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Africa Meeting Summary

Somalia's Future: Building a Unified Regional State

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INTRODUCTION

The Governments of the UK and Somalia will co-host an international conference on Somalia on 7 May in the UK, following on from the London conference on Somalia in February 2012. In the lead-up to the jointly hosted Conference, Chatham House held a consultation in April 2013 with 35 members of the Somali diaspora community, mostly UK-based, in order to facilitate an exchange of thoughts and encourage open debate around issues affecting the future of Somalia's state and governance structures. The meeting addressed matters of regional autonomy, decentralisation and federalism. British government officials were present along with international experts on Somalia, as well as on constitutions and federalism.

The consultation discussion took place under the Chatham House Rule to facilitate open discussion around three main agenda items: the various state structures and governance alternatives available to Somalia; the roles of Somali stakeholders; and the nature of international engagement. British government officials maintained that the UK's priority was to keep international attention focused on Somalia. More particularly, the British officials wished to listen and learn from Somali stakeholder's expertise, in order to devise better international strategies to support Somalia in its next steps of state formation. The following document is a summary of the discussions and views presented at the roundtable meeting.

1. DEFINING THE SOMALI STATE AND MECHANISMS OF POWER SHARING

1.1 Addressing Federalism

Much of the discussion on future state dynamics evolved around the notion of federalism. It was recalled that the concept of federalism had been introduced into Somali politics during the 2002 to 2004 Mbagathi Peace Process, when it was largely uncritically adopted into the emerging draft constitution. The particular type of federalism that was to be adopted was left to be defined by the Transitional Federal Parliament at a later point in time. While there has been frustration that this task has not been achieved to date, it was recognised that the current government has an opportunity to shape this debate and move ahead.

There was a lengthy discussion among diaspora representatives on the various models of governance structure available to Somalia. Perspectives on the most appropriate governance model varied significantly. It was argued that some form of devolution is required, with the possibility of a decentralized unity state the long-term goal.

The majority of participants favoured a federal system of governance. It was suggested that past experiences of centralized governance had come at great cost to the Somali people and that they were not prepared to return to such a model. Decentralization of political and economic decision-making processes was therefore seen as necessary in order to move forward. Somalia needs to build the state on its regional foundations, with some participants advocating the idea of creating further federal units, based on the argument that central government would be given the key task

of facilitating negotiations amongst the different regional stakeholders. But it was also argued that federalism was very likely to exacerbate the social and regional fragmentation of the Somali state, largely along clan lines. This would make the task of building a stable and secure country more difficult. Advocates of this position argued that Somalia needs a strong and capable central authority that is able to consolidate the state, harmonize its institutions, and unify its population.

Some postulated that federalism is not the best option for Somalia due to its small, largely homogeneous population in ethnic, religious, linguistic and other regards. Yet it was also pointed out that statistical evidence suggests that federal state structures work particularly well in exactly such settings. Alternative options of confederation and consociation, involving guaranteed group representation through power-sharing, received considerably less attention.

1.2 The need for a strong judiciary

Attendees repeatedly pointed to the fact that a central challenge for the establishment of any kind of sustainable governance structure in Somalia is the need for a strong and capable judiciary. The building of strong, independent legal institutions with inbuilt dispute mechanisms is a necessary precondition for the devolution of power or the creation of distinct federal units. This issue was considered particularly salient with regards to the process of defining regional boundaries, devolving political decision-making processes, and ensuring transparent mechanisms of resource mobilization and public financial management. It was noted that the setting up of a strong judiciary was likely to prove inherently difficult and divisive in practice – less because of the technical challenges involved, but more due to its deeply political nature.

1.3 The challenging issue of clanism

Participants agreed that the social concept of clan lay at the heart of many of the political challenges that Somalia has faced but expressed divergent views when it came to identifying the underlying reasons for this. Nuanced views suggested that it was Somali culture, rather than clan, which proved challenging. Others argued that it was not clan, but the ‘clanization’ of society by manipulative self-serving ‘elites’ seeking to galvanise a support base that was problematic. The social dynamics informing clan identity have been subject to continuous alteration and clans have been changing at varying degrees and speeds.

The divisive nature of clan makes it problematic to take this social unit as the building block for the (re-)construction of the Somali state. Many participants believed that while a federal state was the most appropriate model for Somalia, its separate federal units should not be defined along tribal lines – as has largely been the case in the recent past – because this would enhance social and institutional fragmentation. It was argued that there was an urgent need to promote the development of non-clanist organizations, such as business, youth and women’s organizations, as well as genuinely cross-clan, issue-based political parties.

