

**AN ANALYSIS OF POLITICAL PARADOX IN
CLAN-BASED VALUES AND FRAGMENTED
STATES IN SOMALIA FEDERALISM
FORMATION**

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AND FRAGMENTED STATES IN SOMALIA FEDERALISM
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ABSTRACT

Despite general discussions and studies on the topic of federalism in Somalia and the progress of federalism in other African countries, ambiguity still surrounds the concept in Somalia. Previous research has focused on the influence of Somalia's clan politics and its unitary system of government, but there has been limited exploration of how clan politics interact with a federal framework in the country. There is little focus on federalism, clan-based politics and fragmentation, which are today's major political issues in Somalia. This study evaluated Somalia's federalism and the influence of clan-based politics on the fragmentation of the state. The objectives are to: assess how recognizing four point five clan identity in politics may serve as a valid instrument for power-sharing in the Somalia federal system; examine the rationality of federalizing Somalia and how it motivates trust and reconciliation among the nation; identify the perceptions of citizens on Somalia's current federal model and whether it accommodates diversity and preserves territorial integrity; and analyze the influence of the current federal model on secession and political fragmentation of the state. Qualitative research design that included document analysis, expert interviews, focus group discussion (FGDs) and first-hand observation of the events was used. Benadir (the capital city), Somaliland (declaring secession), and five member states (Jubbaland, South West, Hirshabeelle, Gal-Mudug, and Puntland) and Somalia Diaspora have all been included in the sample. This study purposively sampled 52 individual interviewees and 158 FGD participants. Discourse and thematic analysis techniques were used to analyse the data. Coding, categorization, organization, and simplification of the analysis were done using QDA Miner Lite. The study found out that while the clan system may be effective for handling local clan traditional concerns, it can have significant constraints at the political level and it would be very unfavorable for Somalia's new federal government to endorse clan-based politics once again. The formation of Somalia's federalism was largely the result of external factors and a foreign-led agenda, and has not had a positive impact on trust and reconciliation; has exacerbated the country's tiny kinship-based diversity and is to blame for the widespread secessionist sentiments and Somalia state's political fragmentation.

Keywords: Political paradox, clan-based values, fragmented states, federalism formation

APPROVAL

This is to certify that this thesis conforms to acceptable standards of scholarly presentation and is fully adequate, in quality and scope, for the fulfilment of the requirements for the degree of Doctor of Philosophy.

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14th February 2024

DECLARATION

I hereby declare that the thesis submitted in fulfilment of the PhD degree is my own work and that all contributions from any other persons or sources are properly and duly cited. I further declare that the material has not been submitted either in whole or in part, for a degree at this or any other university. In making this declaration, I understand and acknowledge any breaches in this declaration constitute academic misconduct, which may result in my expulsion from the program and/or exclusion from the award of the degree.

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A handwritten signature in blue ink, appearing to read 'H. Hashi', written over a horizontal line.

Signature of Candidate:

Date: 14 February 2024

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LIST OF ABBREVIATION

| | |
|--------|---|
| AMISOM | African Union Mission in Somalia |
| ANC | African National Congress |
| AU | African Union |
| AVF | Afrikaner Volsfront |
| CP | Conservative Party |
| CPA | Comprehensive Peace Agreement |
| EPRDF | Ethiopian People's Revolutionary Democratic Front |
| EU | European Union |
| FGD | Focus Group Discussion |
| FGS | Federal Government of Somalia |
| FMS | Federal Member States |
| HOF | House of Federation |
| IGAD | Inter Governmental Authority on Development |
| IFP | Inkatha Freedom Party |
| FCT | Federal Capital Territory |
| UK | United Kingdom |
| UN | United Nations |

CHAPTER 1

INTRODUCTION

1.0 Introduction

This chapter introduces several sections of the study. It examines the background of the study, statement of the research problem, objectives of the study, research questions and significance of the study. Additionally, the definition of terms, and a conceptual framework based on the existing literature are also explored.

According to Robertson's (2023) there is a need to reassess the current state of federalism, particularly in the United States, given the critical role it plays in protecting the integrity of the judicial, legislative and executive branches of the United States government and this assessment appears to be guided by the belief that federalism should be a dynamic structure that evolves with the changing needs of society. The study suggests that society reconsiders how it values federalism and that there may be need for better citizen engagement in policymaking and governance because as society changes, so may the processes by which the benefits of federalism are realized. Robertson's study explains that if the system does not evolve in response to societal changes, it may no longer serve its intended purpose, which could lead to citizens feeling disconnected from the government or policies that do not adequately reflect citizens' preferences.

Rastogi (2023) argues that assessing the merits of federalism may mean taking a fresh look at the structures that enable citizen participation in government and policy innovation. He adds that it may necessitate steps to foster more direct citizen engagement in the political process or to encourage policy innovation that reflects the contemporary circumstances of different regions and the innovation could include

using technology to improve citizen engagement, increasing the transparency of the legislative process, or supporting new ways to policymaking that take into account our society's increasingly linked nature.

