

Building Federalism through Local Government Dialogue

Assessment Mission to Middle Shabelle

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MISSION REPORT

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The Project

The Provisional Constitution adopted by the Somali Parliament on 1 August 2012 mandates the establishment of a Federal State. According to Art. 49(6) of this constitution, “based on a voluntary decision, two or more regions may merge to form a Federal Member State”. It remains unclear who should be the “initiator” of that “voluntary decision”. When the Berghof Foundation conceptualized the present project entitled “Building Federalism through Local Government Dialogue”, approved in March 2015 by the German Federal Foreign Office in Berlin, six regions had already merged to form interim federal administrations on the path to becoming Federal Member States: Jubbaland (in 2013, merging the regions of Gedo, Lower and Middle Jubba), and South-West State (in 2014, merging Bakool, Bay, and Lower Shabelle). This is in addition to Puntland (officially *Puntland State of Somalia*) that had already declared itself in 1998 as an autonomous administration within Somalia. The Boundaries and Federation Commission (BFC) intended by the Provisional Constitution to play an important, even critical, role in completing the process of turning these interim federal administrations into formal Federal Member States, had not yet been appointed.

In light of these mergers, the Berghof Foundation proposed to concentrate its work on Middle Shabelle for the following reasons: firstly, it was one of the few regions that had not already merged with another region in line with Art. 49(6) of the Provisional Constitution and secondly, according to the daily reports of the NGO Safety Programme (NSP)¹ it was the region with the fewest security incidents over a rather long period. Shortly after the project became operational, the regions of Galguduud

¹ The NGO Safety Program is a program created by NGOs which aims to provide NGOs operating in Somalia “relevant and efficient support and preparation in terms of security”.
<http://www.nsp-somalia.org/joomla/>

and Mudug merged into a new interim federal administration with Dhusamareb as its capital.

In all of these early federal state-building cases, the “voluntary decision” to merge with another state was taken by local elites with practically no involvement or participation of the population. Yet, ideally, the population at the lowest level of governance, the districts and its connected villages, should be brought into the state-building process in order to democratically and voluntarily build the sub-units of the Federal Republic of Somalia, namely, its Federal Member States. The Berghof Team has established good contacts with the BFC in the hope that lessons can be learned from the bottom-up approach of the present project. This approach could help establish models for how to best bring the citizens on board in other merged regions that have been created without popular participation.

Middle Shabelle – the view of others

The administration of the Middle Shabelle Region (MSR) released a report in June of this year entitled “Middle Shabelle Regional Needs Assessment 2015”. This report was extremely helpful in understanding the context prior to the implementation of Berghof’s regional assessment:

The report emphasizes that in order for Somalia to “recover and develop, then MSR has to be at the forefront of that process”, as it “represents one of the key potential agricultural and natural resource regions of Somalia. MSR has the capacity to feed much of the country and provide significantly to export growth and tax receipts”.²

The region has an estimated population of 1,676,324, with 80 per cent of the inhabitants living in rural areas, and consists of 8 districts: Jowhar, Mahaday, Adale, Adan Yabal, Balad, Warsheikh, Raage Elle³ and Run-Nirgood. Because all of the districts either lay along the Indian Ocean or the Shabelle River, the region has many potential production opportunities, including agriculture and fisheries.⁴ However, due to the war, the region suffered greatly and lost much of its “productive infrastructure system[s] like the sugar cane industry in Jowhar, the textile industry in Balad, the fishing gears and skill at Adale”.⁵

Currently, the Federal Government and the regional administration in Middle Shabelle have “increasingly taken effective control of most of the region”. Now is the time to “begin the process of stabilization, recovery, and redeveloping the resilience of the region and its people.”⁶ While in 2013 it had been estimated that some 50% of

² “Middle Shabelle Regional Needs Assessment 2015” report issued by the Administration of the Middle Shabelle Region, Office of the Governor, 30 June 2015, p. 1.

³ Raage Elle is a district that the regional administration would like to establish but which has not yet been formally approved by the central government. Hence the district was not visited by the Berghof assessment team.

⁴ “Middle Shabelle Regional Needs Assessment 2015” report, p. 1.

⁵ Ibid., p. 2.

⁶ Ibid., p. 2.

the territory of Middle Shabelle had been under the administration of al-Shabaab⁷, today only the districts of Aden Yabal and Run-Nigrod are still under the control of al-Shabaab.

The majority clan in the region is the Abgal (Hawiye), but in spite of this majority, the region has suffered from “intense intra-clan conflict that has impoverished the region leading to a regional power struggle that divides the Abgal sub-clans. The two largest sub-clans are the Wa’buudhan (further divided into the Galmah and the Daud) and the Harti Abgal (further divided into the Agoonyar and the Warsangali). Other clans that live in the region include Galjecel, Jarer, Shiidle, Hawadle, Mubliin, Hilibi and other small tribes of Arab origin.”⁸

The disputes between communities in Middle Shabelle generally revolve around limited resources, as social services in the region are often lacking. Furthermore, there is an ongoing political struggle concerning who controls the region. Historically, whichever clan had control over Jowhar also had control over the entire region. At this time, “power is shared between the Abgal sub-clans in the newly liberated districts of Balcad and Jowhar, but it is not clear how the power balance between the sub-clans will be affected after the other districts become accessible”.⁹

In mid April 2015 the Ministry of Interior and Federal Affairs dispatched a mission in the framework of the “Middle Shabelle Wadajir Outreach Programme” to the region headed by the State Minister of the Ministry, Abdirashid Mohamed Xidig. The outreach mission comprised the Ministry’s technical team, members from the Parliament’s Interior Committee, members of the Reconciliation Commission, MPs from the area, and various stakeholders from Middle Shabelle. In total, 50 delegates travelled to the region, accompanied by thirty security guards.¹⁰

Based on the feedback that the ministerial mission had received from the population of the region, the following recommendations were developed:

- “As FGS, with our International Partners we need to expand the geographical description of the Stabilization Programme to all districts.
- To have visibility of the projects implemented on the grounds by various agencies.
- The MoIFA to start leading Reconciliation and Civic Dialogue in the Regions; raise community awareness on federalism and support democratisation at the district level.
- Immediate plan to be put in place on how quickly we can fix infrastructure that are badly damaged, which are critical to the stabilisation and economic activities of the region e.g. bridges; roads and canals.
- Immediate rehabilitation of the Meat and Vegetable markets
- Immediate attention required for the rehabilitation of district schools; district

7 SOMALI CEWERU Conflict Early Warning Early Response Unit, draft report *From the bottom-up: Perspectives through Conflict Analysis and Key Political Actors’ Mapping for the Central Regions of Hiran, Galgaduud, and Middle Shabelle*, February 2013, p. 42.

