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Federalism in post-conflict Somalia: A critical review of its reception and governance challenges

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ABSTRACT

Somalia adopted federalism in 2004 and embarked on its implementation in 2012. This paper provides critical insights on the reception and performance of Somalia's federal project since 2012. The analysis has shown major practical challenges facing Somalia's federal structure: constitutional ambiguity and lack of consensus on federalism, difficulties regarding the formation of the federal member states and their border demarcations, the status of Mogadishu and questions concerning fiscal federalism. The paper argues these challenges as well as the general public's inadequate knowledge of federalism are pushing the nation towards decentralisation. It contends the regional politics and shifting alliances in the Horn of Africa and the Middle East are affecting Somalia's federal future, thus enforcing the 'federalism is a foreign initiative' notion. The paper suggests that a close study of Somali perceptions reveals that federalism is an externally imposed idea, which renders the weakening of the Somali state a strategic state policy.

KEYWORDS Federalism; Somalia; Post-conflict; Africa; Governance challenges; Federal Government; Federal Member States; Constitution

Introduction

Over the last 25 years, Somalia has become a case example of a collapsed state. In January 1991, clan-organized armed groups overthrew General Siad Barre, thus leading to state collapse and subsequent rivalry among clans. In the 1990s, several international political and humanitarian interventions failed to salvage the country from lawlessness. Rival clans fought over power and resources and, except for a few regions which have managed to avoid large-scale epidemic tribal rivalries, warlords have ruled the country. Since then Somalia has remained fragmented.

Following a series of reconciliation conferences, Somalia embraced federalism as a system of governance. The provisional constitution adopted in 2012

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created the Federal Republic of Somalia. Over 8 years since that notable feat, scepticism continues regarding its achievements; some analysts have even warned that federalism is unfit for Somalia (Kimenyi, Mbaku, and Moyo 2010, 1361). The implementation of these federalist structures has been, and continues to be, a daunting task. The formation of the Federal Member States (FMS) during the reign of Hassan Sheikh Mohamud, the first non-transitional leader of post-conflict Somalia, has been a process fraught with difficulties and constant contestations. Current Federal Government of Somalia (FGS) President Mohamed Abdullahi Farmajo, who was elected in February 2017, has inherited the demanding responsibility of further federalizing the country.

Studies on African federalism have shown that federalism in post-conflict states is employed to accommodate ethnic pluralism and achieve societal unity, especially after periods of 'dominant governing parties, top-down state administration and high degrees of fiscal centralism' (Dickovick 2014, 553). Federalism in the Somali state remains largely unexamined academically. Through the use of historical data and an interpretivist research approach, such as interviews and focus group discussions with academics, public officials, traditional elders and laymen as well as observations drawn from the authors' long-residence in Somalia, this paper critically investigates the reception and governance challenges of Somalia's federal agenda since its inception in 2004.

There were a total of 28 focus group discussions, each with 7 participants, and 40 individual interviews held between December 2018 and March 2020. Participants were selected according to their expertise, political positions and traditional social statuses. Majority of the interviews and focus group discussions took place in the FMS's capitals (including Mogadishu) except breakaway Somaliland whose participants were interviewed in Mogadishu and Istanbul (Turkey). Three focus group discussions and five interviews took place in Istanbul while one focus group and two interviews happened in Djibouti. Additionally, seven interviews were conducted on telephone. The authors presented themselves as researchers, thoroughly explained the study objective(s) to the interviewees and pledged not to reveal their identities. Moreover, the authors utilized online/social media analysis.

Based on these methods and sources, the paper envisages to fill a gap in the academic literature on comparative federalism, which includes relatively little scholarly discussion on Somalia's nascent federalist project. The paper begins by briefly reviewing the literature on African federalism from a postconflict states perspective to theoretically reflect on the subsequent debates regarding how and why the Somali state is federalized. It then critically assesses Somalia's on-going federal experiment, and finally provides an insight into decentralization. The latter section does not advocate for decentralization for Somalia, but it analyses the views offered by the interviewees who seemingly preferred decentralization over classic federalism.



Theoretical and Comparative Background

The term federalism can be traced back to the Latin word foedus, which means the starting point of a process that leads to the merger of two or more political bodies. Federalism lacks formal definition in academia. However, according to various interpretations (Heywood 1999; Elazar 1987; Montani 2017), the essence of federalism remains a means of organizing a nation in which two or more governments share responsibility for exercising authority over the same people in the same geographical area.

Federalism in Africa gained momentum in 1990s when single-partly African political regimes introduced political and economic liberalisations in their respective states. In Africa, federalism is usually regarded as a method to 'hold together' divided communities, especially following negative experiences involving dominant governing parties, top-down state administration and high degrees of fiscal centralism (Dickovick 2014, 553). For example, Africa's three main federal states—Nigeria, Ethiopia and South Africa—have adopted the federal system in a bid to offer accommodative decentralization, despite each having its own unique characteristics (ibid). In Nigeria, 'Africa's most wellknown federal system' (Keller 2002, 21), federalism has evolved from the three centrifugal, ethnoregional federal system in 1960 into a more integrated, 36unit, multiethnic federation designed to bridge north-south ethnic and sectarian divisions and, in the case of Biafra, to prevent separatism. In Ethiopia, an ethnic coalition dominated by Tigray People's Liberation Front established an ethnic federalism in 1994 following the downfall of the Derg regime (1974-1991). Following the collapse of the apartheid regime in South Africa, a (quasi) federal arrangement, consisting on three tiers of governments (national, provincial and local), has been adopted in 1996. Although each of these states has its own unique characteristics, they share the same logic for federalism: stability. The decentralization of governance in Sub-Saharan Africa has become widespread in the past two decades, with several African countries (e.g. Ghana, Kenya, Tanzania, Uganda and Cote d'Ivoire) introducing devolution of power as governance reform to make policy more responsive to the needs of ordinary citizens.

