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Somalia's Struggle to Integrate Traditional and Modern Governance Systems: The 4.5 Formula and the 2012 Provisional Constitution

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Nasteha Mohamud Ahmed

American University, Cairo

Email: nahmed02@aucegypt.edu

Abstract

My purpose in this article is to assess the impact of Somalia's 4.5 power sharing formula on the consolidation of national post-conflict governance in the hands of a representative Somali body. Per the Arta Peace Agreement, seats in parliament are awarded to the four major clans, which also dominate the election process. This has led to the perpetuation of many of the same social (clan) dynamics that lead to conflict in the past. Even though the 4.5 formula is not part of the Somali constitution adopted in 2012, the 2017 presidential elections were primarily derived from the formula. Although the goal was to move towards a one-man one-vote system, the use of the 4.5 formula in the 2017 elections signifies a struggle which mostly stems from the lack of physical security or resistance to limit the influence clan has in the election process. This article will argue that clan influence is likely to remain a challenge for Somalia's transition to democracy until a civilian-based voting system is put into place.

Keywords: 4.5 Formula, Electoral Processes, Governance, Power Sharing, Somalia.

Introduction

Since the formation of the Somali state in 1960, clans have been actors in both governance and conflict (Lewis, 1972; Samatar and Samatar, 1987; Samatar, 1992; Luling, 1997; Besteman, 1996). Even prior to independence, clans played an important social role. They were both a source of protection, in that they acted as a form of governing entity that implemented rules, and as an identity for the population. However, during the colonial and post-colonial periods, those in power co-opted clans as a tool to gain access to resource and power. The use of clan by leadership was further solidified during Siad Barre's 21-year rule that began in 1969 and ended 1991. Barre's use of clans as a tool to stay in power, coupled with looting state and other clans' resources to reward his allies, led to the creation of armed militias. Consequently, this created lasting divisions in the society that were politicized again during Somalia's lengthy civil war. After the civil war, the militias divided the Somali population along clan lines and produced an environment where the population was caught between inter-clan wars, mistrust and extreme animosity for close to 30 years. In 2000, this resulted in clan leaders taking a significant role in the peace negotiations that took place in Arta, Djibouti.

There were multiple attempts at peace negotiations for the warring factions during the decades-long civil war in Somalia. However, these negotiations proved to be fruitless every time as warlords often associated with one of the sub-clans in the major Somali clans acted as spoilers when excluded from the process. Under the Arta Agreement, a Transitional National Government (TNG) was established on a power-sharing mechanism based on the traditional distribution of power among the main clans in Somalia. The TNG was created on what has since become known as the 4.5 power sharing formula, which allocated seats in parliament to the four big family clans - the Darood, the Dir, the Hawiye, and the Digil-Mirifle, with the remaining .5 reserved for minority clans. The simplest way to understand the 4.5 power division in Somalia is to understand the dynamics of clan in Somali history. The four major clans represented in the formula receive equal representation based on power they have held in the past and still do. The .5 is given to minorities that are made up of the former caste clans, the Bantu, and the Banadiri. They receive the remaining .5 share due to their lack of power and a long history of victimization that has existed in society for

centuries if not millennium. The 4.5 formula stems from an existing social structure in Somalia based on a history of discrimination. Somalia's first post-conflict government was established in 2012 on the basis of this formula.

The creation of Somalia's first internationally recognized government in two decades was a significant milestone for post-conflict reconstruction. However, Somalia's power sharing formula has also reinforced many of the same divisions and social dynamics that led to the civil war in the first place. The institutionalization of clans into the government through the 4.5 system has strengthened clan identity, which in turn weakened and destabilized government institutions. This solidification of clan's role in governance has stagnated Somali politics, in which all aspects of governance are primarily articulated through the lens of the clan. This has the potential to reignite conflict and lead to civil unrest if this power sharing system persists.

My purpose of this article is to explore the impact of the 4.5 power sharing formula on the post-conflict governance process in Somalia. It will examine the ways through which clans have retained their influence during the period that began with the 2000 peace agreement through the 2012 establishment of the first internationally recognized government. The article will also assess the extent to which the absence of the 4.5 formula in the 2012 constitution signaled an intention to limit clan influence in the future.