⁸ Ibid., p. 39.

⁹ Ibid.

¹⁰ *Report on Middle Shabelle Wadajir Outreach Program*, Federal Republic of Somalia, Ministry of Interior and Federal Affairs, April 2015, p. 4.

- administration offices and the district sanitation systems.
- The immunization centre; the MCH and Police Station need urgent attention.
 - Desperate need of a Flood control system. Flooding is a major issue in the region and it causes [much] displacement each year, as well as damaging the subsistence economy of the region.
 - Urgent requirement is the commissioning of new wells as well repairing damaged ones”.¹¹

The outreach mission concluded that both reconciliation and resettlement in the region should be key priorities “in order to reconcile and restore peace and stability among the clans in the region.”¹²

A peace process has already been initiated by the regional administration, and has had some successes. Three years of ongoing conflict between the Mohamed Muse and Walamoy clans, which affected the entire community and led to many families being internally displaced, was resolved after five months of negotiation. While the MOIFA state minister and members of the Reconciliation Commission spoke to both the administration and the communities about avoiding future conflict, it was emphasized that reconciliation is an ongoing process and is in need of urgent support.¹³

Finally, the ministerial mission concluded that while some of the needs of Jowhar, Mahaday and Balad districts are unique, the core needs remain the same throughout Middle Shabelle: “The challenge for FGS and its international friends is in the planning; resource mobilisation and prioritisation to ensure the basic needs of every district [have] been covered”.¹⁴

General Account of the Assessment

The task of the assessment mission was to collect citizens’ views, positions and opinions on federalism and the ongoing federalization process in Somalia, issues of local government and governance, and the subject of conflict. Over a period of 5 weeks in July, August and September 2015, the assessment team interviewed clan elders and traditional leaders; minority leaders; religious leaders; women’s groups; youth groups; the business community; representatives from the arts; and professionals (e.g. lawyers, teachers, doctors, and health professionals). The interview methodology was designed strictly to collect empirical data in the form of opinions and narratives on the above mentioned thematic areas. The task of the regional assessment was therefore not to contradict the views and misunderstandings about federalism among the people spoken with in Middle Shabelle. This report will nevertheless refer to some of these misunderstandings and misconceptions, thereby shedding light on some of the challenges of the federalization process in the region.

¹¹ Ibid., p. 27.

¹² Ibid., p. 25.

¹³ Ibid.

¹⁴ Ibid., p. 27.

a. Perceptions and fears of the federalization process

The concept of federalism is largely surrounded by misconceptions in Middle Shabelle. Very generally, federalism is perceived as a uniform system of government that is being imposed on Somalia by outside forces. Specifically, there is a general propensity of Somalis to discuss federal issues with an Ethiopian lens, in the sense that federalism is an Ethiopian invention that is going to divide the country¹⁵. Many people also feel that the federalization process will lead to more conflict or is a new way of colonizing the country.

On one level, the very word “federalism” itself can be identified as a stumbling block towards understanding the federal system of government. In many – if not most – encounters, the mission received a negative answer to the question of whether the person(s) concerned welcomed a federal system of government. But when asked what they expect or desire instead, the people explained in their own words the system of federalism. For instance, when the assessment team bypassed the word federalism, and asked the people whether they wanted to elect their representatives and control their own resources, the response was a resounding yes. In light of this and because there is not a Somali equivalent of the word federalism, the team made use of the following terms: *Maamulka Baahsan* and *Isutag*, roughly translated as “broad-based administration/devolution” and “coming together”, respectively. Because there seems to be so much taboo surrounding the word federalism, the assessment team concluded that their discussions were more productive and enlightening when they avoided the use of the word altogether.

In terms of the upcoming merger with Hiiraan, all groups interviewed welcomed the merger of the two regions. Nevertheless, several concerns were raised about the merger process, including the question of who actually made the initial decision to merge, which was mentioned often. Other concerns included the fear that Middle Shabelle would become less secure after the merger and that the capital city – if chosen as Beledweyne – would be significantly farther away than it currently is now in Jowhar. Interestingly, while most people welcomed the merger, the same people are strictly opposed to federalism. This seems to be connected to the issue of terminology described above. While they oppose federalism as such, they are in favour of a bottom-up, grass-roots approach. And many people view this merger as an example of a grass-roots approach.

Another subject area that is often misunderstood is that of fiscal federalism¹⁶, and the topic of how to share the resources of the country was important for many of those interviewed. Middle Shabelle is a relatively rich part of Somalia and many people expect an economic boom in the region once security has been fully re-established and al-Shabaab has been driven out of the region. People want to be able to manage

¹⁵ This perspective essentially blames Ethiopia for Somalia's political woes without also considering their own role in the peace and stability of their own country.

¹⁶ Fiscal federalism is concerned with understanding “which functions and instruments are best centralized and which are best placed in the sphere of decentralized levels of government”¹⁶ (Oates, 1999). It refers to how competencies (expenditure side) and fiscal instruments (revenue side) are allocated across different layers of the administration. How this should be done in detail is the responsibility of the drafters of the constitution, and the issue should be negotiated between the different sectors of the federal state.

their own resources, instead of this being dictated by the central government. But the fear was uttered during the regional assessment that once federalism has been established, the state will take the people's hard-earned income and give it to poorer areas of the country. Therefore, when it comes to fiscal federalism, people are not willing to share their resources with Hiiraan. The assessment has shown that there is no vision in Middle Shabelle that some sort of economic equalization has to take place in order to maintain social peace.