The historical framework of this study utilizes Rudolph and Rudolph's (2010, 553) theory of federalism as 'a way to share and negotiate divided sovereignty' between a central authority and a number of sub-national entities. The research also uses Stepan's (1999, 20) contextualization of federalism as a 'holding-together' strategy to accommodate ethnic pluralism, especially in environments where strong national system has long exercised precedence over local governmental units.

Evolution and Structure of Federalism in Somalia

The first attempt to assemble the Somali state was made during the anti-colonial period and its lead-up to independence and unification in 1960. For this attempt, the Somali state was based on the phenomenon of 'Greater Somalia'—an idea that would unite the five major territories inhabited by ethnic Somalis during the colonial period.² Contrary to what many western scholars would call 'Somali irredentism', the idea of uniting Somali-inhabited lands was formed on the basis of Somali anti-colonial nationalism (Mahadallah 2004, 68). However, after decades of authoritarian rule (1969-1991) and the subsequent civil war, successive reconciliation conferences paved the way for the establishment of a transitional federal government in 2004. In 2012, a legitimate government was elected, with new president, a new provisional federal constitution and a new federal parliament. As with other postconflict African states, federalism raised the hopes of ending the Somali predicament, suggesting a stable, secure and united future for the country.

Federalism is not a new phenomenon in the history of Somalia. The first discussion of federalism started during the UN-backed Italian Trusteeship Administration (Amministrazione Fiduciaria Italiana della Somalia-AFIS) to prepare southern Somalia for independence over a ten-year period (1950-1960). Several prominent southern politicians from Hazbiya Digil Mirifle (HDM)—later Xisbiga Dastuur Mustaqil Soomaaliya (HDMS)—including Abdulkadir Mohamed Sobe and Sheikh Abdullahi Mohamed Bogedi, envisaged an independent federal Somalia. The HDMS party believed that the new country should be federal reflecting the Somali language dialects³ of Maay and Maxaa tiri (Mukhtar 1989, 85). However, the Somali Youth League (SYL)—the leading anti-colonial and pro-independence party viewed federalism as a plan to undermine the efforts of uniting the Somali people while the country is still under colonization. There SYL, therefore, vehemently rejected the notion of federalism while also accusing the HDMS officials for instigating radicalization and racism among Somalis (ibid).

Following independence and unification in 1960, the first constitution of the newly created Somali Republic admitted the decentralization of administration.⁴ During the civilian rule (1960–69), the decentralization of administration was realized through election of district and municipal councils (Mukhtar 2003, 7). The military regime (1969-91) led by General Siad Barre, which brought an abrupt end to the country's multi-party democracy following the 1969 Somali coup d'état, divided the original 8 administrative regions into 18 and appointed a revolutionary council, mainly consisting of military administrators. Dominik Balthasar (2018, 151) observed that 'the administrative architecture reflected the tight control' that the Barre's Supreme Revolutionary Council 'maintained on all levels of administration.' The restructuring of the administrative regions was intended to confront tribalism, which Siad considered a significant challenge to national unity, and to ensure effective 'control of the masses' and their adherence to his 'scientific Socialism' ideology (ibid).

Another less known federal proposal was made by James Keough Bishop, the last U.S. ambassador to pre-conflict Somalia. On December 17, 1990 Bishop reportedly met with some Somali elites and traditional clan elders at the U.S. embassy in Mogadishu and delivered a speech on 'Federalism and the Horn of Africa' (WikiLeaks 1990). He suggested that Somalia should embrace federalism, to prevent chaos and collapse of the Somali state, but to his surprise, all the attendees 'seemed to equate federalism with partition, which they do not want for Somalia,' according to a cable he sent to Washington a day later (ibid).

Barre's predatory and repressive regime has paved the way for a huge trust deficit between different clans toward the state. The mistrust and the postcivil war syndrome pushed many clans not to 'trust a central government' (Kimenyi, Mbaku, and Moyo 2010, 1351) and eventually to consider federalism as 'the only alternative to unitarism' (Elmi 2014, 1). Article No: 1 of the 2012 provisional constitution described Somalia's Third Republic as 'federal, sovereign, and democratic'. The constitution envisages the devolution of administrative power from the central federal government to the federal state government(s).⁵ It stipulated that the federal government retains power for monetary, national defense, foreign relations, and citizenship and immigration policies. All the remaining powers and resources should be negotiated by the FGS and the FMS through a constructive and collaborative relationship.⁶ Since 2012, the post-transitional institutions and political order necessary for a functioning federal state gradually began to take shape, with progress seen particularly in the Southern and Central regions. Between 2012 and 2016, four interim regional administrations, which eventually became FMS, were formed: Jubaland, Galmudug, Hirshabelle and the South West.

