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The patterns of state rebuilding and federalism in Somalia

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Public opinions and evaluations of federal systems are important to the functionality and vitality of those systems. Yet little is known about the general public opinion on whether a federal system of government in Somalia promotes positive political stability, accommodates the interests of different groups and the barriers to transitioning into a federal system whilst being a fragile state. 165 participants representing the stakeholders of society in the Somali Federal Parliament participated in the study. This study argues that the design of federalism is a significant factor for the success of the system in post conflict countries. To enhance the prospects of state rebuilding from a political perspective and to facilitate the envisaged decentralization, there is an enormous need for reform when public institutions are weak. The reforms will have to include political inclusion through a multi-party system, constitutional review, supportive atmosphere for political competition, the clear separation of powers of the federal government and defined exercisable powers between the regional states and central government. In addition, a fair and transparent process is necessary for the creation of federal member states. Barriers are inherent and inevitable in the process of shifting from the previous centralized system and current clan power sharing arrangements to federalism.

Key words: Federalism, state rebuilding, political stability, Somalia.

INTRODUCTION

It is widely argued that federal system of government is destined and linked to promote positive political stability in general and in democracies. It also accommodates the interests of different groups in terms of identity, ethnicity and other interest groups. Federalism has been widely employed in order to satisfy and accommodate the interests of different groups and to enhance co-existence among different ethnic and other identity groups.

From this perspective, federalism increases the chances

of democratic survival, enhances the political stability through peaceful participation, transition and intergovernmental competition between federal member states to render the desired outcome to the societies that they promote and exist within. "Federalism is destined to improve chances for democratic survival" (Boix, 2003; Myerson, 2006)

This supports the suggestion of William Riker that the twentieth century was an 'Age of Federalism'

(Riker, 1964). However, some authors argue, "Federal system of government needs attention to several concerns related to constitutional and other institutional issues, some of which pose peculiar and intriguing issues of normative political theory" (Norman, 2006; Watts, 1998).

Unlike any other federal nation in Africa, federalism in Somalia was adopted to satisfy the needs of different clans and not to respond to the ethnic diversity and recognition of different territorial lands. Somali society is homogenous and during the two decade long conflict, co-existence of the different clans in most regions of Somalia remained unchanged except in a few places where inter-clan violence escalated.

Prior to the civil war, Somalia adopted a centralized system of government which started off democratically with the first elected Somali President in 1960. After a military coup in 1969, Somalia's centralized governance structure continued with President Siad Barre. By 1991, Somalia officially entered a prolonged period of civil war and emerged out of it with a clan-based power sharing system commonly known as 4.5.

In Somalia, the end of the mandate of the Transitional Federal Government (TFG) was followed by the adoption of the interim provisional constitution in August 2012 with 96% of Parliamentarians endorsing it. After this point the establishment of a permanent Federal Government was achieved and Somalia entered a new phase. The government was given a mandate of four years to federate the country and adopt the new constitution through a referendum. While Somalia is turning the corner away from conflict and engaging with the international community in all fields, including state building and constitutional affairs, the current progress made is likely to lead to stability and the end of an era of painful political stagnation.

During the course of the adoption of the new provisional constitution, there were issues that remained controversial, notably the creation of Federal Member States and review of the constitution. Therefore, as a post conflict state, any errors including unclear definitions and divisive strategies in the formation of the federal system can have negative impact both politically and constitutionally. The delicate establishment of a strong federal system is necessary to help the current Federal Government to sustain and ensure that the progress being made so far does not fall apart.

At present, the adopted federal system, which is supposed to promote stability and unite the fractured regions of the country under a strong federal government built on consensus, is yet to achieve this desired goal. Ironically, the adopted federalism process led to early conflicts among the local stakeholders over the system. Key concerns outlined by many stakeholders, including regional state leadership and tribal elders, centered on the fair and transparent formation of the Federal Member States and the review of the constitution.

This is very important from the perspective of the regional states, because of the history of inter-clan conflicts and the need to fully benefit from the new proposed structures and opportunities offered by federalism. Federalism and the democratic model which it will be based on is new to Somalia and there is a perception among clans and regional states that they must win as much concessions and independence from the center.