An interesting finding was that while many elders and anyone of an older age do not like the word federal, as they think federalism will divide the country, the younger generation has no problem with the word. They seem to be much more open to federalism, and perceive it as a chance to become more involved in the building of their country. Perhaps this is because the younger generation doesn't have anything to compare with, having been too young to experience the government of Siad Barre. Another intriguing finding is that the women's groups interviewed in the districts were highly informed and knowledgeable about the concept of federalism and the federalization process. In particular, the women's group in Jowhar was the most informed group of interviewees overall – they knew what federalism means and how it works.



b. The situation of local government and governance

The assessment team worked with the seven official districts: Jowhar (also the capital of Middle Shabelle), Balad, Mahaddey, Adale, Warsheikh, Aden Yabal and Run-Nigrod. The two latter ones are still under the administration of al-Shabaab. An eighth district that has not yet been officially accepted as such is Raage Elle and therefore wasn't taken into consideration during the assessment mission. The assessment was also extended to the village level, as villagers travelled to the location of the assessment in order to participate in the relevant discussions.

There are different forms of local administrative structures in Middle Shabelle, such as district and village councils, but all officials are appointed at this juncture. The appointing authority is often the central government (Ministry of Interior and Federal Affairs), and only in some cases the governor of the region, who is himself appointed by the government in Mogadishu. On the one hand, the majority of persons interviewed would prefer that local government officials were elected by the people, rather than appointed in Mogadishu. On the other hand, there is a fear that local elections could benefit mainly the majority clans and would thus lead to some disadvantages for the minority groups. Nevertheless, some minority groups reported feeling powerless when the representatives are appointed by the central government. Overall, there seems to be some disagreement about this issue and therefore no major opposition to the fact that officials are appointed by the central government.

As a general observation it can be said that local government is still in its infancy. The team met many district commissioners, who had determination and grit, but they are working under very difficult conditions and basic materials and services are lacking. In order to overcome such limitations, there needs to be significant capacity building in terms of local government.

In general, people were surprised when the assessment team asked the people what it was that they wanted from their government. Apparently, it was the first time that such a question had been asked. However, there seems to be much opportunity for public participation in all districts that were visited by the assessment team. Days for youth and days for women are organized, as well as days on which the administration of the district commissioner meets with the elders of the district.

c. Conflict and its management

Most conflicts occur between the different clans, mostly sub-clans or sub-sub-clans of the majority clan, which, in the case of Middle Shabelle, is the Abgal, a sub-clan of the Hawiye clan family. The majority of conflicts are overwhelmingly about land, including boundary disputes, grazing rights, encroachment of livestock, and competition for resources or water sources. Historically, the different needs and requirements between the nomadic pastoralists and the settled farmers are often the cause for continuing conflicts. Such conflicts can then escalate and become more violent, leading to revenge killings.

Most of the conflict in Middle Shabelle is resolved by the traditional elders using the traditional *Xeer* system (customary law). The elders are trusted by the communities to resolve conflict in the community, as they have the knowledge of the area and can take the history and root causes of the conflict into account during the resolution process. In some cases, both the *Xeer* system and Sharia law are used, and the traditional and religious leaders work together. Sharia law is employed, for instance, when there is a conflict involving death. In other instances, the regional administration works together with the elders to resolve conflict. During the assessment mission, the team collected many stories from those individuals

interviewed about how people solve their conflict. This shows that there *are* working mechanisms and structures in Somali communities to help solve conflicts.

Conflicts of a political nature involving the regional forces of AMISOM, Somali government forces or al-Shabaab seem to be very rare in Middle Shabelle, as compared to conflicts, for instance, in Hiiraan and Lower Shabelle. Interestingly, districts that are vulnerable to al-Shabaab attacks had a very negative view of AMISOM, while districts that were relatively safe had a better opinion of the force. One man stated that the people hadn't seen AMISOM anywhere but had heard they lived "over there" – a statement which was interpreted by the team as evidence of AMISOM not really doing anything. Some people expressed the wish that Somali soldiers be trained so that they can protect the population, rather than relying on AMISOM, which cannot stay in the country forever. Furthermore, the complaint about the general absence of Somali police forces in local communities came up in most of the interviews conducted. Many people regret that AMISOM is not involved in the training of the national police.

Because al-Shabaab does not tolerate any clan conflict in the districts which it administers, the people from the occupied districts report no conflict. However, this certainly does not imply that such districts are inherently more peaceful, but rather that such peace is enforced by coercion, as al-Shabaab essentially freezes all aspects of life under their control. Although the liberation of these districts is sought after, a unfortunate consequence of liberation in other districts was the flare-up of clan conflict after liberation.



The Detailed Views from the Districts

1) Jowhar

a. Federalism

Most of the participants heard about federalism during the Mbagathi peace process and their perceptions on federalism were varied:

- *'Federalism is the coming together of different people with different cultures.'*
- *'A new cancer like the 4.5 power sharing system in Somalia, which is not suitable for a country with a homogeneous culture.'*
- *'A good system but which must be preceded by national reconciliation.'*
- *'We understand it as a system to bring together people who left each other due to conflict.'*
- *'Power sharing between the central government and the regional government.'*
- *'[A way to] govern yourself.'*

Some of the participants thought that federalism would increase the number of political offices, which would require a lot of money. They gave an example of the new Regional Administration of Galmudug, which has 97 members of parliament and still growing. Participants knew of other federal governments apart from Somalia, such as Ethiopia, USA, Germany and UAE. Those who thought that there was nothing much to learn from the aforementioned federal states had three reasons. Some people felt that there were great differences between the economies of these countries and that of Somalia and a comparison between them was therefore irrelevant. Others stated that they have never visited those countries and therefore cannot know what federalism looks like there. A third group said that they should be trained on federalism the same way that Siad Barre's regime had a school on Leninism and Marxism.

Most of the participants felt that the Somali culture can play a role in the federalism process in Somalia.

