remnants of the slaved people from other regions in East Africa and freed at the end of nineteenth century, since then, the Bantu populations are absorbed with their physical distinctive features by other majority Somalis. (Lewis,1994). The Jarer Somalis are concentrated in cultivating villages along the two rivers Juba and Shabelle and the area between them. Among the best-known Jareer groups and Shidle, Shabelle, Wa-gosha and Gobaweyn.

Also, there are small Asian population who are remnant of Sultanats controlled the coastal regions, small number of Indians and Persians. Although huge number of Asian populations left from Somalia after the breakout of civil war but still some of them are remaining. On the other hand there are minority clans scattered in every corner in Somalia. Although, minority clans are not one clan but the majority of Somalis call and considers them as one clan. According to Yoshimura (2009) Minorities are not clans, although this is what the Somali Nomadic clans call them because they want to assimilate them into their structure.

The minority clans have any advantage in the current federal system in Somalia, simply, because they are not geographically based and they cohabit with the dominant clans as guests who do not have tangible political rights. Malcolm Feeley et al, (2008) argue in the explanation of their theory, unlike the consociation form of governance, the minorities are intermixed with the majority- federalism may not be a benefit for the minority groups. Based on that fact, the minority clans are fierce opposers to the federal system, but their rejection have not been heard and don't have an impact over the wish of the big-geographically concentrated clans.

#### **4.1.1.1. Politicization of Clan Identity**

The clan based political identity started with 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. According to Anke Weber, through this divide and rule policy, the Somali clan families became divided into separate clan groups, however, this encouraged high levels of clan identity consciousness. (Anke Weber et al, 2016). 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. 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 colonial administration understood the social significance of the clan elders and signed various agreements with them, also rendered them the administration's local partners. Thus, many clan elders became integrated to the colonial system with a regular salary. These clan elders often used the coercive power of the state to administer their clans and gradually, many clan elders dwelled in the urban centers and established permanent homes instead of living among their pastoral people. (Badiyow,2020).

The clan elders started to settle in the cities after they were salaried by the colonial government. Settling in the cities offered progenies of clan elders, early opportunities for modern education, and state employment (Sylvia Pankhurst,1951). On the other hand, The colonial regime embarked to educate the sons of the clan elders in the cultural

schools founded in the urban cities. According to Badiyow (2017), by educating the sons of clan elders the colonial regime aimed to establish a line of genealogical continuity of the ruling elites. Thus, with the relative prosperity obtained by those in the cities and towns, those remained in the countryside started to come to the cities seeking opportunity.

The colonial administration distributed power and resource unevenly among the individuals from the different clans. While clan elders and their sons had the chance for education and government posts, some other clans were not given the same opportunity. To empower the position of clan in the politics, the colonial administration designated the clan elders in the membership of the first territorial council in 1950. In some regions the clan elders were the obsolete majority in the council of the local administration. This early beginning of political experience for the Somalis begun with traditional Somali clan entrenched in politics.

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 Somali Youth League (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 clannism, but in the election times, the ferocious clout of clannism 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 polities is its essentially tribal basis. In the 1954 municipal elections 20 political parties that participated the race represented clan interests. Even the (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 famly in the South Digil & Mirifle were mainly members of Hisbia Digil & 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.

Parties	SYL	SNL	HDM S	GSL	NUF	PLGS	SNU	USP
Clans	Darood & Hawiye	Isaaq	Digil & Mirifle	Majeerteen	Toljale (Isaq)	Abgal/Biyamal	Banadiri	Non-Isaqs in the north

Table (1) Political Parties and their clan affiliations before the independence 1960. Badiyow (2017).

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 basis of clan identities. For example, for the 33 northern seats, 4 ministries were allocated two to Isaaq and two to Darood, while out of 90 southern seats, 10 ministries were distributed 4 Hawiye, 4 Darood, and 2 Digil & Mirifle (Lewis, 1960).

Despite balancing of clans was an accepted norm through proportional division of cabinet seats, but due to lack of agreed consensus over the scale and the number of each clan's population made power dispensation illusional. It became difficult to maintain a proportional representation and some clans got the lion share in the division of seats and opportunities. One of the reasons that a just proportional representation was not put in place because, some clans had more educated and experienced elites than others, this variation goes back to the colonial policy who tilted towards some clans against others. Badiyow (2017) argue that, specific clan culture and ecological factors may contributed to the failure of proportional representation and the dominance of particular clans in the political arena, he says “clans whose members were raised as nomads despised menial jobs and preferred to join government employment, while others clans from the agricultural areas had expertise working in the private sector”.