The emergence of the earlier mentioned obstacles and the main concepts of this research resulted in this paper questioning the general public opinion of whether a federal system of government in Somalia promotes positive political stability and accommodates the interests of different groups. The fundamental process of transitioning into a federal system whilst being a fragile state like Somalia is also examined and it was hypothesized that:

H1: The current Federal System in Somalia is not designed towards enhancing the prospects of state rebuilding from a political perspective and to end the clan conflicts and possible secession.
H2: The pre-civil war thirty years of centralized governmental system in Somalia and current clan power sharing system are unlikely to be barriers to the newly adopted federal system.

In order to measure further the design of the adopted federal system, the paper considered the status of a limited number of associated factors, which are considered and assumed as positively related to the success of the design of the federal system. These include the review of the constitution, multi-party system, a supportive atmosphere for political competition, clear power separation, and a fair and transparent process. All these are absolutely necessary for the successful creation of federal member states and therefore, a sustainable federal model.

RELATED LITERATURE

Federalism, as the term is used in political science and legal learning, refers to a mode of organizing a political entity that grants partial autonomy to geographically defined subdivisions of the polity (Blumstein, 1994; Friedrich, 1968).

The formation of a federal system remains significant and Somalia seeks vigorously to establish its federal system through consolidation of an established Federal Member States into Federal Government. In Article 48 of the Provisional Constitution of Somalia, which defines the Structure of the State, highlights that the Federal Republic of Somalia is composed of two levels of governments and these are federal and state level (Somali Const. Art. 48 § 1 and 2, 2012).

Based on the provisional constitution, Somalia adopted a federal system and upon approval of the constitution in August 2012, Somalia transformed into a Federal Republic. According to Kouroutakis (2014), the aim of the adopted constitution was to terminate the two decade long conflict and the political unrest by establishing a responsive and transparent system of governance and strong institutions (Kouroutakis, 2014).

According to Elmi (2014), "most of the Somali citizens agreed on federalism in order to reconstruct the state; however, the type of federalism has not been defined yet, so it is necessary to maintain its debate" (Elmi, 2014, p.7). Elmi (2014) argued that it is not easy to find a system of government, which can serve towards a speedy solution for a state, which experienced such a long conflict, and extreme collapse of its institutions. He noted that the case of Somalia is rather unique and so are its solutions. He explained that the major challenge of reaching sustainable solution for Somalia is how to balance the contradictory trends within Somali society (Elmi, 2014: 8).

In analyzing Elmi's argument, it is important to remember that there are lessons and ideas to be learnt from other nations which overcame Somalia's current difficulties both in the immediate region and the world. Therefore, the argument that Somalia's case is unique can be challenged on this ground and solutions can be sought in many international settlements for rebuilding tribal and post conflict states.

It has been widely discussed within Somali politics and by Somalia's international partners whether a federal system is convenient to stabilize the country. The entire discussions regarding the merits of the federal system with regards to the peace and state building aims of Somalia has only remained at the executive level. Neither policymakers nor the public have been consulted at length and in a representative number. However, among scholars, the existing prevailing argument is that Federalism is the only alternative solution to pacify the nation and rebuild it.

Scholars like Flamand (2005) argued that federalism comes first as the best alternative to a centralized system in order to preserve the integration of a society at the national level and overcome the surrounding challenges. Moreover, he elaborated that it is valuable to create an atmosphere whereby the central government can reach out and engage in substantial coordination among its regional governments and stakeholders which is an enormous benefit in complex societies.

Flamand (2005) stated that federalism takes many forms and is not always successful. He outlined the structure of the federal system plays an important role in determining its success in most cases. Further, he argued that there are prominent institutions that can be adjusted so the overall federal system prevails (Flamand, 2005). Rightfully, and in line with Flamand's argument, a federal system that is both stable and significant is possible to create as institutional parameters can be adjusted to achieve this goal. The challenge in this case is the inevitable political competition and bargaining between all actors most specifically between those at the center and the periphery. This arguably challenges the institutional states quo, which in turn intensifies the political competition and tensions.

Considering the main aim of federalism and establishing a stable federal system, it is imperative to meet the economic and political goals that all stakeholders have in order to preserve the existence of the system.