- *'We have always been federal. For example, Somali is a tribe and there are sub clans, sub-sub clans and so on, disjointed below but joined at the top.'*
- *'The question is whether federalism contradicts the Quran. Fortunately it doesn't contradict the Quran; therefore it's compatible with our culture.'*

Some participants rejected the ongoing top-down federalization process and preferred one carried out among the grass-roots. Participants had divergent views on the differences between the centralized government before the state collapse in 1990 and the current federal system. Some termed the unitary system as a dictatorship, while federalism involves those at the bottom and is a system of bringing services closer to

the people. Others said *'We are all Muslims and federalism is an Ethiopian policy, which we have learnt how to clap for.'*

The anti-federalists in the group thought it was an affront to Somali unity. *'Some leaders rejected Somali unity in 1943 by refusing to be under British rule. Today we are making the same mistake by introducing federalism, which is an obstacle to Somali unity'* said one participant. Another participant termed federalism in Somalia as unique and peculiar: *'If a president of a federal member state goes to another country he is welcomed by the president of the other country. Is this federalism?'* he asked. Most of the participants in the district who favour the centralist state were civil servants during the Siad Barre regime, hence their anti-federalism views. The assessment team believes it was more an issue of nostalgia than a preference for the centralist state.

The participants have heard about the efforts to establish a merger with Hiiraan and most have welcomed this merger. Reasons given included the fact that the same communities live in the two regions and that the two regions are the only two regions which have not yet merged with other regions. The artists said they were already preparing songs and poems in praise of the merger. *'It is milk added with milk'* one traditional elder said.

Some participants from the minority clans thought that there are two dominant clans in the region that will take the lion's share of resources and felt that it was pointless for minorities to talk about the merger. Some expressed reservations about efforts to establish a merger with Hiiraan. They felt that Hiiraan had nothing to offer Middle Shabelle economically and will hence make life more expensive for the residents of Middle Shabelle due to an increase in taxes. *'They are poor economically, which means the taxes of Middle Shabelle will be used to pay for development in Hiiraan'* one participant stated. Some cited unanswered questions concerning the merger, which may bring further conflict:

- *'Which region will the president come from?'*
- *'Which region will host the reconciliation & merger conference?'*
- *'Which region will have the capital city of the federal state?'*

Others said that inasmuch as they welcome the merger, it was presently the wrong priority *'because people cannot travel from one region to the other due to the presence of Al-Shabab in most parts of Hiiraan'*. These people felt that the priority now should be how to liberate those districts under Al-Shabaab and not how to merge.

b. Local Government

The assessment team was told by the groups interviewed that the number of villages in the district stands at 300. A district council is in place, which was appointed by the MoIFA. While there are no mechanisms in place to encourage the participation of women in planning and decision-making processes, including local legislation, the participants felt that the citizens' participation in the district was fair and effective.

All the diverse groups have a good working relationship with the government in Jowhar but their knowledge of the government in Mogadishu is only through the media. They stated that they have never witnessed any other NGO dealing with issues of federalism.

The groups mentioned the types of services provided through the local government as street lights, roads, schools, security and maintenance of roads while water and electricity were privatized. The group had knowledge neither of the nationally promulgated District and Regional Administration Establishment Act, nor whether it is being applied in Middle Shabelle. The participants said that although a district council development committee was lacking, the public interacted with the administration through meetings and the people can visit the offices of the district and regional administration openly.

c. Conflict management and resolution

Conflicts among the population of the district include armed inter-clan conflicts but these conflicts largely do not go beyond the district. The root causes of conflict are clan boundary disputes, disputes over pasture land, and the encroachment of livestock into farmland. Triggers for conflict include drought and killings. Conflicts are settled by traditional elders through the *Xeer* system with the help of government officials; sometimes the help of professionals is sought. The professionals (lawyers and law professionals, teachers, doctors and health professionals) thought that conflict transformation could be improved by respecting the *modus vivendi* of respecting clan boundaries adopted during inter-clan reconciliation meetings.

The religious elders in Jowhar said that they are not involved in peace and reconciliation meetings. *‘We do not go to conflict resolution and reconciliation meeting because Somalis say “wacowla’an ganbar la’an ayay leedahay”* (gate crashing means no seat). They attributed the recurrence of conflict to the non-involvement of the *Ulema*¹⁷. Some groups have worked with the Center for Research and Dialogue (CRD), which has trained people on conflict resolution, peacebuilding and reconciliation.

The interviewed groups said that population was largely armed, although not in public. Nevertheless, the population feels sufficiently protected by the police and/or army, which are both national although few in number. AMISOM’s role in providing security was said to be minimal. The groups see AMISOM as a guardian of liberated districts. *‘They have a phobia against Somalis and they take orders from Bujumbura’* one participant said while another added *‘They should be replaced with the Somali national army’*. For their part, the religious leaders said that they would rather not comment on matters concerning AMISOM.

¹⁷ Religious elders.

2) Mahaddey

a. Federalism

A majority of the groups interviewed first heard of federalism during the election of Abdullahi Yussuf as president, although a majority of the women heard the term during the election of Hassan Sheikh in 2012. The groups knew of Ethiopia, Kenya, India and Spain as examples of other federal countries. Most of the participants thought federalism was a form of partnership between the top and bottom. While most people consulted thought that Somalia can learn peace and stability matters from other federal states, the women disagreed and argued that the economic difference between Somalia and other federal countries could not allow Somalia to learn much from them.

Most believed that federalism is compatible with the Somali culture. One participant argued that currently sub-sub clans have a *Nabad-doon* (peacemaker) and the clan has a Sultan at the top. Those who disagreed argued that federalism is not meant for homogenous societies like the Somali society, which shares one religion, one culture and one language. They also pointed out that the pastoralist nature of Somalis does not allow for federalism in Somalia because it will introduce boundaries which will inhibit the movement of animals searching for water and pasture.