The notion of federalism had previously informed the establishment of Puntland state in the north-east, which had existed as an autonomous entity since 1998 (Zoppi 2018, 57). Puntland spearheaded federalism efforts, laid its foundations and can still be considered a signpost of federalism for the rest of the country. To date Puntland constantly praises itself as being 'hooyada federaalka Soomaaliya' (mother of Somalia federalism). The two northern polities (i.e. Puntland together with the secessionist Somaliland in the north-west) are believed to have impacted the decision of southern political leaders at the Mbagathi conference to forge a deal to establish a federal government. A Somali political analyst characterized the federal project predecessor status of these two administrations as 'a child born out of wed-lock: a situation where FMS born before the federal government and dictate policies for the latter.'8

There have been many discussions regarding the precursors for the introduction of federalism as a system of governance. For example, Ziblatt (2014, 75) argues that 'federal concessions are granted when the political centre is

militarily too weak to impose itself on the periphery.' However, this article suggests that a close study of Somali perceptions reveals that federalism is an externally imposed idea which renders the weakening of the Somali state a strategic state policy. According to Marangio (2012, 1), these external influences, at both regional and international levels, 'have contributed to the fragmentation of the political arena, due notably to the emphasis on the use of force as the principal tool for acquiring or maintaining power.' Many Somali and non-Somali observers contend that neighbouring Ethiopia, which also adopted ethnic federalism in 1994, had a powerful demonstration effect on the introduction of federalism in Somalia, and in some contexts pressured Somali politicians to tilt towards its preference. 10 In fact, Ethiopia initiated the 'building blocks approach' concept, which paved the way for the introduction of federalism in Somalia. In 1998, the Ethiopian Ministry of Foreign Affairs drafted a position paper arguing that 'local administrative structures could constitute building blocks' in the restoration of the Somali state (Bryden 1999, 134). The 'building blocks'11 notion implied that reconstitution of any unitary Somali state is implausible for the foreseeable future, and offered loose federalism as alternative. Menkhaus (2018, 16) contends that the initiation of federalism in Somalia mirrors Ethiopia's preference for a federal Somalia. This has raised concerns among both Somalis, who viewed federalism as a ploy to divide Somalia into weak federal states, and Ethiopia's regional rivals (i.e. Egypt and Eritrea), who 'were equally suspicious of federalism and backed visions of a strong unitary Somali state,' (ibid). Consequently, the study respondents noted that Somalia federalism was 'midwifed' by Ethiopia, and to some extent by Kenya, because both of them fear a strong unitary Somalia, which may revive claiming the Somali territories in those countries.

Assessing Somalia's Federal Agenda

a. Clan or Constitutional Federalism?

Critics of the federalist project in Somalia often question the applicability of the system to a largely homogenous (culturally and ethnically) state such as Somalia. However, the strongest argument relates to the point that this governance system federalizes clans instead of citizens. The five FMS plus Somaliland were all established on the basis of clan majority. 12 For this reason, Somali federalism is nothing more than 'each clan carving up its own state and constitution.'13 The clan-based federalism poses a genuine concern. A university professor noted that 'federalism is dangerous for the Somali unity. It separates the population who have lived together many ages and confines them into their historical respective clan regions. It legitimizes

clanism, which is against the modern state ideals.'14 Somali society is organized around a clan structure, which is a patrilineal segmentary lineage. This system contains nuclear families, extended families, sub-clans, clans, tribes and confederations of tribes. These social organizations and structures, in turn, provide many avenues that can be used for different purposes, depending on the situation(s). As Lewis (1998, 105), the long-time Somali studies scholar frames it, 'Somali kinship, although ideologically endowed with supreme moral force and conceived of as a 'natural fact' (blood), is, as elsewhere, deployed tactically as a multipurpose, culturally constructed resource.' Abdirizak Haji Hussein, former Prime Minister of Somalia (1964-67), argued that 'the proposed federal system for the Somali people might, if adopted, bring easily about an unintended and counterproductive spectacle of a country divided into numerous zones that are based on clanist allegiances, instead of national civic-mindedness. Such a situation would potentially erode the very foundation of national unity and territorial integrity ... In such a specter, it's easy to foretell that the would-be elected office-holders will have to come from the bigger clan(s) of the major clanfamily of a given region ... there can be little or no chance for the midsized and/or minor clans/sub-clans to get their fair share of the political dispensation' (Hussein 2011).

The interim administrations of the emerging FMS have recorded little success in their responsibility to provide public services to their constituencies. Despite security improvements, the burgeoning member states have witnessed the rise of communal disputes that mostly relate to 1) the removal of al-Shabab rule, which suppressed clan tensions, and 2) the general nature and process of Somalia's ill-defined federal agenda, 15 which has already led to much confusion and hostility. Many sceptics of Somalia federalism contend that the leaders of the FMS have not embarked on a 'true' devolution of power, which was initially the case for federalism. According to a respondent who challenged federalism, 'FMS presidents have total control over their constituents: they appoint provincial and district heads, even judges. The country, therefore, has several authoritarians now compared to the one central dictator in the past. Thus, federalism does not seem to be preventing power abuse in Somalia.'16 This challenge is particularly acerbic considering that the promise of decentralization has not been implemented in FMS, with the exception of Somaliland and in some cases Puntland. In post-conflict Somalia, federalism has been a largely declaratory discourse and has not been initiated from the levels of governance below the FMS. Consequently, it has been repeatedly mentioned that Somalia's federal structure is a 'top-down' governance, which has not lived up to the spirit of 'true federalism' (Mohamed and Mohamed 2015, 17).