1.4 The need to go beyond state-building

A number of participants mentioned the aspect of nation-building in light of the perceived obstacles of social fragmentation, mistrust and clanism to building peace and security. Some attendees noted the apparent contradiction between reinstating nationhood and the current nature of fragmented Somali society. It was argued that the primary identity of clan needs to be replaced with the nation as predominant point of reference. But another participant suggested that cohesion could be attained with 'socio-cultural federalism'; a concept whereby people's shared concerns over culture and social policy bind them to the local region and by extension to the nation.

Participants reaffirmed that it was a central task of the government to overcome the social divisions in Somali society. Rather than buying into a federal state that could exacerbate and institutionalize existing social and regional divergences, it was suggested that Somalia needs a centralized state and strong government that is able to (re-)unite the population. It was agreed that the current government needs to prioritise reconciliation in order to rebuild the social contract amongst the Somali people and ultimately revive feelings of nationhood.

1.5 Building trust and security

A central theme that was present throughout the first session was the need for the Somali government to build trust and security. This was seen as a first step in overcoming the divisiveness of clanism, which Somalis have been largely reliant on for the provision of personal security in the absence of a capable state. In order to establish trust, it was argued that there needs to be transparent and honest communication between the central government and the population. The new government has the opportunity to establish dialogue, as it is the first time in several years that the government can move outside of Mogadishu.

2. THE ROLES OF SOMALI STAKEHOLDERS

2.1 Who are the stakeholders?

The primary Somali stakeholders are the ordinary people of Somalia. The population have borne the brunt of civil conflicts, political stalemates, the lack of effective institutions and absence of basic services. Nearly 45 per cent of Somalis are malnourished; unemployment is estimated to be 70 per cent for those aged 18 to 30; and up to 80 per cent of people lack access to clean water and sanitation.

There was some consensus around the idea that the Somali youth should be empowered, as the majority of Somalis fall into this age group and as it is their future that is at stake. But the question of how best to empower the youth was unanswered. In the Somali context where the predominance of elders means that the youth are rarely listened to in the first place, their empowerment is as difficult as it is pertinent. The diaspora was seen to have a particular role to play. However, serious resentments against the diaspora remain within Somalia because of

perceptions of entitlement, incidents of ambiguous behaviour, and a sense of abandoning Somalia during difficult times and returning to exploit opportunities.

There was also scepticism around the capacity of 'traditional' stakeholders, including parliament. It was generally agreed that the Somali parliament lacks the capacity to bring about meaningful change: it was described as deeply flawed, ineffective and little more than a "free market" for personal gain. Similarly, it was repeatedly argued that the country lacked a political leader with national vision, who could stand above tribal conventions and rally the population.

2.2 The role of the media

It was suggested that the media has an important role to play in shaping opinion in Somalia and as such requires a legal and regulatory framework that promotes a code of conduct, ethics and professionalism. It was argued that the national radio, television and other media outlets are being used by those in power and with vested interests for their own ends. Instead, the media should monitor those in power and serve as platforms for broad-based debates on pressing issues of national concern. In this regard, it was suggested that the media could serve as an important intermediary between the government and the Somali people on a wider discussion about a federal governance structure. Rather than accepting federalism as a *fait accompli*, which had largely been introduced into Somali politics by foreign actors, such an exercise would confer legitimacy on the future governance structure of the state.

2.3 Bringing Somaliland back in

One conference attendee argued that in order to ensure lasting peace and to rebuild a stable Somali state, there is a need to revisit the relationship between Somalia and Somaliland. It was the unification of these two polities in 1960 that had historically allowed for the evolution of the Somali state in the first place.

A twofold rationale for Somalia to bring Somaliland back to the negotiation table emerged. On the one hand it was argued that Somaliland's existence and quest for independence could have detrimental effects for the broader Somali state-making project. If Somaliland obtained international recognition as a sovereign political entity, it would create a dangerous precedent within Somalia, encouraging other regional sub-units to follow suit and significantly eroding the prospects of a stable nation-state. On the other hand, Somaliland could facilitate the revival of Somalia by re-joining the union. This unlikely scenario would prevent Puntland, Jubaland and other regional entities from insisting on the devolution of too many political and economic powers to federal units at the expense of central government.