Fiseha's (2023) study involves an examination of federal and devolved systems in Africa and proposes that the nature of societal divisions or cleavages, and the extent to which these cleavages are mobilized are significant factors in determining the design of political institutions. The term "cleavage" in this context refers to a division or conflict in society, often along lines such as ethnicity, language, religion, or region. The argument distinguishes between less mobilized cleavages such as those in South Africa and more mobilized, territorially-based cleavages such as those in Nigeria and Ethiopia. This reflects how deeply these societal differences are ingrained and how actively they are articulated or acted upon in the political realm.

According to Clapham (2023), less-mobilized cleavages can be managed through integration; this means that when societal divisions are not deeply entrenched or actively mobilized in politics, it is possible to address these divisions by integrating diverse groups into shared institutions. This process involves ensuring that all groups have representation and can participate equally in the political process, thereby reducing potential conflict. When societal divisions are deeply ingrained, widely recognized and associated with specific geographic regions, it is more effective to manage them through acknowledgement and accommodation in the design of political institutions.

Federalism today is the political structure adopted by many states in various parts of the globe (Gagnon & Erk, 1998). The fact that federalism is evolving across Africa, has led to the adjustment of several of the fundamental elements of federalism

that are understood by classical federal theory and integrated with non-federal notions and behaviors. For instance, as former unitary states, Nigeria, Ethiopia, and South Africa rely heavily on the unitary theory of state structure and the unitary impetus is evident in the design and operation of their federalism, making federalism research a crucial endeavor in Africa (Dickovick, 2014). Federalism and decentralization are hot topics in Somalia, where it is widely believed that they are the only alternatives to unitarism and nowadays, discussions on Somalia's future are framed around these concepts (Elmi, 2014; Mosley, 2015).

Somalis do not identify with a particular village, town, or area but instead affiliate with particular clans or sub-clans, which serve as the political framework for the Somali community, which makes Somali clan politics research an important issue (Shavce, 2012).

Elmi (2010) points out the importance of clan identity in Somali. He notes that clan identity is extremely strong among Somalis and has a significant impact on not only politics and conflict but also the formation of states in Somalia, despite the fact that there are other identities such as religious Islamic identity and national Somali identity, and sadly, little attention is paid to its study.

Though much has been said and written about post-Cold War Africa's state building formula, there is yet a process of political and social fragmentation and localization underway. This process is mainly driven by issues clouded with racial, clan, ethnic, cultural and religious diversity and further aggravated by considerable differences in the shape and sharing of power, national resources and national identity, which are not much written about as pointed out by Harbeson & Rothchild, (2023).

However, for precision, six specific research gaps still exist in this area of study. First, the concept of Somalia federalism still suffers from confusion and ambiguity despite the evolution of federalism across Africa and decades of discussions and research on the topic (Osaghae, 2022). Dickovick (2014) posits that the majority of studies on the topic are subjective and remain strongly normative and there are ongoing theoretical, methodological and design challenges that demand further research.

Second, while numerous studies have linked Somalia's clan politics and unitary system of government (Samatar, 2022), there has been minimal investigation into the influence of clan politics in combination with a federal structure and clan politics and the fragmentation of the state have received minimal consideration in studies on Somalia's federalism, which has largely focused on proponents and opponents of the idea (Fiseha, 2022; HIPS, 2015).

According to Last & Seaboyer (2011), the significance clan politics and federal institutions have in the political fragmentation of the state is yet to be investigated hence there is not much literature explicitly on this subject and what is available is fragmentary and solely based on incredibly scant data. Studies by Dahir & Ali (2021) and Muhumed (2021) explain that the lack of an explanation or mechanism of how federalism and clan politics influence the fragmentation of the state in the earlier studies has resulted to a strong public call for further research on this topic.

Third, the majority of current federalism studies in Somalia are based on a sample of the political class represented by members of the Somali Federal Parliament, all of whom are political class members. Abubakar (2016) holds that this does not only render previous studies biased but also makes them have a low level of community

involvement. Merile (2017) points out that these studies in the Horn of Africa in general do not include the perception of the Diaspora.

The fourth reason dwells on the category of researchers that undertook studies on the clan system in Somalia. Samatar, (2022) and Kuper, (2005) maintain that although studies of the Somali clan system attracted researchers from the humanities (literature and Islamic studies), social sciences (anthropology, archaeology, history, political science, and sociology) and fine arts (music, dance, and theater), the anthropological viewpoint—which typically focuses on ethnographic research on less developed or "primitive societies"—remains dominant. Similarly, Gellner (2008) argues that clan politics has been neglected since there is too little research on clan and clan-like organizations and too little scholarship on clan and clan politics, implying the necessity for this study.