Opponents suggest that federalism weakens the cohesiveness of Somalia and leads to the creation of new identities based on regionalism that, in the



long term, will result in further disintegration and breakdown of the Somali state.¹⁷ Federalization of Somalia created competition among the FMS, which led to the formation of legalized clan identities. Each FMS adopted songs of praise, such as 'ma ogtahay, Galmudugeey' (O Galmudug, are you aware of?), 'Somaliland Alloow Dhawr' (may God preserve Somaliland) and 'ku dayo Puntland' (take Puntland as a good example), to encourage imitation and competition among each other (Ingiriis 2018, 64),. Observation on social media sites where Somalis communicate/share information, such as Facebook and Twitter, reveals that federalism is facilitating the development of new political identities. In these platforms, it is common to encounter phrases like 'Puntlander baan ahay' (I am a Puntlander) or 'Waxaan ahay Somalilander' (I am a Somalilander). It is also an increasing trend among youth nowadays to wear their respective FMS flags in their wrists instead of the national flag.

Many believe these conflicting identities break down the Somali 'hang together spirit' and create border tensions between the FMS, such as the Somaliland-Puntland conflict over Tukarag and the Galmudug-Hirshabelle feud over Mataban town.¹⁸ Since the arrival of federalism in the 2000s, new terms suggesting that Somalis were no longer related as one people began to appear in public discourse. It is often heard from Somali TV networks and mass media, 'dhulka Soomaalidu degto' (the Somali-inhabited lands) or 'dadka Af-Soomaaliga ku hadla' (the Somali-speaking people) as if Somalis are like the unrelated English-speaking or French-speaking peoples in the Caribbean or in Africa (Ingiriis 2018, 62). Other critics indicate that inclination towards federalism is a result of overemphasis on the Siad Barre era (1969-1991) while ignoring, wittingly or otherwise, the administrative successes of the civilian administration (1960-1969).¹⁹ In fact, article (86) of the 1960 constitution clearly sanctioned 'decentralisation of administration wherever possible'.

Other Somali anti-federalists are of the opinion that federalism came into being at the wrong time—during political, economic and security crises that demanded solutions. Rather than fixing these problems, a new problem (i.e. federalism) that pitted Somali tribes and clans against each other was devised (The Somali Star 2018).

However, the greatest opposition to federalism seems to be stemming from Somaliland. Majority of interviews and discussions with the participants concluded that federalism does not serve the best interests of Somalis and would hamper future re-unification with Somaliland. According to one participant 'federalism was a tactic by the late Somali President Abdullahi Yusuf Ahmed who thought it was the only possible method to prevent a formal succession of Somaliland.'20 Another Somaliland perspective expressed 'No way Somaliland would be interested in reunification with federal Somalia, in which its current political atmosphere is marked by



asymmetric FMS that will not entertain Somaliland's political arrangement.'21 Similarly, a focus group discussion with academics and analysts from Somaliland concluded that 'If there is going to be any kind of future federalism in the Somali Republic, it would be between Somaliland and Somalia. Somaliland has no intention whatsoever of becoming a member of federated Somalia equal to its other FMS.'22 As a result, a federal MP from Somaliland welcomed the idea of a North-South federation if that 'preserves Somali people's unity.'23

b. Beyond the Debate: Has Federalism Delivered for Somalia?

In 2004, a new constitution introduced federalism to Somalia. At the same time, the international community worried about the Somali debacle and its potential to become a hub of terrorism; the country was already facing the brunt of the so-called 'War on Terror'. This reflected the willingness of the international community to support the newly created Transitional Federal Government, including the invasion of Ethiopian troops in 2006 and the defeat of the short-lived Union of Islamic Courts' (UIC) rule in much of central and southern Somalia. Protected by African Union Forces, the TFG relocated to Mogadishu following the overthrow of the UIC.

However, the country began the federalization process in 2012 after adopting the Provisional Constitution. The first non-transitional parliament and president were subsequently elected in Mogadishu, the first time that Somali leadership had been elected inside Somalia in over two decades. The newly created FGS enjoyed greater legitimacy and was tasked with laying the groundwork for multiparty elections and drawing up the roadmap to one-person-one-vote. Achieving these ambitious tasks required a constitution reviewed and finalized by the Federal Constitution Committee, a complete census of all Somali citizens, the creation of political parties and stablising of the entire country.

Despite not achieving many of these milestones, it could be argued that the new FGS, led by President Hassan Sheikh Mohamud, embarked on a genuine process to federalize the country. Five FMS were formed in the process, and unity talks with Somaliland were reintroduced. Between 2012 and 2019, the country ensured some notable progress on many fronts. In 2017, Somalia completed its first national electoral process since the 2012 transition, electing a new parliament and a new president, followed by a peaceful transition of power. The new president, Mohamed Abdullahi Mohamed (aka Farmajo), formed a government with a compelling reform agenda that achieved some remarkable successes, such as improved finances. On the security front, the Somali National Army had been gradually rebuilt, and fresh new offensives to recapture and restore al-Shababcontrolled territories were first launched in 2012. As a consequence, al-Shabab's operational capabilities were severely weakened. The SNA is reportedly preparing to take over the security of the country as the gradual withdrawal of African Union Forces has begun.