Background

Clans and Somali Political Background

Since independence, Somalia has struggled to reconcile traditional identity with contemporary forms of governance (Lewis, 1972; Samatar and Samatar, 1987; Samatar, 1992; Luling, 1997; Besteman, 1996). The interplay between clan and governance persists throughout Somalia's political history. Traditionally, Somali society was organized by clans that held important social roles in governance and conflict resolution. During the colonial period, foreign rulers co-opted clan leaders as a means of asserting control over Somali communities. Since colonization, political leaders have continued to utilize clan in governance as a tool to gain power and resources. For close to 30 years, Somalia has struggled with

internal turmoil stemming from the 1991 civil war. In 2000, governance in Somalia shifted when the TNG was established.

To better understand the significance of clan involvement in Somali politics, this article will begin by addressing the peace conferences held after the civil war began. In doing so, it will explain how the 4.5 power sharing formula came to be, as well as how it has been utilized to elect governments over the past two decades. The article will then proceed to lay out Somalia's larger historical background with an emphasis on the use of clan by Somali political leadership.

A Brief History of the 4.5 Peace Agreement

After the fall of the central government of Somalia in 1991, a series of peace conferences were held in Djibouti, Ethiopia, Egypt, Kenya, and Yemen. Initially, a 1991 conference in Djibouti declared Ali Mahdi, a powerful businessman, the new president of Somalia. However, this peace initiative failed due to opposition from Mohamed Farah Aidid, former general and new warlord, coupled with the lack of representation from other parties (Menkhaus, 2007). Elmi (2010) noted that warlords were considered to be the main Somali stakeholders and representatives of their clans in all of the peace conferences held between 1991 and 1997. The number of warlords claiming to represent clans grew with each peace conference. Elm writes:

For example, at the first conference in Djibouti in 1991, six factions (representing six clans) were brought together to agree on a power-sharing formula. Fifteen clan-based factions participated in the next conference in Addis Ababa in 1993. Subsequently, more factions appeared and 28 factions were invited to the Cairo conference in 1997. (36)

In the 2000 peace talks held in Arta, Djibouti, produced the Transitional National Government (TNG) with Abdiqasim Salad Hassan as president and established a parliament with 245 members. The TNG produced power sharing policy that allocated power according to the 4.5 formula. The power sharing formula divided parliamentary seats among the four clan families of the Dir, Darood, Hawiye, and Digil-Mirifle and with the remaining .5 given to the Bantu, Benadiri and other minority clans (Menkhaus, 2007). Somali anthropological scholarship has previously distinguished the Isaaq as a major clan on its own; however, during the

peace negotiation process which determined the 4.5 formula, there was an attempt to put the Isaaq clan under the Dir clan (Elmi, 2009:29). Elmi (2009) noted that the Isaaq clan viewed this to be “an act of aggression” against them. This action exacerbated the earlier grievance by the Barre regime and the Isaaq clan solidified their decision to remain an independent state in the north. The TNG began representing Somalia in the international community; however, the government collapsed after a year and a half when warlords Hussein Aidid and Musa Sudi waged armed confrontations against it (Le Sage, 2002).

In 2004, a conference hosted by the regional organization, the Intergovernmental Authority on Development (IGAD) in Kenya, produced the Transitional Federal Government (TFG). Ethiopia and the U.S. backed the TFG, and Abdullahi Yusuf Ahmed became president with a parliament of 275 members. The TFG once again used the 4.5 clan power-sharing system to elect the new government and its officials. The power-sharing plan divided the 275 total parliamentary seats by 4.5, resulting in approximately 62 seats in parliament per major clan and 31 seats for minority clan groups (Elmi, 2010).

The number of seats in the parliament has fluctuated over time in different elections. The reasoning behind this is still unknown, but one consistent factor is the allocation of parliamentary seats using the overarching 4.5 formula to ensure “balance”. Elmi (2010) suggested the interference of external actors, namely Ethiopia, Eritrea, and Libya, weakened the peace process. These states acted as sponsors for certain clan actors in the conflict. Warlords often led violent campaigns against the TFG, which consequently hindered the new government’s legitimacy. These issues led to the inability of the TFG to take control of the country. In 2009, the 4.5 formula procedure was used once again to elect President Sheik Sharif Sheikh Ahmed as president of the TFG. Sheikh Sharif’s government not only continued under the same name as the previous regime, it was also unable to produce any progress in governance as many had thought. President Ahmed’s previous role as the head of the Islamic Courts Union (ICU) in Mogadishu was viewed to be an advantage as the ICU had some success in establishing rule of law prior to the first TFG (Menkhaus, 2009).