Although, in the years between 1960 and 1969, Somalia witnessed a kind of democratic regime where two presidents exchanged the seat of presidency, but also, it was the time of clannism proliferation and the entrenchment of clan based political identity. The successive civil administration prior 1969 tried to reduce the role of clan and clannism in the politics and to do so several laws was passed by the parliament, the laws aimed

to curb the role and the influence of clan elders in politics, to minimize the clan solidarity and outlaw the political parties that utilize clan affiliation to achieve its goals.

Despite efforts to promote the nationalism against the growing role of clannism, little results were received and Somali politics became greatly mixed with clan based political affiliations, it had caused the emergence of clan-based politics, which did not satisfy the real aspirations of the general population, the educated elites and officers of the Somali Army (Badiyow, 2017). The Somali masses, dismayed with the prevalent corruption and economic stagnation, looked to the army as the only possible instrument of change to the political impasse. As the dreams of the Somali people shattered in the postcolonial state in the first nine years of independence, the Somali National Army launched a bloodless coup d'etat on 21 October 1969 and received overwhelming support from the majority of disgruntled Somali people (Samatar, 1987).

#### **4.1.1.1.1. The role of military regime (1969-1991)**

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. A revolutionary council was created to administer the country after the constitution been abolished and draconian rules replaced the articles of constitutions that grants rights to the citizens. Also, the revolutionary council adopted extreme socialist programs and joined the Soviet Union (USSR) block. Moreover, the regime gained considerable support and respect from the public due to improved economic performance, expanding social services, generating employment opportunities, and introducing a better culture of governance (Badiyow, 2017).

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. Thus, 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 threatens 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 (2004) 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.

The formation of the Somali Democratic Action Front (SODAF) and the Somali Salvation Front (SSF), both later transformed into the Somali Salvation Democratic Front (SSDF) as well as the Somali National Movement (SNM) were beginning of the end (Ingiriis,.). The government used scorched earthy policy in the regions settled by the Majeerteen clans in the north east. Also, the military regime intensified its campaign by committing extra judicial summary executions, and collective punishment against the members of the clans though to have supported the armed opposition factions.

In the north the Somali National Movement (SNM) was founded in 1981 by the exiles opposition politicians hailed from Isaq clan (Badiyow,2017). Same like how the government responded to the SSDF faction army owned by Majerteen clans, it responded harshly against the Isaq clan's insurgency. Noting the brutality of military regime against the SNM and its Isaq people Ali Khalif Galaydh (1990) stated "gross violation of human rights was not new, but what was new, disturbing and monstrous was the targeting of an entire clan or sub-clan as enemies of the regime. The regime used the whole government's military apparatus donated by the Soviet Union and later the western powers as a party of the cold war competition.

One of the most destructive and serious aerial bombardments happened in 1988 against the cities of Hargiesa and Burao in response to increased attacks by the SNM. These

artillery shelling and aerial bombardments, which killed between 20 000 and 50 000 people and sent 400 000 refugees pouring into Ethiopia, only served to unite the Isaq behind the SNM and still remain fresh in their memories (Prunier, 1999).

In late 1980s Hawiye exiles from Hawiye clan founded the United Somali Congress (USC) to fight against the military regime who oppressed the people of Hawiye clans. To oust Siyad Barre from the power, USC engaged a gorilla war in area around the capital Mogadishu. After a deadly battle between the government and USC militia, president Siyad Barre fled from the presidential palace after the USC leaders entered to the capital in January,1991. During the fight, thousands of civilians were killed and others were displaced from their homes.

The exist of Siyad Barre from the Mogadishu and the entrance of USC militia was followed by huge extrajudicial killings and looting against people from the Darood clans remained in Mogadishu. Notoriously, the fight for freedom and against the tyranny converted into total war among the clans particularly the Darood and Hawiye clans. Arguably, the patronage policy maintained by the military regime culminated the grievances and angary among the clans, in order to stay in power, Siyad Barre utilized the clannism.

<b>Faction 1991</b>	SNM	SDM	SSDF	USC	SPM	USF	SDA	SNF
<b>Clans</b>	Isaq	Digil & Mirifle	Majeerteen	Hawiye	Ogaden	Isse	Samaron	Mareehaan

Table (2), Political parties of 1960 compared with factions of 1991. Source Badiyow (2017).