It was acknowledged that discussions over a unified Somali state incorporating Somaliland were a long way off, but that consideration needed to be given due its relevance for other regions. Numerous issues need to be addressed before discussions on reunification can begin. There was understanding of Somaliland's cautious position, as it had made significant sacrifices in 1960 in order to realize the formation of the Somali union. It was suggested that Somaliland could present

a list of minimum conditions that it wanted to see fulfilled for reunification. Somalia would also need to ensure that its government represented Somalis residing in both Somalia and Somaliland, and that Mogadishu was a federal capital that belonged equally to all Somalis.

Other participants felt that in the discussion on federalism, focus should remain on existing and potential regional entities rather than on Somaliland. It was felt that the relationship between Somalia and Somaliland should not be the starting point for the reconstruction of the Somali state. While some considered Somaliland to be a related but distinct issue, there was acknowledgement that without prior acknowledgement in the Somali constitution, reunification with Somaliland would be difficult once the constitution was re-written, approved and adopted.

3. INTERNATIONAL COMMUNITY ENGAGEMENT

3.1 Ensuring constitutional survival

In order to ensure political stability and the survival of the current constitution, it was argued that the constitution must be written and/or passed by a democratically elected or otherwise truly representative constituent assembly, and that there must be consensus amongst the country's political elite, in order to guard against 'spoilers'. It was pointed out that the set-up or existence of institutions that facilitate economic growth in Somalia would provide a timely boost for the government's activities and by extension the endurance of the constitution.

At the same time the common assumption that it is beneficial or even necessary to involve large parts of the population in the process of rewriting the constitution was disputed. Reference was made to Kenya, where extensive consultation around the constitution did not lead to popular support and stability but rather to disappointed expectations. Hence, it was proposed that 'constitutional road shows' were no guarantee of the survival of a recently adopted constitution.

It was repeatedly suggested that the Somali constitution was an ill-conceived project that neglected central questions such as: how regional boundaries of the respective federal units will be set up; how political and economic power is to be devolved; and who will pay for the duplication of governance levels in a federal system. One attendee pointed out that while Somaliland did not constitute a model for Somalia, and while Somaliland's constitution was flawed in many respects, it was helpful to consider its constitutional process, not least because its constitution has survived to date.

3.2 The need for civic education

Conference attendees broadly acknowledged the need for a civic education campaign to raise awareness among Somalis on the issues pertaining to federalism and to the constitution. It was noted that the process of drafting and discussing the Somali constitution has up until now been reserved for the political elite. It was proposed that 'constitutional patriotism' was needed in Somalia in order to capture popular support for the constitution making process: this involves investing in a process to enable buy in and understanding after the constitution is written.

3.3 The role of the international community regarding the constitutional process

Overall, concern was expressed about the fact that thus far the constitutional process in Somalia has been deadline rather than subject driven. It was argued that some members of the international community have had too much influence on the discussion to date, which could have significant repercussions for the future of the Somali state. Ethiopia was mentioned as having strongly pushed for Somali federalism in the past. While acknowledging Ethiopia's and Kenya's legitimate security concerns, it was suggested that neighbouring countries should not be allowed to influence the constitutional process.

3.4 Setting standards and ensuring Somali ownership

Participants expressed the view that the international community should have clear standards for selecting both Somali and non-Somali individuals to work with on Somalia's development. It was suggested that the international community could play a role in creating of a network of skilled Somali individuals both from within Somalia and among the diaspora. This expertise could then be used by a diverse set of international and local actors in order to address Somalia's developmental challenges.

Given the flawed nature of current government organizations and institutions it was proposed that the international community should pursue additional engagements outside of the government and parliament in order to ensure that issues are dealt with properly. These might include business, legal institutions, local civil society and international organisations. It was argued that the international community should engage cautiously in Somalia's state-making project, to avoid being perceived as overly influential. An informed analysis of Somalia's trajectory since 1991 demonstrates that if international engagement goes beyond assisting Somali-owned processes then it can do more harm than good.

CONCLUSION

Many participants welcomed the UK initiative of convening another international conference on Somalia. Attendees expressed the need to stay optimistic in spite of, or rather because of, the numerous challenges that Somalia has continued to face after the formal conclusion of the transitional period in 2012. There are indications that Somalia is finally moving in the right direction. While it was acknowledged that neither the constitution, the parliament, or important government organizations and institutions are perfect, several participants took the position that the current reality needs to be faced head on and that both Somalia and the international community should look to progress existing institutions and organizations.