Somalia has a history of a centralized system of government since its independence with accumulated power at the national level. Therefore, shifting from this system and transferring these powers to different representatives of the people can sharply affect the general political atmosphere, whereby the accountability and transparency resulting from federal system can improve the democratic system. Considering this, it is possible to raise the question of whether the power separation can bring integral federalism. Clark (2000) argues that "the separation of powers safeguards federalism by limiting the number and kinds of federal laws that may displace state law".

In contrast to Clark, there are some scholars who argue that the separation of powers can result in competition and collaboration between the branches of the government. This is a critical point in itself because political competition is an important segment of this paper as it supports the notion that political competition can lay the foundations for an effective and democratically established federal system.

When it comes to how federalism effects the power separation, some authors like Walker (1996) argue that "Federal Government can dictate the member states in matters beyond its power and this can be solved by having strong federal laws which are prevalent to promote cooperative federalism between the state and federal government" (Walker, 1995). This is the practice of established federal states like the USA, whereby federal states are given certain autonomy and flexibility within some policy areas but the overall national defense, finance and foreign policy is determined by the federal government. Currently, there are challenges in understanding this between the Somali Federal Government and the regional states, which are still negotiating. This can only be resolved successfully by an agreed and clear constitution, which clarifies the powers and responsibilities of both sides.

The power sharing arrangement was introduced in Somalia after a decade of conflict and civil war. However, this arrangement has had some added value to sustainable peace and political stability, which was the concrete objective of the system in the first place. The best example of this is the leadership forum, which was established in early 2015 jointly by the Federal

Government and regional state leaders as a platform to discuss all pertinent issues related to power sharing and responsibilities under a federal system.

In his study, Vandeginste (2009) focused on Burundi and his analysis found that power sharing arrangement was introduced to Burundi in several aspects and used as a tool for Political liberalization to preserve existing government institutions, to lobby for political representation and to engage in negotiations with rebels.

He argued that power-sharing arrangement could be labeled as a success story when its main objective is limited to the termination of civil wars as this was the case in Burundi until 2000 (Vandeginste, 2009). This short term success is an over simplistic analysis which, while solving the political competition based on ethnicity does not advance the other enablers of effective and long term solutions like democracy, accountability, rule of law and effective governance.

Power sharing arrangements clearly showed how hard it is to convince different groups and conserve democracy in the system of government especially in environments of conflict and competition for dominance. Much literature questions the value of elections in societies where reconciliation is needed first and foremost. Papagianni (2007) advocates, "the aim of reaching reconciliation sometimes overweighs the need of implementing the outcome of a decent election".

Mukherjee (2006) undertook an authoritative research that produced a model that explained why some power-sharing agreements succeed and others do not. He empirically studied 111 civil wars whereby power sharing was used as the main tool for securing peace. Mukherjee (2006) concluded that power-sharing arrangement could only promise sustainable peace when either the government or insurgent groups prevail and call for power sharing. However, the likelihood of achieving endurable peace tends to fail when called after military stalemate. In his analysis, he concluded that military capacity as a strong and decisive factor and for that reason power sharing agreements most likely tend to succeed if one of the warring sides gains disproportionate power in comparison to the other (Mukherjee, 2006).

For decades, Somalia was in the middle of conflicts and political stagnation which led to various countrywide chaos without a consensus on how to rebuild it (Doornbos, 2002).

Despite attempts, both within Somalia and internationally, to design and implement effective reconciliation and power sharing arrangements since the State collapse in 1991, it's arguable whether either or both have been achieved to this date. However, by adopting federalism, there were significant transformations in the general atmosphere as some level of political competition started to emerge. This could be a good beginning for a stable democratic system of power sharing. In this paper, I support the idea of political competition bringing forward and strengthening political dialogue between rivalries and political stakeholders.

Federalism as a system will stimulate much needed discussions and healthy democratic competition which are vital for the process of democratization, state building and good governance in States affected by conflict like Somalia. Marshfield (2011) stressed this point by stating "Political competition is vital for maintaining stability and healthy democratic system".