Under President Mohamud's administration, Somalia also managed to reestablish diplomatic relations with the rest of the world—relations that were lost following the collapse of the Somali state in 1991. For example, in 2012, the US formally recognized the FGS—for the first time since 1991—and ended its 'dual-track policy' on Somalia.²⁴ A number of other Western countries, including the EU states, followed suit and appointed diplomats to Somalia.²⁵ Moreover, Somalia reclaimed its position, albeit incomplete, in global multilateral institutions such as the IMF (BBC 2013) and the World Bank (Obulutsa 2018). Many international organizations have since either returned to or relocated their Somalia country offices to Mogadishu, citing the FGS's relentless 'commitment to meaningful reform and re-engagement with the international community' as the primary reason for their return (Ching 2019).

Since the end of the transitional period in 2012, Somalia has begun to play a visible role in both regional and international affairs, such as hosting IGAD heads of state for the first time in 30 years and an OIC ministerial summit for the first time in history (Garowe Online 2018). Additionally, the IGAD bloc mandated Somalia to contribute troops to the Regional Protection Forces in South Sudan to 'enhance the protection and security' of Africa's youngest nation (Oduha 2018). Finally, the FGS has been able to achieve a significant debt relief. In February 2020, the global financial institutions wrote off \$800 million of Somalia's debt under the Highly Indebted Poor Countries. This was followed by successful Paris Club negotiations where Somalia's debt to the Club of over \$3 billion was reduced by \$1.4 billion.

c. Somalia's Federal Agenda: A Hard Row to Hoe?

Somalia's federal project has proven to be a rocky road. It faces multiple practical challenges concerning its implementation.

Deconstructing the many analyses from previous studies (Kouroutakis 2014; Mubarak and Mosley 2014), as well as the responses of our study participants, several outstanding federal issues stand out. First is a lack of clarity relating to the constitutional text and a lack of consensus concerning federalism. A reason often cited for this challenge is a lack of sufficient information about federalism available to the public and the nature of the constitution as 'an unfinished project.'26 The latter is due to a serious unaddressed constitutional divide between those who envisage a strong unitary Somalia and those who fear a centralized government would be dominated by a single clan and would, as a result, deny them their fair share of resources. This divide has understandably prevented the completion of the country's constitutional transition process, which started in 2000. This had led to some terming the 'unfinished' nature as *lla Meeravso* (running around in circles) while questioning the non-transitional status of the FGS whose constitution remains provisional.²⁷ According to Hogendoorn (2013), the constitutional disagreement also inclines towards 'clan lines with many Hawiye clans, who dominate central and south Somalia and particularly greater Mogadishu, supporting a unitary state, while many Darod clans, who dominate Puntland and Jubaland, are strong proponents of federalism.' This is no surprise given that these two clans dominated the political arena of post-conflict Somalia, often sharing the country's top two executive posts (i.e. president and prime minister).

The second point deals with the vicious cycle of centre-periphery squabbles that have surfaced continuously since 2012. Michael Keaten, former UNSG envoy to Somalia, alluded to these disagreements in his final briefing to the United Nations Security Council on Sept. 13, 2018: 'On the day I arrived in Mogadishu on January 20, 2016, I was taken straight to the president's office to discuss a threat by FMS to suspend cooperation with the central government When I left Mogadishu two days ago, the country faced a similar situation. The structural problems that shape Somali politics and security have not changed' (UNSOM 2018). People often point to a lack of constitutional clarity surrounding the definition of institutional duties. A focus group discussion concluded that 'none of the FGS and FMS is wrong. The problem is with the provisional constitution that does not clearly define the roles and responsibilities of the two levels of the government. We should fix the constitution, so that we can put these endless squabbles to an end.'28 According to an analyst, 'a complete revision of the constitution followed by a nation-wide referendum will put this conflict to an end.'29 Another point of contention concerns the creation of the FMS and difficulties emerging from the border demarcations between them. Article 49 (5) of the 2012 provisional constitution stipulates that 'Federal Member State boundaries shall be based on the boundaries of the administrative regions as they existed before 1991.' The preceding protocol of the same article states that, 'based on a voluntary decision, two or more regions may merge to form a Federal Member State.'

Furthermore, questions as to Magaamka Mugdisho (the status of Mogadishu) and the wider Banadir province have yet to be addressed in current federal deliberations. With over two million residents, Mogadishu is the seat of the FGS and is the country's largest city in terms of population and business hustle. Mogadishu has a port and an airport, which are the largest revenue sources for the FGS. In 2015, Mogadishu was ranked as the second fastest growing city in the world (after Batam in Indonesia) by US-based consultancy company Demographia (Massy-Beresford 2015). This growth is due primarily to the security improvements that encouraged many Somalis,