#### **4.1.2. 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 (Mattei, 1998).

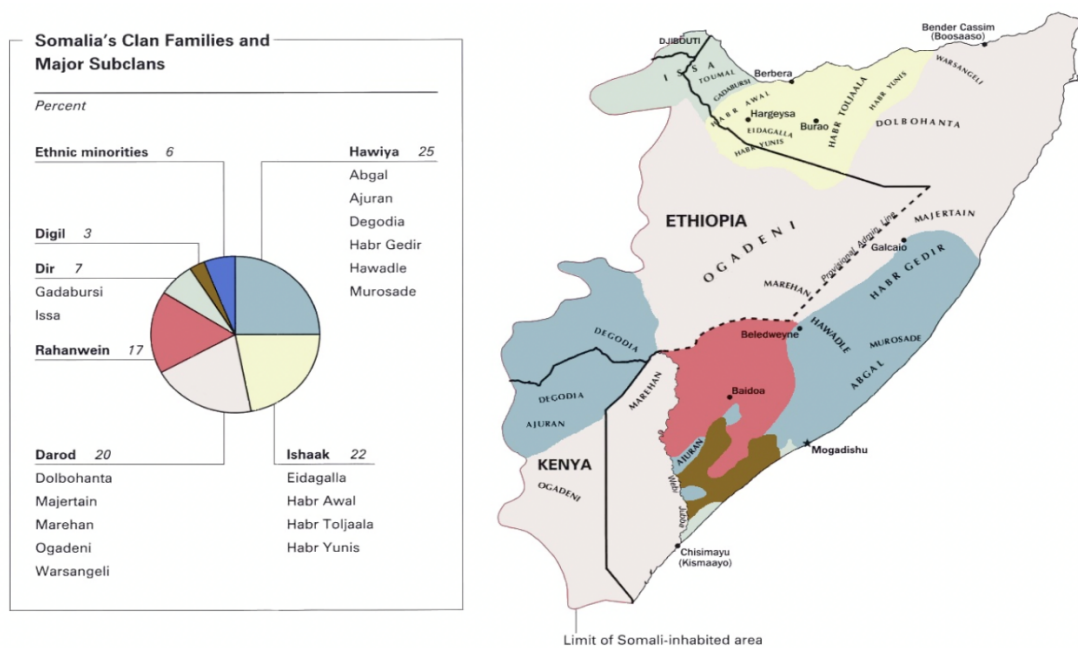


Figure (2) Somali Clan Families' Geographical concentration.  
 Source: CIA (2002), Somalia Clan Map.

## 4.2. Federal Member States

The current federal states are formed on the bases of the clan distribution, where each FMS is dominated by a major clan or conglomerate of clans. The political positions in every FMS are distributed to the elites from the different clans in accordance with the clan's resource and their geographic dispersion. For example, in every FMS, according to unwritten consociation among the clans, elites from certain clans have the right to hold the highest tasks such as president and vice-president. currently, there are five recognized FMS, Puntland, Galmudug, Hirshabelle, South-West and Jubaland. Somaliland declared a one sided independence from the rest of Somalia in 1991, thus, it has been out of the process of state building that has been going on since 1991.

### 4.2.1. Puntland

One bold legacy of state collapse in Somalia was a return to the dominance of clan-based structures throughout the country. Without a functioning state, local traditional mechanisms became the basis of governance to tackle issues of security, administrative and political affairs. In response to these needs, the political and traditional elites proceeded to establish such a socially agreed structure that can solve the outstanding

challenges. Thus, the endogenous initiatives led to the organization of Garowe conference in 1998 over three months. The conference was attended by representatives from the political elite, traditional elders, members of business community and civil society people all hailed from the clans that inhabits area. At the end, the result become the establishment the autonomous Puntland State of Somalia to deliver services to the population, offer security, facilitate trade and interact domestic and international partners.

Puntland which is officially known as Puntland State of Somalia lies in northeast of Somalia and mainly inhabited by Harti a sub-clan of Darood. Harti, in turn, traces descent back to Sheikh Darood, an Arab immigrant who arrived on the North-eastern shores in the 13th century. There are numerous Darood clans who are Harti, these clans have a crucial economic and political role in Puntland, though not same level as Harti. Thanks to its relatively homogeneous clan composition, the northeast regions were spared the fragmentation and violence that gripped much of the rest of Somalia after 1991, and remained a relatively coherent entity (Hassan Adan, et al, 2008).

The legal structure of Puntland consists of the judiciary, legislative (House of Representatives) and the executive (the President and his nominated Council of Ministries) branches of government (Britanica,2008).The state consists of three regions which are: Nugaal, Karkaar, Bari and half of each Mudug, Sool and Sanaag. The latter regions are disputed area between Puntland and Somaliland, thus, several skirmishes between the two authorities happened after the formation of Puntland State in 1998. Unlike the secessionist self-declared entity of Somaliland to its west, Puntland is not trying to obtain international recognition as a separate nation. However, both regions have one thing in common: they base their support upon clan elders and their organizational structure along lines based on clan relationships and kinship (Johnson,2008).