But it was noted – and most agreed – that there are clan boundaries even now. When a clan wants to move its animals in search of water and pasture, the host clan is informed in advance and its acquiescence must be received. It was also felt by many that a cardinal principle in federalism is consultation between the top and the bottom levels of government, which is the cornerstone of Somali clan decision-making. Speaking with some of the traditional elders and the youth, there were also some extreme and unrelated opinions:

- *'Federalism is about equality of women and men.'*
- *'Federalism is about homosexuality.'*

There was a near unanimity in preference for a bottom-up federalisation process and the urgent need for the people to elect someone whom they could trust. The previous unitary system was deemed dictatorial. A few disagreed with this assessment. As one woman put it:

- *'The difference is glaring. We were better during Siad Barre era. I wish he could wake up from his sleep now.'*

Support for the merger between Hiiraan and Middle Shabelle was overwhelming in most of the groups in Mahaddey. Most people feel that it will bring economic prosperity and integration. But a few people thought that the merger is a double-edged sword judging from the Galmuddug state formation, which was seen as progress by some, while others like Ahlu-Sunna-Wal-Jamaa took up arms. Still others dismissed it as benefiting the dominant clans only. Overall, there was not much objection to a federal system of governance in any of the groups, and interestingly, blaming Ethiopia's influence in Somalia's political affairs was lacking in the district.

b. Local Government

The district administration in Mahaddey is one year old, but due to the proximity of AS, the administration has yet to offer any basic services. Security is provided by the Somali military because of the absence of police in the district. The participants longed for the time when essential basic services will resume in their district, pointing out that even the school, which was recently built and furnished by the Organization of Islamic Countries, is still closed. Nevertheless, citizen participation was said to be effective.

All groups said that there had been no al-Shabaab attacks for several months but the vulnerability was high. There was a general fear of discussing issues related to al-Shabaab. None of the groups had heard or seen other NGOs dealing with federalism, peacebuilding and reconciliation.

c. Conflict Management and Resolution

All groups confirmed the existence of local conflicts, which are generally between farmers and pastoralists. The root causes are said to be competition for natural resources and drought-related conflict. The conflicts were resolved by religious leaders and traditional leaders through the Somali *Xeer* system.

AMISOM was viewed negatively by almost all groups in Mahaddey. They were termed as *'a good for nothing contingent'* which uses their arms toward civilians indiscriminately. But in judging AMISOM, most participants referred to an incident in Marka, which took place during the assessment, and not to any specific incidents in their district. In this incident, AMISOM was accused of killing twenty-four civilians who were attending a wedding party.¹⁸ Marka is in Lower Shabelle.

3) Bal'ad

a. Federalism

Most of the groups first heard of federalism during the election of Hassan Sheikh as president of Somalia in 2012. Most of the group's understanding of federalism can be summed up as:

- *'Sharing of resources by those living together.'*
- *'The bridge to cross tribalism.'*
- *'Federal is bringing together different clans or communities to establish their local governance.'*

¹⁸ See Al-Jazeera, AU troops 'gun down unarmed civilians' in Somalia, 21 Jul 2015, <http://www.aljazeera.com/news/2015/07/au-troops-gun-unarmed-civilians-somalia-150721132538943.html>

A few thought otherwise and perceived federalism as sugar-coating clannism:

- *'Federalism is clannism put differently, but it will remain clannism.'*

Most participants thought Ethiopia could offer lessons for the federalization process. Examples included the possibility that people can come together after war and that a lot of energy is required to understand the concept and how it works.

There was nearly general consensus in the district towards the merger of Hiiraan and Middle Shabelle. Some termed the two regions 'like the udder and its milk'. In concurrence, one participant put it poetically:

- *'Wixii rag ku tashado (What men agree)'*
- *'Rabinna Aqbalo (and God Accepts)'*
- *'Waay rumoobaan (is realized.)'*

Nevertheless, there were fears of the likelihood of moving all government offices to Beledweyne after the merger. Most groups had a preference for a federal system but the majority of the women preferred a unitary system. The women narrated with nostalgia how developed and united the country was during Siad Barre's unitary system. There was a general acceptance that federalism and the Somali culture were compatible.

All the groups had hitherto not seen any NGOs dealing with federalism, although Tubta Nabada, Center for Research and Development (CRD), International Organization for Migration (IOM), Nordic International Support Foundation (NIS) and Somali Youth Development Network (SOYDEN) were said to be actively involved in peacebuilding and local governance. Other participants mentioned that the MoIFA had trained some people in Jowhar on federalism. Additionally, all groups also mentioned that the State Minister for Interior and Federalism visited Bal'ad where he sensitized them on matters of federalism and local governance.

b. Local Government

The district council is appointed by the MoIFA and carries out many services; road rehabilitation, street lights, channel irrigations for the farms, the community orientation center, the market, sanitation, garbage collection, and free primary education were mentioned. The participants said that there is adequate public consultation, but there were reservations on their appointments by a few participants:

- *'We are 11 sub clans here in Bal'ad but only five get appointments, and others are guests'* said one participant.

c. Conflict Management and Resolution

Conflicts were said to be frequent but there were no ongoing conflicts as far as the different groups were concerned. Traditional methods were generally used in resolving conflicts. The youth spoke of their active role in peacebuilding. For example, in a conflict between two Abgaal sub-clans, 50 youth who were all highly

educated from the aggressor clan went to the burial of a man from the aggrieved sub-clan and asked to be killed for the revenge of the man who was being buried. The brave action brought the two sub-clans to the table, they said.

4) Adale

a. Federalism

While a few of the participants had heard of federalism in 2001, most of the participants first heard of federalism during the election of the current president in 2012. Their understanding of federalism was mixed. Some saw it is a system in which people are free to elect their representatives and in which the leader is not a dictator and people are equal. *'Every member state for itself and the federal government for us all.'* Save for the women, in every group, there were those who had negative views about federalism. Some thought it was a 'divide and rule' system meant to prevent the Somali nation from re-emerging as the 'Lion of Africa'. They based their arguments on the perception that while Somalia was strong militarily during the unitary system, federalism has produced six presidents and has therefore weakened the Somali state: *'Caag wayso waa ka wayn yahay, wax kalaa ku hoos jiro'*.

Most participants knew of Ethiopia, USA, Germany, and Kenya as examples of federal states. The lessons which can be learnt from those countries, some suggested, is that federalism is a system which is used to unite a divided country after conflict. Others believed that in the case of USA and Germany, Somalia can learn how to be a superpower and dominate the world economically and politically. Conversely some suggested that they can not learn anything from Kenya and Ethiopia: *'We cannot learn anything from Ethiopia and Kenya because they have stolen our land,'* was one view. On Germany and the USA, the differences between the economies of Somalia and these countries were mentioned as a hindrance to what lessons could be learnt. In the case of Kenya, it was thought that it is still too early to learn anything because federalism is still relatively young in that country.