Marshfield (2011) continues on to argue that political competition can assist in achieving democracy in a federal system, whereby a number of measures and parameters are being considered and met. He highlighted the need to have opposition parties that assure constructive political competition in order to promote democracy and inclusion (Marshfield, 2011).

The current model of federalism in Somalia should take into consideration Marshfield's analysis that Federalism offers voters more opportunities to compare and make informed decisions. The current challenge is that the Somali constitution is under review and until such time it is completed and agreed, it will be difficult to design concrete federal structures and processes which address the fundamental issue of power sharing and constructive political competition between the center and the regional states. Ironically, it will be agreement of the constitution that will define the parameters of competition and perhaps end the constant negotiations.

According to Ouma (2011), federalism can be a mechanism for containing and settling ethnic conflicts. He considered in his study several countries in the East African region and focused on the phenomenon of conflicts related to ethnic and structure of social cleavages.

In his conclusion, with regards to Somalia and on the matters of ethnic conflict management using mechanisms including power sharing, federalism and autonomy, he stated that, "Somalia can have a federal state with structure of autonomous regions like Somaliland and Puntland" (Ouma, 2011). However, his study did not elaborate on power sharing mechanisms, which is widely used by Somali policymakers in order to reduce clan conflicts. Instead he focused on the issue of representation of regions and power groups other than clans, which cannot be sidelined in any meaningful research focused on Somalia.

The cliché about federalism remained for decades as a distinctive accommodator of divided ethnic groups, and in regard to that theory, it has become a corner stone solution suggested for Somalia in order to overcome the two decade long conflict. According to Suberu and Diamond (2002), Nigeria remains as a model for managing a united multi ethnic and diverse society in a federal system. However, there were rampant conflicts in which the accommodative federal system in the country did not protect against. The formal and informal strategies for national integration and ethnic accommodation which the government implemented

assisted the country in containing threats of institutional instability (Suberu and Diamond, 2002).

The Nigerian government endeavored to have a sustainable peace promoting federal system where several contexts including role of federal design, institutional redesign, system of government, either parliamentary or presidential, and ethnic conflict management are all attached to its long term government strategic plan in order to achieve national unity. This was done in order to preserve a democratic system which accommodates one of the World's most deeply divided ethnic societies and populated African country. While Somalia is a homogenous society, there is clearly a need to learn lessons from the Nigerian experience of federal state design in order to achieve the state building goals based on democracy and inclusivity.

Recent research showed some support to the debate of institutional design toward better federal system. In his research, Basedau (2011), systematically assessed the value and logic of institutional designs. The main argument is that generally public institutions can work within an ethical framework based on accommodative or denial political phenomenon. The former accommodates ethnicity in politics while the other denies it. He also asserted that the empirical evidence of the function of these institutional designs remain inconclusive while its theory also quite ambivalent. However, his study assessed these institutions individually and together but the study only considered the formal institutions including constitutions, laws, and other related issues which are laid by the government (Basedau, 2011).

This was the case of Somalia, when the clans were engaged in warfare; agreements were reached for a cease-fire based on rebuilding the state with a power sharing system in which all the clans could see themselves.

Since the federal system had been adopted in Somalia, there was another parallel development in the relationship between the Federal Government of Somalia and the northern regions of Somalia (Somaliland authority), which declared unilateral independence from Somalia soon after the collapse of the central government led by Mohamed Siad Barre in 1991.

During the past two decades the northern region managed to sustain peace and security in their region, maintained functioning public institutions and held successful elections. In his article, Christopher (2011) argued that South Sudan attained great political development in Africa in terms of achieving their sovereignty. However, this requires the existence of both the cause and constitutional agreement between parties, as was the case of South Sudan after many decades of civil war (Christopher, 2011). The case of the authority of Somaliland differs, as there is no agreement between the parties on secession and both Somali citizens and the Federal government question the case made by Somaliland. The irony is that the Somaliland authority is attempting to create a state without the consent of all the groups in the immediate territory and wider Somali society.

Regarding the conclusion of (The Heritage Institute for Policy Studies, 2013) described that in order to reach the milestone of re-uniting Somalia, it is vital to recognize the grievances and to ensure that past mistakes are not repeated again. Moreover, the Somali citizens should consider addressing these issues for the sake of attaining national unity. Apart from this, the victims of the Barre regime's mistakes have legitimate grievances, so the northern Somalis have the right to feel unwelcomed in the nation they had voluntarily joined and sacrificed much for.