Like Somaliland, were the disfranchised elites formed the SNM that fought against the military regime spearheaded the later formation of Somaliland after the oust of Siyad Barre, the SSDF comrades from Harti clans were those who pushed towards the formation of Puntland, hence, SSDF founder Abduallahi Yusuf Ahmed became the first president of Puntland. SSDF leadership who sought to expel Siyad Barre from the

presidency became the administrators of the northeastern regions of Somalia as a preamble administration for a federal government to be established in Somalia. Puntland was a community driven process which had the consent and support of the political leaders (Interpeace,2008).

As stipulated in the state's constitution, Puntland is a part of the Federal State of Somalia and the region seeks the unity of Somalis and adheres to a federal system of government (Marchal,2010). Because the establishment of Puntland even preceded the federal government, thus, that precedence gave the state the leverage of calling and defending the federal system. Given the early opposition of Hawiye clan elites to the federal system, without the pursuit of Puntland towards a federal system, its unlikely that we would see the federal system that exists today in Somalia (Hassan,1988).

The opposition of Hawiye elites to the federal system stems from fear they had, that capital city Mogadishu which is dominated by Hawiye clan will lose its historic leverage over the other parts of the country. Contrary, in order to prevent the accumulation of power and resources and the emergence of a dictatorial regime in Mogadishu as happened before,Puntland fought hardy in favor of the establishment of a federal system and as a reflection of its role, Puntland have been named the mother of federal system in Somalia.

#### **4.2.2. Jubaland**

Jubaland State of Somalia as it officially known officially is the state that harbors the most diversified people in Somalia. Previously Juba provinces covered a large area, but in 1975 the Siyad Barre divided the into Middle and Lower Juba, Gedo, Bay and Bakool regions. Currently, Jubaland State consists of Gedo, Middle Juba and Lower Juba – all areas adjacent to the Kenya-Somalia border and does not include Bay and Bakool regions. Although Jubaland comprises Gedo, Middle Juba and Lower Juba, the port city of Kismayo and the Lower Juba region are in significance position strategically.

Jubaland has a total area of 110,293 km<sup>2</sup> (42,584 sq mi) and as of 2013 the region has a population of 1.3 million. Kismayo city is cosmopolitan, but the dominant clans are Darod/Harti (a long-term immigrants from present-day Puntland and Somaliland), Darod/Marehan (more recent immigrants from central Somalia and Gedo)

and miscellaneous Hawiye communities (ICG,2013). Thus, Jubaland and Puntland are the power sphere of Darood clans where they politically dominate the two federal member states.

The idea of formation of the Jubaland State goes back to 2009, when local clan elites and business people come together to discuss the formation Jubaland State with the support of Kenyan government. The first aim was to liberate Al Shabaab movement from the region particularly the lucrative port city Kismaayo as a prelude step before amalgamating the parts of the region under one administration. It was a good fit with the U.S. government's "dual track" policy – conceived to support local security and stabilisation in the absence of a strong central state (Clair Elder, et al, 2013). In October 2011 Kenya started its military intervention in Somalia to oust Alshabab from Kismanyo and its border area with Somalia, hence, Kenyan Defense Forces (KDF) succeeded to capture Kismanyo in September 2012.

The current Jubaland State was formed on 15 May 2013 when Ahmed Madobe former commander of Raskanboni islamist malaitia elected as an interim president. the federal government rejected the election of Ahmed Madobe as the interim president of Jubaland and displayed a motion that gives the federal government the upper hand in process state building in Jubaland. An intervention from Ethiopia resulted the Addisababa meeting participated by the Somali Federal Government (SFG) and newly elected Jubaland Leadership which led to an agreement. Under the agreement, Ahmed and his administration were given a two-year mandate to give more time for reconciliation, inclusiveness and participation of all stakeholders (Hesse, 2011).

Jubaland has a huge potential due to its good seasonal rainfall, year-round rivers, forests, and lush farm- and range-lands, as well as potential off-shore oil and gas deposits. But it suffers three dilemmas, the first one is the control of Al-Shabaab movement large swathes of the region including its capital city Bu'ale, the second one is the continues rift with the success federal government which deteriorates the security and development of the state, and third one the disagreements among the clans that inhabit the region over power and resource sharing.