Power Sharing's Social Origins

One can trace the nature of power sharing in Somalia to aspects of its social origins where the majority of Somalia's population of 11 million is divided into five major clan families: the Hawiye, the Darood, the Dir, the Isaaq, and the Digil-Mirifle (Lewis, 1993). Tradition holds that these five families can be traced back to a mythical figure named Hiil and his sons Sab and Samaale (Mansur, 1995). The Hawiye, Daarood, Dir, and Isaaq clans are considered to be descendants of Samaale, while the Digil-Mirifle are considered to be descendants of Sab. The mythical origin of Somali heritage is important because it confirms the fluid nature of clan identity in Somalia. Elmi (2010) notes that in some instances, Somalis with no blood affiliation have formed new clans, which directly contradicts the nature of clan. There are also many situations in which groups have been adopted into clans. Beyond these five families, there are also two minority groupings; descendants of the Somali forefather who were ostracized as outcasts for allegations of breaching an Islamic law/tradition; and those that were perceived to be ethnically different (Kusow and Eno, 2015). The former consist of minority clans such as the Gabooye (Midgaan), the Tumaal, and the Yibir, among others. They are the descendants of the occupational caste formed by hunters, blacksmiths, and ritual specialists. The latter include the Somali Bantu and the Banadiri or Reer Hamar.

While many scholars view clan identity as fluid, there are clear differences in dialect across the different "tribal" areas. For example, southern Somalis primarily speak the *Maay* dialect, while northern-central Somalis speak the *Maxaatiri* dialect (Mukhtar, 1989; Eno et al, 2016). However, there are also many commonalities across clans, such as the *xeer* social system, which Somalis have used to organize and regulate themselves before the establishment of modern governance. The *xeer* system will be further elaborated on in the clan section below.

Although clans are a complex set of identities within Somalia that have been used to either divide or bring together the society, most western scholarship has treated Somalis as a homogenous group of pastoral nomads. The work of Lewis (1955) typifies this perspective. He carried out his research in the British colony of northern Somalia, now known as Somaliland. Lewis is considered to be a renowned ethnographer for his work on Somali history and culture; however, both Somali and foreign scholars (Samatar, 1997; Besteman, 1995) have

criticized his research for perpetuating a monolithic idea of Somalis.³ Mukhtar (1995) noted the efforts made by the government in the 1960s and 1970s to glorify the traditions of nomadic communities. He criticizes state institutions like “ ‘The Ministry of Culture and Higher Education’, from which the Somali Academy of Culture eventually emerged as the custodian of the invented Somali tradition, which glorified the nomadic tradition but also ignored and degraded other Somali traditions” (Mukhtar, 1995: 21). The deliberate action to elevate a particular identity over others has left behind a legacy which still endures today in society and in governance.

Besteman (1995) refuted the nomad narrative, outlining the distinct differences in livelihood and culture between residents in the north versus those of the south of Somalia. She argues, “...the perception of a homogenous populations of cattle-and-camels herders is historically incorrect because it excludes the significant number of farmers who have lived along the banks of Somalia’s two major rivers, the Jubba and the Shebelle, for generations” (Besteman, 1995: 43), referring to the Bantu Jareer groups. Her work in particular refers to the social division within Somalia created by perceived ethnic differences between Bantu Somalis and the majority of Somalis. Bantu Somalis have been considered as the “other” within Somalia due to their distinct “physical characteristics” despite speaking Somali, and practicing the same religion (Besteman, 1995). This connotation came from the history of slavery in Somalia, with Bantus viewed as the descendants of said slaves. In terms of minority groups, the article will mainly reflect on Somali Bantus as they are the most prominent of the minority groupings in the literature and face discrimination based on their ethnicity and their appearance, despite possibly being natives of the land (Kusow and Eno 2015).