METHODOLOGY

To investigate the adopted federal system in Somalia, this paper focuses on two hypotheses:

1. Whether the current Federal System in Somalia is designed towards enhancing the prospects of state rebuilding from a political perspective and to end the clan conflicts and possible secession.
2. The barriers to transitioning into a federal system whilst being a fragile state.

Primarily, the research utilized a self-administered questionnaire with closed-ended questions as the main tool for collecting data in this paper. Next, this paper used non-probability sampling procedure, particularly purposive sampling, to select the sample. Purposive sampling is a method of sampling where the researcher intentionally chooses who to include in the study based on their ability to provide necessary data (Oso and Onen, 2009). The rationale for choosing this approach is that respondents who are eligible to participate in this paper, the members of the federal parliament of Somalia, are purposively chosen as target respondents of the study because of their direct involvement in the process of formulating the federal system and as they are the representative of the regional states and their clans. The sample consists of 165 respondents drawn from the individual members and distributed as 70 to 30% male to female respondents, respectively. At least 30% of seats are reserved for women, but currently women hold only 14% out of 30% and therefore, the number was filled with male counterparts.

To determine the ideal sample size for a population, the paper used Slovene's formula which is n=N/ (1+ (N*e^2)), where n = sample size, N= population size, 275 and e = margin of error of 5%. n=275/ (1+ (255*0.0025)) = 162 ~ 165 respondents (Table 1).

Next for the research analysis, a quantitative data analysis was involved using SPSS 20.0. The research employed descriptive statistics to explore the concepts in this paper. Initially, the averages are calculated, frequency distributions and percentage distributions are given. The study has one dependent variable which is State rebuilding and Federalism as the independent variable. Non-parametric Chi square goodness of fit test is selected because the study seeks to consider the effect of more than one predicting variable on differences in the dependent variable.

The scale of the paper contained 3-point response scale (Yes / No / I Don't Know). The empirical section of the study was guided with the objectives of the study based on the concepts, which is also used to formulate the questions in the questionnaire. A pilot study was conducted in the frame of a sample containing ten respondents and the questionnaire was amended and refined for the final data collection stage. The overall return was 94%, 156 questionnaires out of the total 165 questionnaire were returned.

Table 1. Sampling.

Categories	Simple size	Population
Male	139	237
Female	26	38
Total	165	275

Moreover, the data of 4 questionnaires were excluded from the analysis due to necessary missing information. The hypotheses of the study were tested regarding the existing rules of the value of p which is used to determine the decision, therefore the level of the test, normally 0.05, that is 5%. A validity and reliability test is conducted to ensure the internal consistency of the variables.

RESULTS

Initially, in the analysis of the scales for reliability, the first hypothesis had retained Cronbach's Alpha of 0.93 while the second hypothesis had 0.80 and this indicates the scales have internal consistency. Based on the main empirically obtained data through the self-administered questionnaires are compared to the expected values in the hypothesis of the study. The concepts of the study, with its sets of questions, are analyzed in the chi-square goodness of fit. For Hypothesis testing alpha 0.05 is used which means that there is only 5% chance to reject a hypothesis. The expected result is that it will turn out that 70% of respondents will have an opinion that supports the two research hypotheses, while 25% will deny the notion and the remaining 5% will vote for indifference.

Regarding the first hypotheses H1, which holds the general opinion of the current Federal System in Somalia is not designed towards enhancing the prospects of state rebuilding from a political perspective and to end the clan conflicts and possible secession, has been found supported. $\chi^2 (2) = 179$, $p \leq 0.05$, therefore as the P value is smaller than 5%, the null hypothesis is rejected. This reveals that the general opinion towards the current federal system in Somalia is not designed towards enhancing the prospects of state rebuilding from political perspective and to end the clan conflicts and possible secession. However, when further analysis was conducted with selected number of associated factors which are considered and assumed as positively related to the design of the federal system, the results showed that there is a need for reform in the current federal system in terms of political inclusion through multi-party system, constitutional review, supportive atmosphere for political competition, the clear separation of powers of the federal government and defined exercisable power between the states and central government. In addition, a fair and transparent process is necessary for the creation of federal member states and effective public institutions.