Despite extensive work on political development and regime change, there is a lack of a comprehensive theory linking federalism, clan politics, and fragmentation (Collins, 2004). Joshua (2008) supports Collin's argument and maintains that the primary drawback is the lack of theoretical development in clan politics, which derives from a lack of clan literature in political science, preventing the development of a theory.

Fifth, despite the fact that few studies have examined federalism, clan politics and fragmentation jointly; those that have done so have yielded contradictory results. While some argue that ethnic federalism was to blame for the fall of the USSR, Yugoslavia, and Czechoslovakia and that clan politics and ethnic federal structures fail to work well in Africa because they exacerbate ethnic divisions and secessionism,

others argue that ethnic federalism is useful, citing Switzerland and India as examples (Hale, 2004).

The sixth reason is advanced by Erk (2014) who notes that democratization and decentralization reforms in Africa have been prominent since the 1990s but after more than 30 years of implementation, there still is a significant gap between the constitutional designs and the reality on the ground and sadly, the cause of this gap is yet to be established. A major drawback of the federal system in Africa is that it does not adequately address the predicament of clan and clan politics (Fessha, 2016).

According to Burgess (2006), while such a thing as federal theory does exist, there is no fully fledged theory of federalism today. At best, there is a partial theory based on rigorous conceptual analysis and the pursuit of terminological precision and at worst, there is crass empiricism rooted in the failure to develop concepts and define the key terms. The lack of common definition of federalism and of a common terminology clearly lies at the bottom of the problem that a global theory is missing (Gamper, 2004). However, in most federal studies, classical federal theory (Dickovick, 2014), integrative theory of federalism (Kinsky, 1974), constitutional compact theory (Gagnon & Erk, 1998), monistic decentralization theory, the Viennese School of Legal Positivism (Walter, 1992), Kelsen's "three-circle" theory, and dualistic theories (Gamper, 2004) have been used. For clan politics, modernization theory (Hodgekin, 1956) and instrumentalist theory (Joshua, 2018) were widely applied. The consociationalism theory of Lijphart (2002) has been applied to state formation and fragmentation prevention.

This study provides a number of contributions while attempting to fill identified knowledge gaps about federalism and clan politics in Somalia and how they influence the fragmentation of the state. First, this study contributes to the limited systematic study of federalism in Africa in general (Dickovick, 2014; Hale, 2004) and broadens the understanding of federalism in Somalia specifically (Elmi, 2014; Menkhaus, 2016).

This study is the first of its type to examine Somalia's federalism in conjunction with clan-based politics and their influence on the state's political fragmentation. Second, the study also explores the vital role that clan-based politics and federal tactics play in the fragmentation of the Somalia state, an area of study that has received very little attention (Luling, 1997). This would help establish a foundation for understanding Somalia's federalism in political and social contexts, which would then improve the concept of federalism and clan-based politics and how they influence the state's fragmentation, which is a topic that is rarely examined (Harbeson & Rothchild, 2023). Third, a comprehensive study of clan-based politics in Somalia is extremely limited. Studying clan, political fragmentation, and federalism in the context of Somalia would add to the body of scholarship and understanding in those fields.

Fourth, to the best of the researcher's knowledge, this is the first study to examine the entire area that was formerly known as the Somali Republic, including Somaliland. It is also the first to examine local Somalis as well as the Somali Diaspora, in order to provide comprehensive data.

1.1 Background of the Study

Few academics who study federalism can agree on a single, comprehensive definition of the term (Sbragia, 1992); instead, they admit that different definitions can overlap

(Wallace et.al, 2020). According to Wheare (1946), federalism is a system of power-sharing that allows for the coordination and independence of the federal, state, and local governments within each respective area.

Though some studies acknowledge ethnic federalism, Hale (2004) comes to the contrary conclusion that ethnic federal systems are ineffective in Africa because they widen ethnic divisions and encourage secessionism. As a result of issues with racial, clan, ethnic and religious diversity, there is also a process of fragmentation and localization taking place at the same time in Africa. The distribution and structure of power, national resources, and possibilities for social, cultural and economic advancement are all markedly unequal, which exacerbates these issues but this situation is not receiving the attention and research it deserves (Harbeson & Rothchild, 2023).

From a federalist perspective, Nigeria, South Africa and Ethiopia's respective federal domains' considerable top-down constraints and degree of centralism are more intriguing (Dickovick, 2014). Although the majority of civil society is in favor of changes, the Movement for the Sovereign State of Biafra favors secession and the division of Nigeria's state and all political actors lament the negative impacts and flaws of Nigeria's federalism, which is the oldest on the continent (Adejumobi, 2004). Though the federation of South Africa was established in the democratic constitution of 1996, which allowed local levels of government the power to provide essential services to the public, decentralization's main goals of democratizing local administration and providing sufficient basic services to all areas have largely been miserably achieved (Koelble & Siddle, 2014).