Clan Relationship (*Tol*/Kinship)

Adam (1999) likens clans to other forms of identities that exist in different societies, such as tribe and ethnicity. Jama (2007) suggested that, in the context of Somalia, the term ‘tribe’ is out of place because “tribe’ mean[s] small, centralized or cephalous groups, each with unique charact-

³Lewis’s work is popularly termed as “Cadaan Studies” which literally translates to white studies. This generally refers to the strong presence of European scholars within Somali studies and the negative perceptions of Somalis that have stemmed from this.

eristics such as territorial boundaries, distinct origin and language”(226). Somalis, on the other hand, differentiate one another based on lineage and blood relation and therefore the term ‘clan’ is more appropriate. Somalis identify themselves and one another through a series of a clan breakdown, starting from the big family clans and breaking down to sub-clan, sub sub-clans, the dia-paying group, and lastly to the family or household unit.

Both Jama (2007) and Gundel (2009) have discussed the importance of the dia-paying group in relation to the *xeer* system. Jama (2007) posited that the dia-paying group is the most important in clan lineage, as it is where responsibility is shared. The dia-paying groups are essentially made up of adult males in the clan and come together to make decisions for the community in all aspects of life. The dia-paying group took on responsibilities ranging from dealing with cases of theft or murder to establishing new dia-paying groups, starting war, and concluding peace agreements. Gundel (2009) noted that the strength of a dia-paying group relies on the wealth of its members and the willingness to use personal funds to aid those in the group.

Xeer (Social Contract)

Another significant aspect of the way Somalis interacted is the *xeer* social contract system. Jama (2007:226) notes “the kinship system is based on blood relation, but the ties that bind blood relatives are grounded on social contract-on a public system of rule publicly negotiated.” Somalis have used *xeer* as a way to navigate all aspects of clan life. *Xeer* has functioned as a judicial system in the absence of a central authority, relying on adult males within each community to carry out judgments. Jama (2007) discussed the presence of important judicial branches like the “*shir* (Political Council) and *xeerbeegti* (Law Council)” (227). Gundel (2009) noted that the *xeer* system is constantly changing and agreements can be adjusted or abandoned and new contracts made if a situation calls for it. The law council dealt with the legal issues and practiced “a veil of ignorance” in order to avoid bias in their rulings of legal and societal nature. *Xeer* also has its own judicial system, which is quite similar to modern court proceedings. Roles like plaintiffs, defendants, court recorders and lawyers are all present in these legal proceedings. The *xeer* system remains strong, particularly in rural parts of Somalia and is also

used in urban settings by businesses and regular folk to settle disputes (Gundel, 2009).

Gundel (2009) posited that the *xeer* system is male-centric due to clan elders (any adult male) being the authorities that led decision making within the judicial proceedings. Jama (2007: 227) explained that, “leadership (*riyasa*) was based on the voluntary loyalty of people to certain men because they admired certain qualities about them; such leaders, however, had no coercion (*qabr*) to exact loyalty.” He suggested that since all men were equal in society, leadership could be acquired through one’s wealth, poetic skills, and knowledge, among other things.

Colonization

Colonial rule had different impacts on Somalis, depending on their location. Colonial consequences impacted those that resided in the south and in the farming areas mostly versus those in the northern parts of the country, which were still ruled by clan elders. Prunier (1996) noted that

The British administration in the North, which had barely imposed itself on its Somali subjects and had for the most part left the traditional customs of *xeer* untouched, and the Italian fascist colonial rule in the south whose extremely authoritarian philosophy had led to the nearly complete destruction of indigenous forms of political and social control (39).

Besteman (1995) wrote that colonization contributed to inequality within Somalia’s social order. The Somali Bantu were the most heavily subjugated during colonial rule, particularly within the Italians’ colonial plantation system. The British referred to northern Somalis as the “natives” of Somalia and elevated their status. The Italians used the word “*liberti*” for Somali Bantus in order to solidify the connection to the group’s purported slave roots and distinguish them from the “natives.” The word *Liberti* in Italian translates to “freedmen” and in the context of slavery under Italian colonial rule, it was used to refer to Somali Bantus as a way to differentiate them from other Somalis. The distinction facilitated the coerced use of Somali Bantu labour on Italian plantations (Ahad, 2019).

Prior to colonization, a hierarchy of leadership did not exist, and the role of leadership could be taken on by any adult male in the community (Jama, 2007). However, colonial powers began to allocate new authority

to leaders (*aqils*), which in turn weakened traditional systems and incited jealousy among the clan members. Colonial officers' attempts to implement the same system of control they had in other parts of Africa came to naught, due to their inability to separate clans since Somalis lived amongst one another and inter-married (Jama, 2007).