There was overwhelming support for the merger of Hiiraan and Middle Shabelle. The merger was equated with two brothers who lived separately but are now uniting. (Abgaal and Hawadle both are of the Hawiye family). But it is noteworthy that although the two may call themselves the majority, there are many different clans in both regions.

Some thought that the new federal member state has the potential to become an economic powerhouse in Somalia because of the combination of Middle Shabelle's sea ports and farmland and Hiiraan's pastoral lands. However, there were also those who do not accept the merger with open arms. Some view it negatively because they think it could reignite disputes on community boundaries and take all the resources to Hiiraan. *'Reconciliation before merger'* was their message.

Most believed that Somali culture and federalism are compatible and said that Somalia's federal parliament, whose members are currently being nominated by traditional clan chiefs, is proof that the two are compatible. In concurrence, it was

suggested that the fact that every sub-sub clan has an elder, every sub-clan has a chief elder, and every clan has a paramount elder meant that the Somali culture was federal in nature.

Most groups said that the difference between the unitary system during Siad Bare's time and federalism was glaring. The unitary system was unpopular, they said, because of how Siad Barre neglected the region. To show how neglected Adale district is, a participant recited a line from a famous Abgaal *Shirib*¹⁹, which was also recited when Siad Barre visited one of the Abgaal inhabited districts in Somalia

- *'Weligiin ma aragteen, toban kun oo tub iyo ceel iyo daqtar aan lahayn? (Have you ever seen ten thousand people without a road, doctor and a well?)*

Nevertheless, opposing opinions were also heard: Some believed that it was because of the unitary system that Somalia reached economic development during Siad Barre's time.

b. Local Government

The district, which has 37 villages, was only liberated from al-Shabaab one year ago. The groups informed us that the district has only one district commissioner, appointed by the MoIFA, who administers the district without any deputies. Citizen's participation was fairly good although the local district administration provided no basic services except security.

Adale district is more than 100 miles away from Mogadishu. The road is sandy and only 4-wheel-drive vehicles can reach there. There is no electricity and no FM frequencies to keep the public informed. These factors may have inhibited the discussion during the regional assessment on key issues affecting the people. It is too far from Mogadishu and too near to al-Shabaab. People in Adale district are very isolated and are wondering whether they get more services from the government if the road were to be improved.

c. Conflict Management and Resolution

All the groups mentioned the existence of conflicts among the population of the district, which have been, however, resolved. The root causes of conflict are water and pasture. The majority of the people are armed but weapons are not carried openly. Conflicts are settled by the traditional elders, together with the religious elders, by using the *Xeer* system and the Quran.

It is noteworthy to mention that the religious elders were very active in conflict resolution and reconciliation. For example, they narrated how some years ago there were frequent inter-sub-clan conflicts. The religious leaders of the Adale district met and decided to close all Quranic schools and refused to conduct marriage ceremonies

¹⁹ *Shirib* is a type of poetry which is common among the Hawiye Somali clan.

(*Nikaax*). This forced the warring sub-clans to stop the conflict and come to the negotiating table.

Unfortunately, there is no police presence in the district but only Somali army and AMISOM forces. All the different groups expressed satisfaction with AMISOM's work and spoke of the existence of good working relationships. All the groups described the relationship among the neighbouring districts as cordial but expressed concern over the presence of al-Shabaab 40 km from Adale.

Although some NGOs like the WHO, UNICEF and SAACID²⁰ are operating in the district in the health sector, none of the groups had interacted with NGOs working on federalism, peacebuilding and local governance.

5) Warsheikh

a. Federalism

Most of the participants had heard of federalism during the election of Hassan Sheikh in 2012. Only a few said it is a system to promote community integration. The USA, UAE and Ethiopia were among many federal states the groups knew of. One lesson that can be learnt from Ethiopia, according to most groups, is that it is possible to share power between capital cities and regional governments without any problem. A useful lesson for Somalis in the Ethiopian system is that there is a possibility even for minorities to become the head of states. But it was the feeling of most groups that there are no lessons which can be learnt from Ethiopia. Reasons given include the fact that the Ethiopian government established federal structures during a period of stability, but the Somali government wants to establish federal structures while there is a weak federal state at the top.

- *'Federalism is dividing Somalia into small areas. This is not good because there are different flags and competing presidents reporting to Ethiopia.'*
- *'We understand it as Mustafa Sheikh Elmi's way: "Halmar Madaxweyne Idhaha"²¹,*

Although most of the groups rejected the federal system, paradoxically, there was a preference for a federal system when compared with the unitary system. Participants complained of the unitary system, saying development was only concentrated in Mogadishu during Siad Barre's time. Most participants thought it was no longer sustainable for the public to wait for decisions to be made in Mogadishu alone. They also felt that for a more educated and more globally-travelled public, the idea of a unitary state in which decisions are made for them is an idea whose time has passed.

²⁰ A Somali non-profit, non-governmental women's organization: <https://saacid.org/>

²¹ Mustafa Sheikh Elmi was a Somali poet and singer. He sang a song "Just call me Mr. President only once" at the Arta Peace conference in Djibouti in 2000 showing how most Somali leaders all want to be presidents.

However, a small few preferred the unitary system: *‘Centralization is better because now basic services have been privatized; for example, schools in Somalia do not fly the Somali flag and they have as many syllabi as there are Arab countries in the world.’* Schools in Somalia are run mostly by NGOs from Arab countries, and they have imposed their countries’ syllabus on the schools which they run.

The youth were of the opinion that the top down federalization process ignored their vital input. They argued that in the same way as they have played a role in violence is the same way they can play an active role in nation-building. They pointed at the Somali Youth League, which consisted of only thirteen Somali youth but yet spearheaded the independence of Somalia.

On the merger between Hiiraan and Middle Shabelle, it was only the women participants who welcomed it without reservation. Some wondered why there is a hurry to form another federal member state while the three states formed recently have been more insecure since the state formation:

- *“Timir tii horeba dab loowaa”’. I failed to get fire to cook the dates I had before.’²²*

Others argued that Middle Shabelle is secure while Hiiraan has many security challenges and raised fears that Hiiraan’s insecurity challenges will be imported to their secure region. The merger was also dismissed as an *‘Ethiopian-led and Ethiopian-owned’* process, over which no Somali has control.