Ethiopia used "ethnic federalism," a different sort of federalism in Africa that is largely disregarded in research. Hale (2004) defined ethnic federalism as a federal political organization where the territorial administrations that make up its constituent parts have an explicit relationship to specific ethnic groupings. Many of the world's most powerful and influential countries, including Russia, China, India and Canada, have at least rudimentary ethno-federal frameworks. As Hale emphasizes, this kind of federalism has been advocated for states ripped apart by ethnic war as well as for post-Taliban Afghanistan and post-Saddam Iraq (Hale, 2004).

Before Somalia attained independence in 1960, a federal system of governance was first proposed by the Hizbia Dastur Mustaqil al-Somali (HDMS) party, which was made up of the marginalized Digil and Mirifle Somali clans. Nevertheless, at a time when the bulk of the political class preferred the unitary model, the advice was ignored (Mukhtar, 1989).

Currently, discussion of Somalia's future is framed by the terms "federalism" and "constitutionality," as federalism is now seen as the best option for establishing a power-sharing agreement among Somali clans and a realistic solution to the country's political conundrum (Mosley, 2015; HIPS, 2015). In Somalia, where it is commonly accepted that they are the only alternatives to unitary system, the terms "federalism" and "decentralization" are constantly being used (Elmi, 2014). Sadly, there is little to no internal consensus in Somalia regarding the benefits and meaning of federalism, and none of the key problems with it have been resolved. This makes it necessary to conduct a relevant study on the topic (Elmi, 2014; Menkhaus, 2016).

According to Lewis (1994), Somalia is home to four major clans: the Hawiye, Dir, Darod, and Digil & Mirifle, as well as an alliance of smaller clans composed of

Arabs, Baravans and Bantu people. The clan system, which may be broken down into several sizes of clan-family, clan, sub-clan, major lineage and mag-paying group, is the most important social feature among Somalis who live as nomadic pastoralists (Lewis, 1961). They created the so-called "4.5 formula" in 2000 to guarantee equal representation for each of the four major clans, the Hawiye, the Darod, the Dir, and the Digil & Mirifle. Minorities and other non-clan groups are to be accommodated in the remaining "0.5," which is supposed to include all groups. However, this strategy is vigorously disputed as a useful method for resolving disputes in Somalia, as demonstrated by the ongoing civil war in Somalia (Gundel, 2009).

Building a unitary government structure is difficult in Somalia due to the society's strong clan identity and nomadic pastoral culture. Clan politics causes debate over whether to have a unitary or federal government to largely take place at the clan level. Elites and powerful clans advocate unitary government while weak clans and regions favor federalism (Last & Seaboyer, 2011; Shavce, 2012). Somalia is torn between clanocracy (rule on the basis of clans) and instability.

Luling (1997) advances that since the 1990s when numerous international community-led endeavors to create a unified government were started, every transitional administration that has been founded has come apart quickly in a sea of clan and sub-clan conflict. However, the majority of studies on the Somali clan system and its minority groups are of ethnographic nature that are globally funded, overseen by foreign academics who are concerned about security and that rely on linguistic skills (Markus, 2015). In this regard, the study is evaluating Somalia's federalism and the influence of clan-based politics on the fragmentation of the state.

1.2 Problem Statement

After years of dictatorship and centralized authority, followed by a catastrophic civil war and clan-based disputes, Somalia set up a federal system in order to: a) develop a power-sharing system among Somali clans, b) heal the mistrust that the civil war had caused, c) accommodate clan diversity and preserve territorial integrity and unity and d) strike a compromise between a centralized system of government and complete secession. This justified the constitutional legitimacy of federalism as the dominant political system in Somalia (HIPS, 2015; Mosley, 2015).

Unfortunately, due to a fundamental contradiction in the text of the provisional federal constitution, neither of the two terms that dominate Somalia's politics—"federalism" and "constitutionality"—has been clearly defined two decades after the adoption of federalism. Clause 1 of Article 49 stipulates that the lower house of parliament determines the number and boundaries of federal member states, and Clause 6 of the same article specifies that two or more regions may freely combine to create a federal member state (Somalia Provisional Constitution, 2012).

The political elite in Somalia disagree about the type of federalism that would be ideal for the nation, despite the fact that the country is generally ruled by some form of federalism. In the recent past, the federal system has been plagued by chaos, obstruction, and constant conflict and federalism has changed into a new forum for political squabbles with little advancement rather than a magic wand for resolving or diminishing the country's long-standing political divisions, community grievances and misrule (Muhumed, 2020; Elmi, 2014).

However, there hasn't been much study on how much federalism led to societal and political fragmentation, an escalation in antagonism and bloodshed rather than