Resistance to Colonialism

Somalis began to resist colonialism in 1899, when Sayyid Mohammed Abdulle Hassan, known as the "Mad Mullah" started the fight for an independent and reunified Somalia. This movement, called the "Dervish Movement," began in the northern part of the country and lasted until 1920s (Sheikh-Abdi, 1977). Hassan used his poetry to unite Somali clans to fight against their colonial rulers and was effective in battle to the extent that both the British and Ethiopians joined forces in order to defeat him (Hess, 1964). In the south, resistance came in different ways. In the Barawa coast, there was a prominent religious leader named Sheikh Uways whose teaching spread from the southern coast of Somalia to Mozambique. Through his teaching and his followers, the Uwaysiya, he advocated for the resistance against colonial influences (Martin, 1969). Another form of resistance was the battling against forced labor and slavery. This movement, which was called the "Gosha Revolt" and led by Nassib Buunto, lasted from 1890 to 1907 and was against both the colonizers and the Somali overseers that collaborated with the colonialists (Mukhtar, 1996; Eno, 2008; Ahad, 2019). The forced labor of the Bantu in southern Somalia led to large-scale deaths from forced work and disease.

The First Republic

Samatar and Samatar (1987) noted the condition in Somalia upon the establishment of an independent state and wrote

On the eve of independence, the emerging post-colonial state in Somalia was marked, *inter alia*, by (1) competition for lucrative jobs in the public bureaucracy by elements of the *petite-bourgeoisie*, the main supporters of the S.Y.L.; (2) economic foundations afflicted with a large and neglected subsistence sector, yet articulated to international and regional markets; (3) peasant productivity hobbled by usurious credit practice of middle traders; and (4) exceedingly poor infrastructure

es, chronic balance-of-payments deficits, and acute dependence on foreign beneficence to assuage annual deficits. (679)

According to this assessment of the conditions in Somalia with their roots prior to the first independent government, the situation was dire. Tripodi (1999) explained that Italy's unwillingness to invest sufficient resources during their decade-long trusteeship caused many of the challenges. This trusteeship, known in Italian as *Amministrazione Fiduciaria Italiana della Somalia* (AFIS), set to prepare the country for its independence in 1960, also failed to establish an effective economy due to financial constraints.

In March of 1954, the first municipal elections took place in Somalia as an experiment to observe the way Somalis would behave in modern state elections. There was a registration process in many parts of the country before the elections which registered 50,000 individuals. In 1960, the British and Italian colonial territories of Somalia were united to become the new state of Somalia. Aden Abdullah Osman became the first president of the country, with Abdirashid Ali Sharmarke as the Prime Minister in a democratic parliamentary system. Both Lewis (1972) and Njoku (2013) point to the hastiness of the union between the two territories and the subsequent issues which stemmed from it. Lewis (1972) noted the imbalance of power between Mogadishu and the rest of the country with Mogadishu being the center for business and the country's capital. He also explained that within the first two years of the union, the northern part of the country felt disconnected and dissatisfied with the southern-ruled government. Njoku (2013) builds on this scenario and posits that the politicians in the south presented requirements to the north, which would guarantee both the president and prime minister, came from the south.

The new state faced many issues at the beginning of its independence—from colonial influence in the government to clan use in politics. Samatar and Samatar (1987) noted colonial influence through the government's dependence on external revenue from former colonial powers to fund the country's finances. This external revenue was misappropriated by the parliamentarians as personal resources and means to consolidate power, which eventually led to political parties growing from 24 in 1964 to 62 by 1969. Samatar and Samatar (1987) also wrote that

Given the lack of substantive ideological differences between the contestants regarding strategies of accumulation, other pre-capitalist belief systems, such as clanship, were resurrected to distinguish between the parliamentary candidates, as evidenced by the proliferation of political parties in the 1960s (683).

Lewis (1988) hypothesized that despite a modern independent state, Somali politics to a large extent still dealt in clan loyalty. For example, during the elections of 1956 and 1958, clan was utilized as a way to gain power in governance (Mukhtar, 1989). Samatar and Samatar (1987: 681-682) suggested, "In the end, the contest over parliamentary seats in the First Republic (1960-4) was not about the future developmental orientation of Somalia; rather, it was a race to see who could control the central organs of the state and, consequently, its resources." During the struggle for political control, parliament members purchased votes in order to secure parliamentary seats, which set the precedent for a pattern of corruption that Somali politicians still practice today (Odowa, 2013).