In most groups the lack of alternatives for both regions was a constant issue. This is due to the fact that Middle Shabelle and Hiiraan are the only two remaining regions that have not joined any federal member state. There were those with pre-conditions too:

- *‘We can establish a merger with Hiiraan if they give us (Middle Shabelle) the capital city of the Federal Member State.’*

To many, federalism and the Somali culture were compatible, although a few thought that the largely migratory lifestyle will be impeded by federal boundaries.

b. Local Government

The district has a district council, which was appointed by the MoIFA in 2015. Except for security, the district administration does not provide any other services. Participants spoke of weekly meetings of all stakeholders with the district administration in which they freely aired their views.

²² There is a joke among the Somali that a man brought a friend some dates. But the man already had some dates but did not eat them because he needed to cook them first. So when his friend brought the other dates, he said *“timir tii horeba dab loowaa”’: I failed to get fire to cook the dates I had before.*

c. Conflict Management and Resolution

All groups spoke of a hundred-year-old conflict between the Illi and Mataan, both sub-clans of Abgaal. The conflict was ultimately resolved by the Abgaal traditional elders and the regional administration. The root cause of the conflict was lineage issues and boundaries, but the main trigger was the non-implementation of the 2000 inter-clan agreement.

All groups spoke highly of AMISOM. There was a general appreciation of the services provided by AMISOM's health centre but it was repeatedly expressed that they are not a substitute for a Somali National Army.

Districts under al-Shabaab administration

The mission could interview only a few representatives from the two districts under al-Shabaab administration, whom they met in Jowhar.

6) Aadan Yabaal

This district is under al-Shabaab control and the district administration is in exile. The participants first heard of federalism during the election of Hassan Sheikh as president, while older people said they had heard of it in the 1960s. '*Federalism is sharing things*' some said while another group similarly thought that it was the merger of regions to form a federal member state. The federal countries the group knew of were Russia and Ethiopia. Most thought that the homogeneous nature of Somalis does not favour a federal type of government. However, they welcomed the merger between Hiiraan and Middle Shabelle. There are no active conflicts in the district, as al-Shabaab does not tolerate clan violence. The group believed that AMISOM does not have the security of Somalia at heart but rather earning dollars which they can not get in their home countries.

7) Ruun-Nirgood

Like Aadan Yabaal, Ruun-Nirgood is still under al-Shabaab control. The participants first heard of federalism during the Mbagathi peace process. They termed it as an effort of every region organizing itself for its betterment. Federal countries known to the group included Ethiopia, Germany and the USA. The group acknowledged that these countries can offer lessons on good governance, peace and security.

One participant explained how federalism is compatible with the Somali culture regarding boundaries. He said that traditionally, two aspects define clan boundaries and its relation to the movement of animals and people. These two aspects are *Jaha* and *Jir-Jir* (direction and edge/end of a border). In federalism, this participant claimed, the two terms *Jaha* and *Jir-Jir* will be used in defining clan boundaries and relations and hence he sees no problem in federal boundaries. Most participants agreed but a few thought that federalism is not applicable to Somalia due to the

homogeneous nature of Somalis.

The Hiiraan-Middle Shabelle merger was welcomed by all. There were no active conflicts in the district because of al-Shabaab rule. AMISOM was said to be dilly-dallying and a waste of taxpayers' money.



The Preparation of the *Shirarka*

The heart of this project is the three *Shirarka* which will take place in 2016. In these meetings, the traditional form of Somali popular discussions “under the acacia tree”, participants from each district, including the district commissioner, will discuss among themselves their views, wishes, hopes and expectations of the future shape of governance and local government in Somalia. Other than a brief introduction by the members of the assessment team, there will be open discussions among the participants. However, since the district commissioners will have attended the capacity development workshop in December 2015, they will be able to help in overcoming the misperceptions and differing perceptions that still overshadow the principle elements of state-building in Somalia: federalism, local government and conflict resolution.

The Merger with Hiiraan

With the exception of the Region of Benadir, often considered part of the capital Mogadishu, only Middle Shabelle and Hiiraan have not yet been merged to establish an interim federal administration leading eventually to the formation of a new Federal Member State. But under the pressure of the international community, lead by the

Special Representative of the UN Secretary General (SRSG), merger negotiations between Middle Shabelle and Hiiraan have begun.

During the assessment mission in Middle Shabelle the Berghof team was told at nearly every location that this is the first time in history that the people are being asked about their hopes, wishes, visions and preferences with regard to state-building. Fear and disappointment was expressed that yet again the negotiations between Middle Shabelle and Hiiraan may be forced ahead before the people can have had the chance during the *Shirarka* to express themselves.

The Berghof team was requested specifically by the Middle Shabelle Regional Administration to lend its support to the negotiations with Hiiraan. The Berghof team has, in the meantime, established contact with the Governor of Hiiraan. Decisions about how to proceed in this important matter are still pending and will depend on further discussions with all interested actors, including potential donors.

General Findings and Recommendations

a. Federalism

There are frequent misunderstandings and misconceptions about what federalism is or should be. During the interviews carried out by the assessment mission in all districts of Middle Shabelle, it became apparent that nobody had yet attempted to explain this constitutional construct. Hence, the responses varied from ‘*federalism is compatible with the Quran*’ to ‘*federalism will introduce homosexuality*’. Generally, it is the view of the assessment team that the concept of federalism would have popular support if those misconceptions were to be removed. Therefore, what is required is to address these misunderstandings of federalism and what a state built on federalism could ultimately look like. Only on such a basis can society take a stand for or against federalism.