### **4.2.3. South-West**

The South-West state of Somalia lies in the south west of Somalia, and its dominated by the Digil-Mirifle clans. The people of Digil-Mirifle clans devoted and calling the establishment of a federal system in Somalia since 1960 when the country took independence. Because of their distinct dialect and culture from the dominant pastoral Somalis who speak the Maxaa dialect, they faced marginalization in the power and resource sharing, thus, their early elites considered the federation as a system which enables them to have a place and influence in the decision making.

The idea of establishment a specific autonomous state for the people Digil-Mirifle was living since the collapse of the central state in Somalia. But the idea saw the light in 2002 when the leader of Rahanwayn Resistance Army (RRA) Hassan Mohamud Nur Shaatigadud was elected the president of the territories inhabited by the Digil-Mirifle clan families, hence, it was the third regional administration to be established in Somalia after Somaliland and Puntland. But after Shaatigaduud then president of regional administration has joined to the transitional government of Somalia in 2004 as the finance minister, the administration was dissolved in 2005.

After tremendous efforts paid the politicians and elites from the region, they succeeded to reach an agreement with the support of the FGS to create a new administration called the Southwest State of Somalia. Based on that, the former of speaker of the parliament Sharif Hassan Sheikh Aden was elected as the president of the Southwest State of Somalia in 2014. The southwest state comprises three regions he provinces of Lower Shabelle, Bay and Bakool. The capital city of the state is the port city of Baraawe but the administration works currently in Baidawa as an interim capital city.

### **4.2.4. Galmudug**

Galmudug State of Somalia as it officially known is locates in the center of Somalia and consists of half of Mudug region and Galgadud and its name is derived from from the conflation of the names of the two regions. The region is bordered to the east by the Indian Ocean, to the west by Ethiopia, to the north by Puntland, and to the south by the Hirshabelle and Dhuusamareeb is the capital city of the federal member state. the

strategic location of Galmudug renders it as one of the regions that has potential. The historical district of Hobyo on the verge of the Indian Ocean could be a commercial hub. If the district's port building project is completed, Hobyo will be an essential route for livestock exports from the hinterland and improve the supply of fish to the interior providing sustainable livelihood to the local fishing communities.

At first the formation of the Galmudug state was started in 2006 when sub-clans of Hawiye initiated the amalgamation of area of South Mudug and Galgaduud under one administration that can provide security and the basic social services. By 2006, in southern Galkayo, members of the Sa'ad (Habar-Gidir), Sheikhal, Dir, Madhibaan, and Hilebi (Murusade) sub-clans had formed the Galmudug regional state following committed efforts by the local community and the very same groups' diaspora (Wasuge, et al, 2020). The committee selected Mohamed Warsame Ali 'Kiimiko' as the first president of the administration and Galkaio was chosen as the capital city.

The discussion over the structure, the power sharing among clans and the geographical area that the administration will cover was extended until the agreement on the last formula. Hence, the efforts to add the south of Mudug and Galgadud to the regional administration finished successfully. This was when the name "Galmudug" was first used – showing a desire for synergy between the former Galgadud and Mudug regions (Abtidoon et al 2012). As a result, in 2014, the official approval service for the new state was publicly held in the Villa Somalia Presidential composition and was chaired by President Hasan Sheikh Mohamud and Prime Minister Aabdiweli Sheikh Ahmed. Representatives of the IGAD, AMISOM, AU, EU and UN also participated.

Galmudug became the first FMS that is initiated and dominated by the Hawiye clans, thus, the formation of Galmudug was considered as signal from Hawiye elites that they accept to be a part in a federal structure, after rejecting the federal system since its emergence in 2004. Galmudug became a prelude for the entrenchment of the federal system where Hawiye elites embarked to move to their constituencies rather than setting and gathering in the capital city of Mogadishu. Subsequently, Hirshabelle State followed Galmudug as the second the Hawiye dominated FMS. Arguably, Galmudug gave pace and motivation for the establishment of Hirshabelle State of Somalia.

#### **4.2.5. Hirshabelle**

Hirshabelle is the latest FMS to be established through a long process of push and pull among the clans and between the clans and the FGS. Hirshabelle lies in the South-central of Somalia and contains the two regions of Hiiraan and Middle Shabelle, thus, its name is a conflate of the two regions' names. Its bordered by Galmudug state of Somalia to the north, South-west state of Somalia and Banaadir region to the south, Ethiopia to the west and the Indian Ocean to the east. Jowhar is the capital city of the state. This regional administration has one of the two rivers in Somalia which is the Shabelle River , and is one of the largest participants in Somali livestock and agriculture, thus, the region could be an economic powerhouse for the country given the abundance of natural resources (Mosley,2015).