both from the diaspora and from other regions, to relocate to the city. However, Mogadishu residents complain constantly about their lack of political representation in the federal parliament and the city's poorly-defined status in federal Somalia. According to Ali Mohamed Gedi, former Prime Minister of the Transitional Federal Government, 'since Abdigasim Salad Hassan was elected president for Somalia in 2000, there have been calls to define the status of the capital Mogadishu. It is necessary that this city gets political representation and its residents elect their leaders instead of appointments.'30 Focus group discussants from Mogadishu stated that 'Mogadishu hosts the FGS and its residents pay taxes but lack representation rights. It is the duty of the federal parliament to determine the place of Mogadishu. It needs officials who serve for the city and accountable for its residents.'31 Tellingly, the 2012 constitution does not grant Mogadishu the status of either a FMS or special administrative region. Article 9 of the constitution reads, 'the capital city of the Federal Republic of Somalia is Mogadishu. The status of the capital city of Somalia shall be determined in the constitutional review process, and the two houses of the Somali Federal Parliament shall enact a special law with regards to this issue.' However, Magaamka Mugdisho seems to be caught up in the local politicians' desire for power. When the city's current mayor was appointed by the FGS president Famajo in July 2019, a senior FGS insider interviewed for this study said, 'Mogadishu is the only major city controlled by the FGS. Granting it an independent status at this unstable federalist experiment could pit it against the FGS, thus jeopardising the latter. For example, one of the city's former mayors (i.e. Thabit

Finally, an equitable (re)distribution of national resources, presents another unsettling constraint on the country's pursuit of federalization. The 2012 provisional federal constitution stipulated 'The allocation of the natural resources of the Federal Republic of Somalia shall be negotiated by, and agreed upon, by the Federal Government and the Federal Member States in accordance with this Constitution.' In 2019, the Federal Parliament passed a petroleum law, which provided details as to how potential hydrocarbon revenues are to be shared between the FGS andFMS (Biryabarema 2019). A few days after the FGS passed the law in parliament, the leaders of Puntland and Galmudug states issued a joint statement declaring that the duo 'are not part of, and do not recognize, the new petroleum law and cannot be held responsible for any decision that does not involve consultation and consensus between the FGS and the FMS' (Garowe Online 2019). To downplay these tensions, experts claim that Somalia needs to enact a resource-sharing agreement between the FGS and FMS and attain political consensus and stability before the commencement of oil production (Maruf 2019).

Abdi) was deposed after he insubordinated the president by publicly cam-

paigning for an independent status of the city.'32



a. Decentralization: An alternative model?

A sustainable federal structure in Somalia would have to integrate with the indigenous Somali governance system and somehow reflect on the nationalist agenda of the Somali state. According to Elmi (2015, 1), the inclination towards federalism is fuelled by domestic grievances, namely 'trust-deficit, demand for democracy, access to basic services and call for equitable share of resources.' Accordingly, most subjects interviewed for this research stated that federalism cannot address general governance issues in Somalia and is therefore unsuitable for the country. The subjects seemingly preferred decentralization over classic federalism. For example, a former federal minister responded to a question as to the governance model best suited to Somalia with the reply, 'one that does not contradict Somali culture and interests ... and based on collaboration and unity since our country has many enemies. 33 Similarly, a number of focus group interviewees stated that 'Somalia needs a strong central government and supporting, collaborative regional states.'34 Another focus group discussion concluded that Somalia should take 'a provisional federalism to address the current grievances and then switch to decentralized unitary system ... and it should be administrative federalism where the FGS enacts laws and the FMS implement them.³⁵ A possible explanation regarding the inclination to decentralization could be the hope that federalism could 'fix the state collapse, but the continuation of centre-periphery squabbles dissuaded many.'36

There are others who call for a hybrid-political system that contains both the indigenous and federal elements of governance. According to one traditional elder interviewed for this study, 'If federalism is to work in Somalia, it should accommodate the customary Somali governance. We enjoy the support of the people more than other figures and we can bridge the gap between the society and the government.'37 A civil society member agrees, 'I think the role of tribal elders is underutilised. Through traditional conflict management mechanisms, they have been providing informal governance systems since the state collapse in 1991. So, I believe giving them official representations would not only enforce their traditional roles, but they could also solve the recurrent FGS-FMS disputes.'38 From this perspective, the role of the traditional tribal elders, which represent various descent groups and wield a significant influence in public life, should be constitutionalized in order to stabilize Somalia's federal politics. This is exactly what the breakaway Somaliland did after it announced a unilateral independence from the collapsing Somali State in early 1990s. At a peace conference in early 1993, politicians, rebel commanders and tribal elders agreed to adopt a constitution that separates the three branches of the government, and opted for a bicameral parliament, containing the house of representatives and house of elders. Since then, traditional elders assumed a leading role in the peace and politics of Somaliland (Hoehne 2018, 187).