The second hypotheses H2 of the study focused on the general opinion on whether there are barriers in the current adopted federal system. The results showed $\chi^2 (2) = 2.84$, $p \geq 0.05$. Therefore, the null hypothesis is retained. This reveals that the general opinion holds that there are barriers in the newly adopted federal system because of the past thirty years of centralized government in Somalia and the current clan power-sharing system.

Conclusion

Somalia adopted a federal system to end conflict, division and satisfy the political needs of different clans. Overall, there is an enormous unfavorable general public opinion in terms of the design of the system. The majority believed the system is not designed to enhance the prospects of state rebuilding from a political perspective and that it does not promote inclusiveness to end the clan conflicts and possible secession. The findings are consistent with the general view of the suitability of a federal system, but its implementation is perceived to be very challenging. As expressed by Brancati (2004), "federalism seemed particularly suitable to prevent ethnic conflict, succession as well as establishing a stable democracy in Iraq; however, any kind of federal system is not destined to realize that goal". Similarly, Elazar (1987: 192) was on solid ground when he said, "there is no federal system that is commonly viewed as successful, whose people do not think federal, that does not have a federal political culture and a strong will to use federal principles and arrangements". This clearly demonstrates the challenge ahead for Somali policy makers in shaping an inclusive federal system, which serves the needs and interests of all stakeholders.

The performance of the federal system is critically important and therefore a number of factors related to the effectiveness of the federal system were considered. The findings indicate that there is an enormous need for reform, in terms of political inclusion through creation of multi-party system, constitutional review, and a supportive atmosphere for political competition. In addition, the separation of powers between Parliament, the Executive and the Judiciary of the federal government must be made clear. The findings further showed that there is a need to define the exercisable powers between the states and central government and a fair and transparent process is necessary for the creation of federal member states. This is in line with the conclusion of Babalola (2015) which states, "given the historical suggestion of federalism as the best option for Nigeria, the demand for improvement and restructuring of the system is vital".

The results revealed the possibility of barriers for the federal system stemming from the past thirty years of centralized system of government in Somalia, which had its laws and strong institutions and then later introduced clan power sharing system.

It is clear that a federal system has a relevance of choice in the public opinion when compared to a centralized system to bring the much-sought political stability for the country. However, the current federal system is not performing the way it should be. Having said this, the research findings clearly disproves the notion that a federal system is not a good choice for Somalia to end the two decade long conflict and maintain stability.

On the matter of potential secession, the perception of a federal system would only encourage the disintegration of Somalia has been challenged as the general opinion illustrated that federal system would only discourage possible secession.

The current federal system of Somalia demands reform. This clearly underlines that a politically stable Somalia can be achieved through the adopted federal system. It is important to understand that the current federal government is still within the incubation period. Essentially, it is inevitable for it to face barriers in the shift from the thirty years of centralized governmental system and the current clan power sharing system.

It can take a while to perform wide scale of transformation and shift from systems, which has been used for such a long time especially in a post conflict country. However, despite this challenge, the barriers will be affecting only the effectiveness of the system but not the whole system.

This paper analyzed the general public opinion of federalism and state rebuilding from a political perspective. However, further comprehensive research on the impact of federalism on both political and economic stability of Somalia will have great importance to the implementation of an effective federal system. The general public opinion was based on a sample selected from the 275 members of the Somali Federal Parliament. This has been justified to retain the exact needed representation of the society and because of their direct involvement in the process of formulating the federal system. Furthermore, they are the representative of the regional states and their clans and therefore, have a major role in this debate. However, the target population could be widened. The process of federalism in Somalia is evolving but there is a relative weakness of federalism studies in the field of federal system in Somalia. This is most likely due to the relative premature discussions on federalism in the country, which while adopted has not yet been successfully implemented or understood in Somalia. None of the literature reviewed is specifically focused on nor analysis Somali federalism. Therefore, this paper is at the forefront of examining the phenomenon.

Conflict of Interests

The author has not declared any conflict of interests.

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