Before the formation of the Hirshabelle an intense conflict prevailed over the leadership and power sharing among the clans, particularly between Abgal and Hawadle, the two clans inhabit the Middle Shabelle and Hiiraan regions respectively. During the early discussions each one of the two clans opted for the establishment of its own separate regional administration. But due to a joint efforts by the FGS, AMISOM and other developmental partners, a settlement which set a power sharing formula was reached. The agreement paved the way for the election Abdi Abdullahi Osoble from Hawadle as the first president of Hirshabelle State of Somalia on March,2017. Al-shabaab movement controls the state's countryside area by extracting fees from people which enables them to finance their operations against the government troops and AMISOM. The insurgence of Al-shabaab plus the incessant conflict among the elites over power sharing lugs the state behind and prevents it to fulfill its duties of maintaining security and the enhancement of peoples' life.

*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 (Feeley et al, 2008, p:38).*

In accordance with the above statement, the autonomous states of Somaliland,Puntaland, Hirshabelle, Galmudug, are the actual incarnation of the

division between the loyalty to the state and particularistic geographic based identity. The divergence reached up to the level which Somaliland declares its independence from the rest of the Somalia which requires a mechanism that could convince the people and the elite from Somaliland to re-unite with Somalia. The common denominator of all autonomous states and despite the special context in which each state was established is the role of the dominant five clan elites in the states' formation and their role in the protection of their existence and interest against the federal state.

#### **4.2.6. Somaliland**

Immediately after the collapse of Somali state in 1991 and the descent of Mogadishu to the civil war and destruction, the republic of Somaliland was declared. The Grand Conference of the Northern People was held in Burao and was composed of the leaders of SNM and representatives of all clans inhabiting north-western Somalia. The newly established entity assumed the borders of the former British colony which adjoins Ethiopia to the south and west, Djibouti to the north-west, the Gulf of Aden to the north, and Somalia to the east. The formation of Somaliland is a by-product of Isaaq clans' armed struggle against the military regime for more than ten years.

Somaliland covers a land area of 137 600 square kilometres and has a coastline of 850 kilometres (Mesfin,2009). The population of Somaliland is estimated to be 5 million inhabitants with a pastoralists that make up 55% of the total population. Territorially Somaliland is divided into six regions, namely Northwest, Awdal, Sahil, Togdheer, Sanaag and Sool, which are subdivided into 30 districts. The largest city and capital of Somaliland is Hargeisa to which Britain relocated its colonial administration in 1941, while Boroma, Berbera, Burao, Erigavo and Las-Canood are Somaliland's major cities. Somaliland's principal port is the strategic port of Berbera.

There are three major clan families, namely the Isaaq, the Darod/Harti (including the Warsangeli and Dhulbahante) and the Dir (including the Iise and Gadabursi), representing 66 per cent, 19 per cent and 15 per cent respectively of the total population (Hoehne,2006). Although the existence of the political parties, in order to protect balance at minimum , the government positions are divided proportionally among the clans.

The 2001 constitution established a hybrid system of government. Constitutionally, Somaliland has three branches of government. A president, elected for five years, heads and nominates a cabinet of ministers theoretically subject to parliamentary approval. The legislature is composed of two chambers, the unelected upper House of Elders (the Guurti) nominated by the clans during various peacebuilding conferences and the lower House of Representatives, which is directly elected for six years but clearly lacks an understanding of its role and functional capacity. The 82-member House of Representatives is supposed to be the main legislative chamber. It approves all legislation as well as the annual budget and acts as a check on the power of the executive, which is the strongest branch.

The northwest regions were colonized by the Great Britain before it took independence in twenty six of June 1960. Four days late first of July 1960, the southern regions took independence from Italy. The two parts united voluentrily and formed the Somali republic n the basis that Somalis are the same people, speak the same language, and have a common religion. After brief experience under democratic government, the military regime led by Siyad Barre came to the power and adopted oppressive policies against all dissidents. After the defeat inflicted Somalia in its war against Ethiopia in 1977-1978, dozens of clan-based opposition armed factions including the SNM took up guns against the Siyad Barre's regime.

The insurgence of Isaq dominated SNM faction, was matched by harsh government reprisals involving indiscriminate artillery shelling and aerial bombardments which claimed the lives of many civilians and displaced hundreds of thousands from their homes. The atrocities committed by the regime was a watershed moment for the unity of Somali republic where these horrible events could be considered as the causes that led the Isaq clan elites to think about breaking away from the rest of Somalia and establish the Republic of Somaliland.