There are arguments that regional politics (both in the Horn of Africa and the Middle East) and shifting alliances are affecting the future of federalism in Somalia. Since Abiy Ahmed ascended to power as Ethiopia's prime minister in 2018, Addis Ababa has abandoned its traditional policy of dealing with the Somalia FMS and supported the central government. In 2018, for example, Ethiopian troops serving under the AMISOM peacekeepers were accused of overthrowing Southwest FMS's president on behalf of the FGS. During the 2019 Jubaland state elections, the troops also unsuccessfully tried to unseat Jubaland leader, Ahmed Madobe. At home, Abiy has demolished Ethiopian Peoples' Revolutionary Democratic Front-a coalition party that has ruled Ethiopia over 25 years and introduced Ethiopian ethnic federalism in 1995. In December 2019, he established a new pan-Ethiopian political party as a successor to the EPRDF coalition. Many believe that the prevailing political atmosphere in Ethiopia could impact Somalia's federal agenda. According to a senior Somali politician, 'for the next 10 years, anti-federalists will dominate the politics of the Horn of Africa, especially Ethiopia. Somalia is also noticing the winds of change.'39

Increasing rivalry between the Gulf Arab powers is playing in Somalia, and possibly impacting its federal agenda. After Somalia took a neutral position in the 2017 Qatar-GCC crisis, its ties with the anti-Qatar camp, particularly the UAE, soared. Consequently, Abu Dhabi abandoned training Somalia's military, closed a hospital it ran in Mogadishu, and developed closer ties with the FMS. For example, the UAE inked a \$442 million port upgrade deal and the establishment of a new UAE military base with Somaliland while it also won a concession to develop and manage another port in Puntland state. Following the dispute with its neighbours, Qatar also increased its involvement in Somalia through political and development projects. 40 There are concerns that these powers might negatively impact Somalia federalism. According to a Somali professor, 'the UAE is paying millions to FMS, particularly those in conflict with the authorities in Mogadishu, on a monthly basis while Qatar is backing the FGS. This comes along with the dominant claim that federalism is a foreign initiative.'41 According to another official, 'the regional changes could affect our system. But I believe the Somali leadership is not actually committed to federalising the country. They are using excessive nationalism rhetoric that creates a dangerous Siad Barre nostalgia among many parts of the public. This would finally lead the masses to lose appetite for federalism.'42 Finally, a prominent politician noted that federalism is losing ground because 'there has not been enough discussion about the model and its implications for the country before it was adopted at the Mbagathi conference. And there is a considerable likelihood that federalism would be rejected if it is put to referendum.'43

As calls for decentralization over federalism gain ground in post-civil war Somalia, the question as to which functional decentralization option best

reflects the governance needs of the country warrants further investigation. Former Prime Minister Abdirizak Haii Hussein proposes a decentralized unitary system, which guarantees 'regional or local autonomy' would be suitable to Somalia since it is 'more pragmatic and cost-effective,' (Hussein 2011). Similarly, Elmi (2015, 1) argues that a decentralized unitary system offers the best response to the federalism-driving factors in Somalia and 'can keep the country united while addressing local grievances and the legitimate interests of external actors.' However, it should be noted that the constitutional arrangement of such decentralization requires consultation and consensus between all involved stakeholders, as well as commitment to its implementation (Böckenförde 2012, 123). This arrangement will have to address the realities on the ground, especially in regard to the self-declared Republic of Somaliland, which has already rejected implementation of the federal project. Talks between the FGS and Somaliland have made no tangible progress since they began in 2011, and any attempt to adopt a decentralization structure will risk inviting conflict with that territory. As remarked by a former FMS president 'approval or change of this constitution without the participation of Somaliland would mean unilateral recognition.'44 Therefore, the FGS leadership must address the 'Somaliland question' and gain trust before devising a decentralization structure.

Conclusion

This paper has attempted to critically assess the Somalia's federal track record and the constraints of implementing it from the viewpoint of post-conflict African federal states. In Somalia, federalism is viewed as an option to end the civil war, mitigate risks of conflict and ensure the unity of the country.

Successive post-transitional federal administrations have made tangible progress in federalising Somalia. In addition to Puntland and Somaliland, five FMS have been created since 2012. However, criticisms of federalism mainly revolve around a) the system's unfitness to Somalia due to its relative ethno-cultural homogeneity and b) the notion that federalism is nothing more than an externally imposed idea through which the weakening of the Somali state is a strategic state policy. Other notable practical problems for the federal agenda include ambiguity of the constitutional text and a lack of consensus on the meaning of federalism; difficulties concerning the creation of FMS and border demarcations; the status of the capital, Mogadishu, as well as questions about fiscal federalism.

The findings of this study show that there are increasing calls for decentralisation as the most suitable model for Somalia. This inclination stems primarily from the failure of classical (Western) federalism to accommodate indigenous concepts of Somali governance and address the nationalist mission of the Somali state, constitutional ambiguity, as well as insufficient



knowledge about federalism on the part of the general public. Determining the best suitable decentralisation option for Somalia requires further research and a transparent consensus from all relevant parties. However, irrelevant of the governance model Somalia ultimately adopts, the most significant challenge remains addressing the clan mistrust and transforming the loyalties of citizens from reliance on security provided by their clans towards the benefits provided by a functional Somali state.