As outlined in this report, the centre points of this project are the three *Shirarka*. To these meetings persons from each district will be invited. Based on their experience during the regional assessment, the team recommends specifically that women and poets be significantly involved in these meetings, as they may be the best promoters of the issues surrounding the topic. While women have their own “promotional network”, poetry has a very specific and dominant role in the Somali culture. A number of poems, or the specific form of short but catchy verses called “*shirib*”, could have a much wider and deeper effect than conferences and lectures.

b. Local Government

Local government seems to be in a rather embryonic state. There are certain local administrative structures, but these can only provide the most basic services, if at all. But local government is an important element pertaining to the vertical and horizontal relationships between the different levels of government in a federal system. Local

government must be integrated into the overall structure of government, while also being given sufficient scope to cater for the specificities of the region or sub-region and the area concerned. Challenges include the role of traditional elders and religious leaders within the existing clan structure, and their relationship to elected officials in the local government; as well as overcoming the structural incoherence of a state-based governmental system and a clan-based governance system, both having different legitimacies but intertwined power structures. The dialogical space must be kept open between the local and upper level structures of government in order to ensure responsive governance. Local governance should promote public participation and professionalize local government.

c. Conflict Management and Resolution

It would seem that the only areas without conflict are those under al-Shabaab rule. But this “peace” is the result not of persuasion or conviction, but of often excessive and disproportionate coercion. It would seem that this way of dealing with conflict is not what the population calls for or wants. The project will address the presently applied conflict resolution practices through *Xeer*, the elders or *Ulema* while highlighting other insights and perceptions of conflict resolution.

It would seem that there are some recurrent and identifiable problems that are the major impediments to the sustainable resolution of conflicts. The failure to bring conflict to a peaceful end is often linked to a lack of necessary funds: “Attempts to resolve the conflict were made by religious elders supported by a local NGO but the reconciliation process stalled midway due to a lack of funds and other technical issues”.²³ In many cases the problem is that conflict resolution attempts are often carried out with a short-term perspective, without a forward-looking vision and without the required funds. In other words, mediators are happy when the conflicting parties shake hands without reassurance that the same problem will not reappear in the near future.

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²³ SOMALI CEWERU Conflict Early Warning Early Response Unit, draft report *From the bottom-up: Perspectives through Conflict Analysis and Key Political Actors’ Mapping for the Central Regions of Hiran, Galgaduud, and Middle Shabelle*, February 2013, p. 47.

Annex I

The members of the Berghof Regional Assessment Mission team are as follows:

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Annex II

Stories of Conflict Resolution from Middle Shabelle, Somalia

Story one

There was a certain individual from one of the Abgal sub-clans of and he was running a local NGO. The NGO had contracted an international partner to dig canals along the river. One day, as the NGO workers were digging the canals, a young man from another Abgal sub-clan came and demanded money from the workers. He was armed. The workers told him that they had no money to give him and a fight ensued. The NGO workers had two armed body guards, and during the battle, the young man was shot in the leg. On the way to the hospital he bled to death. The sub-clan of the deceased man retaliated immediately and killed four people from the other sub-clan, including the brother of the NGO owner, who was a big business man. In all areas inhabited by these two sub-clans, violent conflict began, including in Mogadishu. This conflict continued for one year, with much retaliation and revenge killing. After one year, approximately 40 people had been killed. The conflict affected most parts of Middle Shabelle and Mogadishu in the late 1990s.

One day a youth from of the sub-clans killed the son of a very prominent military officer. On the burial day, a group of educated youth 40 people from the other sub-clan (about 40 individuals) decided that enough was enough, and went to the burial. The clan members attending the funeral saw they youth coming and were very surprised. Some of them warned the others to be calm and see what the youth had to say. The youth said, “We can no longer live this way. It is shameful. We are brothers and we are killing each other. Let’s end this. Either kill us now or let’s make peace.” The sub-clan at the funeral accepted their offer of peace and with emotions high, they buried the young man together. Afterwards, both sides raised money to go back into the rural areas in order to discuss the conflict with other youth members of their respective sub-clans, and drum up support for peace. Only youth were involved; the elders were not permitted to attend the meetings and the youth refused to accept money from wealthy members of the sub-clans. No cameras and no recorders were allowed at the various meetings, because the youth were concerned that if people saw the photos, they would think that the youth were being paid by NGOs to make peace with each other. After the youth from both sub-clans finished their peace mission to the rural areas, there was peace everywhere.

After one month of peace, two boys from the same two sub-clans had a fight. One of them had a knife and killed the other boy. The boy who was guilty of the killing was from the sub-clan who shot the young man at the very beginning of the conflict. But this time, there was no revenge killing, and the clans kept the peace with one another. They decided that this was a violent act involving two people, rather than two tribes.

Story two

There lived an old man in Bal'ad who detested the notion of clannism and sub-clannism; he didn't believe in it. Because he didn't believe in the concept, his clan ostracized him and his family, and they lived alone. The clan did not protect him, and he didn't contribute in any way to the clan. One day, his son killed a man from a different sub-clan. When his son killed this man, he did not have any attachment with his clan to rely on, so he knew that he couldn't get support from them. The collective responsibility of the sub-clan to defend him was simply nonexistent. He had two options: he could flee and leave the area, or he had to act quickly and be innovative in solving the matter.

He called his son and said, "Son, you have killed a man." He then tied his hands and legs with rope and put him into a burial position. He then he took a white burial shroud and wrapped his son in it and took an extra shroud to be used for the burial of the other young man. He also took with him two male camels to offer for the feast during the burials. The man took his son and the camels to the sub-clan of the deceased and he told them that he had brought his son, the aggressor. He offered his son's life to the members of the sub-clan and said they should use the camels for the two burial feasts – of his son and the other man who was killed. The sub-clan of the deceased deliberated over the issue. After a long discussion, they told the old man that they would spare the life of his son and that there would be no revenge for the killing of their son. The camels were then killed for a feast that they all shared together.

When the old man returned to his home, his sub-clan had heard the story already about the innovative way that he had brought peace. His clan, which had ostracized him before, valued his ingenuity, and they made him the clan's peacemaker.

Story Three

Two sub-clans had been fighting for a very long time and they refused to stop despite all possible interventions. After the conflict had become so protracted, the religious leaders in the area decided to intervene because the traditional leaders weren't able to resolve the conflict. These religious leaders of the district met with each other and decided to impose social sanctions on the people. These sanctions included refusing to conduct marriage ceremonies and burial ceremonies, and halting all lessons at madrasas. The warring sub-clans were hard hit by these sanctions and appealed to the religious leaders to rescind the decision, but the religious leaders refused. The schools were closed and did not hold prayers at the mosques. The people then began to fear that it was a bad omen that the religious leaders distanced themselves from the clans and refused to perform services for them. These actions forced the warring parties to come to the table. The religious leaders then mediated the conflict.