In the last ten years several attempts have been made to bring on the negotiation table both FGS and Somaliland. Despite, the modicum achievements have been made, but the core issue yet to be solved. The FGS have not a constitutional and popular mandate to allow Somaliland to become an independent state, while on the other hand

Somaliland leadership have not the audacity to accept less than recognition as independent sovereign state.

If union to be regained, the governance system which Somaliland can be a part would be a matter of debate. Certainly, given the negative experience of hatred and destruction, the centralized unitary system will not be a suitable system for Somalia if the unity to be restored. Many observers contends the inevitability of loose political system that can prevent the resurrection of dictatorial regime. Even some scholars go far when it comes to the issue of the re-union between Somalia and Somaliland. Hussein Adam (1994) argue that the confederal system between Somalia and Somaliland could be a wise option if the Somaliland fails to achieve international recognition. He writes, “Meanwhile, the Republic of Somaliland may, if it is able to attain peace and stability and democratic reforms, achieve international recognition. It is also likely that internal and international circumstances may oblige it, in time, to reconsider full independence and opt for some link with Mogadishu in a confederal state (Hussein Adam, 1994.p.21).

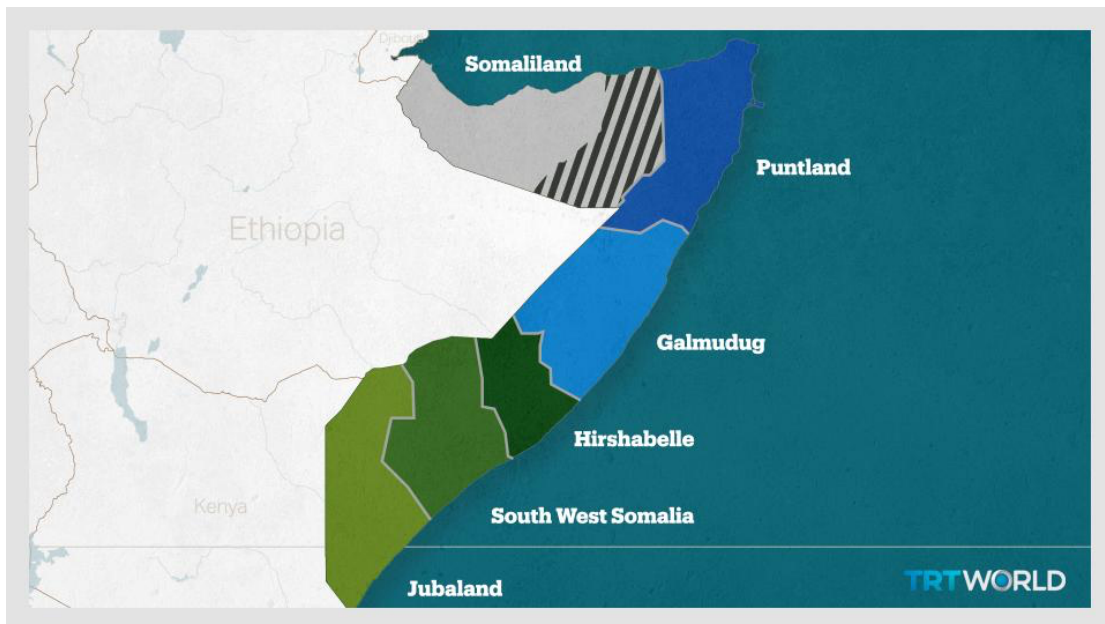


Figure (3), Federal Member States, Source: TRTWORLD (2008).

### 4.3. 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. The 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.

### **4.3.1. Examining the Attitudinal Criteria**

Attitudinal criteria consist of observable behaviors that reveal the individual feelings, beliefs, and opinions of either the leader or the populace (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 occurs 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 (Feeley et al, 2008, p:61).

The willingness to die and kill certainly will lead to a total warfare, which takes different forms like gorilla war, and terrorist attacks against private or public scenes. If the region has the capacity to mobilize large people and technological facilities, which

enable to fight against the central government with the hope of victory a total and open warfare will be engaged. On the other hand if the people or leadership in the sub-unit states who are seeking a quasi-autonomy do not have the capacity that match that of central government and cannot defeat the center, the only choice they have is to resort to a gorilla war like what happens in most of the countries.

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 enhabits 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 (Abdirahman A. Badiyow,2017). As it appeared from the manisfastation of party, the party was standing for the party stands for to defend the interest of the people of Dighil-Meirifle 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-Mierifle 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 fanners 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 riches 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, p:141). 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 the collapse 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 (CRD,2004). Thousands of civilians from the clans were killed within 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 (Mosley,2015).