Notes

- 1. Somali clans are based on common ancestry according to a continuous paternal line. Tribe is a group of society larger than clan but smaller than a state. Both are destabilizing and stabilizing factors in Somalia. In this article, both terms are used inter-changeably.
- 2. The European colonial powers divided Somalia into five political territories. These were Italian Somalia, British Somaliland, French Somaliland (now Djibouti), Ethiopian Ogaden (or Hawd) and northwestern Kenya.
- 3. The Maay and Maxaa-tiri are the largest two dialects of the Somali language. Maxaa-tiri is spoken by the majority of Somalis, while Maay is spoken mostly by the Digil and Mirifle clan family, which mainly inhabit the current FMS of Southwest state. Both dialects are the official language of Somalia per the 2012 Provisional Constitution.
- 4. Article 86 (Administrative Decentralization): 'Whenever possible, administrative functions shall be decentralized and performed by the local organs of the State and by public bodies.'
- 5. See Chapter 5 of the 2012 constitution: 'Devolution of the Powers of State in the Federal Republic of Somalia.'
- 6. See Articles 51 and 4 of the 2012 provisional federal constitution.
- 7. Well before the introduction of federalism in Somalia, the secessionist Somaliland state in the northwest and the autonomous Puntland state in the northeast established local governance structures that enabled them to expand trade out of their seaports, generate revenues and create business-friendly environments in their respective regions.
- 8. Interview with Somali political analyst in Mogadishu on March 25, 2019.
- 9. Interviews and focus group discussions (December 2018-March 2020 in Puntland, Hirshabelle, Galmudug, Southwest, Jubbaland and Mogadishu), observations and historical data.
- 10. For instance, a considerable number of the Somali observers believe that Ethiopia has had a leading role in persuading the Mbgathi peace conference participants to embrace federalism. Observations on social media platforms used by Somalis, as well as popular Somali TV and radio shows, confirm this argument. An example from the non-Somali perspectives is Ken Menkhaus, who argued that 'the introduction of federalism as a system of government in Somalia can be traced to the rise of Puntland and Ethiopia's preference for a federal Somalia.' See Menkhaus (2018).
- 11. For more on Ethiopia's 'building blocks' proposal, see University of Pennsylvania (1999).
- 12. Somalis belong to one of 4 major clans (Darod, Dir, Hawiye and Rahanweyn), with each constituting a majority of its respective FMS. Dir and its cousin,



Isag, dominate Somaliland. Darod leads Puntland in the northeast and Jubaland. The Rahanweyn, which traditionally resides in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia, make up the majority of the Southwest state. Hawiye fires the shots in Galmudug and Hirshabelle, together with Banadir region, which hosts Mogadishu—the country's largest city and its capital.

- 13. Focus discussion with a group of senior university lecturers, civil servants, social activists and youth and women representatives in Dhusamareb, Galmudug, Somalia on February 08, 2019.
- 14. Interview with university professor in Mogadishu on August 26, 2019.
- 15. The 'ill-defined federal agenda' refers to the current Provisional Constitution, which has a number of unresolved constitutional issues such as the future status of Mogadishu and the sharing of powers and resources between the FGS and the FMS.
- 16. Interview with Somalia analyst in Mogadishu on December 15, 2018.
- 17. Interview with a think tanker and civil society activist in Mogadishu on December 15, 2018.
- 18. Focus group discussion with academics, civil servants, social activists and youth and women representatives in Dhusamareb on February 08, 2019.
- 19. Interview with a civil society representative and an academic in Diibouti on December 16, 2019.
- 20. Focus group discussion, December 17, 2018, Djibouti.
- 21. Telephone interview with academic, November 07, 2019.
- 22. Focus group discussion with academics and analysts from Somaliland, August 24, 2019, Mogadishu.
- 23. Interview with Somali MP, Djibouti, December 16, 2018.
- 24. The 'Dual-Track' was a U.S. approach to engage with Somalia. On the first track, the US would support the TFG, and in the second track, Washington engaged with Somaliland, Puntland and other regional or clan actors that existed in https://intpolicydigest.org/2019/01/15/is-nicholas-haysom-athe victim-of-u-s-dual-track-policy-on-somalia/
- 25. For example, the UK, Germany, Italy, Canada, Norway and Denmark as well as other world powers such as Russia, China and India.
- 26. Focus group discussion with social activists, academics, women representatives and state government staffers in Dhusamareb on December 5, 2018.
- 27. Interview with a Somali academic in Istanbul on November 08, 2019. Similarly, the famous Somali cartoonist Amin Amir once depicted the transitory aspect of the Somalia constitution, terming the document as full of 'confusion'. https:// mahadgelle.com/blog/2020/09/21/dastuurka-soomaaliya/
- 28. Focus group discussion with academics, politicians and civil society members in Baidoba on April 23, 2019.
- 29. Interview with Somali analyst in Mogadishu on February 26, 2019.
- 30. https://www.youtube.com/watch?v=LxSTsRC3oPE
- 31. Focus group discussion with Mogadishu residents (academics, traditional elders, and youth and women representatives) May 04-August 29, 2019.
- 32. Interview with an official at the FGS, Mogadishu August 19, 2019.
- 33. Interview with a former federal minister at Dhusamareb on December 5, 2018.
- 34. Focus group discussion in Dhusamareb on December 2, 2018.
- 35. Focus group discussion in Kismayo on February 8, 2019.
- 36. Interview with former Somali Foreign Minister, Istanbul, December 2019.



- 37. Telephone interview with a Somali traditional elder on January 05, 2020.
- 38. Telephone interview with a civil society member on January 07, 2020.
- 39. Telephone interview with a senior Villa Somalia officer, January, 20, 2020.
- 40. For more discussion on Somalia in the context of the Qatar crisis, see Dahir (2021).
- 41. Telephone interview with a Somali academic, August 18, 2019.
- 42. Interview with a Somali Senator, August 27, 2019, Mogadishu.
- 43. Telephone interview with a Somali politician, November 4, 2019.
- 44. Interview with former FMS leader, November 14, 2019, Istanbul.

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