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, p: 81-83). 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 inhabit 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 (Feeley et al, 2008, p:63). The military regime's violent response against his dissidents led to the uprising of an armed faction 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 the governance lead to further disintegration.

An extremely important factor when evaluating the effectiveness of peoples' attitude 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, where 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 (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.

#### **4.3.2. Examining 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 (Feeley et al, 2008, p:64).

The structural analysis can forward a descriptive and prescriptive advantages when a federal system is resorted to 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 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.

#### **4.3.2.1. 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 and although it was written until 1972, the Somali language proved its distinctive quality as language possess a great and rich oral literature (Collins,1977) 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 (Collins,1977)

The successive administrations since the independence, marginalized the Maay dialect under the claim that, Somali people speaks one language (Mukhtar,1990). 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-pastrolism 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 them self 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 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 its 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 Af Maxaa on Radio Mogadishu, effectively banning the broadcasting of Af Maay 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 alphapet was choosed 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 (2016), 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 he Supreme Revolutionary Council.

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 (Ahmed.2015). The Artitcle 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.

#### **4.3.2.2. Divergent Historical Contexts**

Due to its closeness to Aden, the logistic hub of the British empire at that time, the porty city of Barbara 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, British wanted the export Somali meat to its facility 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. P:63). The British signed protection treaties with the other five clans residing in the British Somaliland: the Gadabursi, Issa, Habar Gerhajis, Habr Toljaala, 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 treaties with the clan chives and sultanates that controlled some area. 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 before the independence and the union. Before signing a friendship treaty with Britain, the northern part of Somalia was an independent state (Beyene,2019). Thus,

they justify the British colonialization as a treaty between the clan chives and British empire with the aim to protect their sovereignty from the external intrusions, specially the 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. Thus, the atrocities happened in the north under the military regime have been tantamount effective argument for 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.

#### **4.3.2.3. Clan**

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 obtain. 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.

Finally, based on the analyses in this chapter and in light of the of theory of "Federalism: Political Identity and Tragic Compromise" initiated by Feeley et al, (2008), the reasons behind the adoption of the federal system in Somalia is not that the federal system is good for governance which leads to a sustainable peace and development. But the system was resorted to ease the sharp political differences among the political elites from the different clans. This political conflict is caused by the competing clan based political identities. In accordance to the analyses, the contradicting clan based political identities have been accumulating from since the era of colonial regime and through the civil and military regimes after that emerged after independence. Thus, the divergent political identities reached the peak after the collapse of the state and breakout of the civil war. Misuse of power and exclusion of major clans created an attitude that firmly supports the federal system.

The attitudinal criteria which consist observable behaviors that reveals the individual feelings, beliefs, and opinions of either the leader or the populace is visible among the elites as well as among the ordinary people in Somalia. Also, the structural criteria,

although not enough to push towards a federalism is visible in Somalia, particularly the divergent colonial context and somehow the special dialect spoken by Digil-Mirifle people, a community that strongly supports the federal system.

## 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 in Somalia. Hence, the disagreements among elites and even among the ordinary people which stems from misunderstanding on the nature of the federal system causes the prolonged failure of state building in Somalia.

The proponents of the federal system underlines the inevitability of the system in this post-civil war area. They render the federal system what it isn't by giving characteristics and features that don't belong to the federal system. They portray the federal system as system that bolsters democracy, enables citizens particularly those in periphery to have access to government services, broader bases for power and resource sharing and further access of the people to the public goods of the government. Also, federalists argue that, the system will instigate competition among different regions in innovating and experimenting a new policies and ways to solve problems.

On the other hand, anti-federalists characterize the federal system as a disaster and misfortune that impedes the process of state building in Somalia. Based on that perception they argue that, the federal system is counterproductive to the context of Somalia. According to them the, the federal system is well suited to the contexts where there are acute linguistic, religious or ethnic differences. But in Somalia, those kind of differences and contrary Somali people are one ethnic, has one language and religion. They consider the federal system as a foreign agenda imposed by foreign countries and organizations to maintain the chaos and weaken the nation further.

Between those two camps, the answers of very significant questions such as; why of federalism? When and where does federal appear? And what are the reasons of its creation and continuation? Have not been answered. Hence, the theory of “Federalism: Political identity and tragic compromise” which is used in this thesis tries to answers the above mention pivotal questions disregarded a lot in the Somali context.

According, to this theory 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 come to power to tackle the clannism as its leaders claimed, used the clannism 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, finding 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. The prevailing mistrust and political polarization gives continuation and logic to the federal system as a system which gives guarantee against the emergence of dictatorial regime and the eruption bloody civil war.

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