In 1964, parliamentary general elections were held for the first time, and the clan alliances formed in the previous years of governance were put to the test as 21 political parties contested the election (Lewis, 1972). Despite of this, the election continued and the Somali Youth League (SYL) won 69 out of 123 seats for parliament. The new government seemed to be balanced with politicians from both the south and north holding cabinet positions.

On June 10, 1967, the second presidential elections were held and Abdirashid Ali Sharmarke became the country's second president. Samatar and Samatar (2008) describe the election as fair, democratic, and service oriented. However, by October, Said Yusuf Ismail, a soldier from a rival sub-clan of Sharmake's own larger clan, assassinated President Sharmarke in Laas Aanood. This led to General Mohamed Siad Barre taking control of the government with his armed forces (Ingiriis, 2017).

Siad Barre's Regime

Under Barre's regime, Somalia again saw clanism used as a tool to seize and hold power. In particular, the use of public funds for the Barre regime's Ogaden War further exacerbated political division along clan lines (Samatar and Samatar, 1987). However, initially, the regime adopted Marxist socialism as the official form of governance and the Supreme Revolutionary Council (SRC) attempted to eradicate the use of clan

affiliation as a political platform. Barre consolidated political power under the SRC by dismantling and banning political parties which had previously linked to clan affiliation (Lewis, 1972). Barre's government attempted to embed nation building into all aspects of Somalia by creating a written form of the Somali language, literacy campaigns, and healthcare throughout the country (Abdi-Sheikh, 1977).

The regime soon refurbished the first republic's interest in "Somaliweyn" (Greater Somalia) after a few years of ruling by going to war with Ethiopia over the Ogaden region in 1977. The war ended in Somalia's defeat in 1978 due to the Soviet's decision to back Ethiopia rather than its long-time ally, Somalia, and led to severance of the two countries' relations. Weiss (1980) discusses Barre's shift in allegiance to the West after this defeat and the new military aid the United State agreed to provide. That is why by the 1980s, 60% of the state's revenue came from foreign humanitarian and development aid (Loubser and Solomon, 2014).

Due to the devastating consequences the war had on Somalia and the loss of faith in the regime, Barre acted as others before him had done and began to utilize the clan factor. As Adam (1992:17) wrote, "From 1978-1980 onwards, Siyaad began actively to poison clan relations, instigating conflicts indirectly, providing arms and funds to protagonist and then publicly dispatching his cabinet ministers to mediate such conflicts." Adam also addressed Barre's hindrance of petty bourgeois development in Somalia and how, in doing so, he placed more value on the idea of "state clan." This meant that he gave power to his Darood family clan. Prunier (1996) discusses this further in the alliance Barre created between three Darood sub-clans to keep control of the country. The privileged sub-clans were the Maheeran sub-clan of his father, the Ogaden sub-clan of his mother, and the Dolbahante sub-clan of his son-in-law, generally referred to as the MOD. Besteman (1996) discusses the specific vulnerability of Bantu Somalis during this time, as the Barre regime confiscated their lands for governmental use and as rewards for Barre's allies. Reviewing Barre's policy of the time, Luling (1997) wrote

All public use of clan names was forbidden; yet all the while Siyad Barre was practicing 'clan clientelism', distributing arms and money to his friends, 'encouraging them to attack the common clan enemies who, of course, were accused of divisive 'tribalism' by the master tribalist...by destroying his country's economy, Siyad also directly promoted those conditions of general lack of resources and insecurity

on which clan loyalty thrives, since clan solidarity offers the only hope for survival. (290)

Odawa (2013) suggested Barra's obsession with making his clan the ruling elite led to more fractions and eventually to the civil war that Somalia has experienced over the past twenty eight years or so.

Scholars (Besteman, 1996; Samatar, 1997; Ahmed and Green, 1999; Elmi and Barise, 2006; Odawa, 2013; Ingiriis, 2016) writing about this period of Somali politics, have pointed to Barre's use of collective punishment against those who opposed his ideological pronouncements. Besteman (1996) notes Barre's collective punishment against whole clans for the transgressions of a few members. Elmi and Barise (2006) add to this analysis and give an example of this in the aftermath of the Ogaden war in 1978. After government members from the north discussed political change and attempted a coup, Barre used extreme measures of punishment. Samatar (1997:703) wrote, "The collective punishment of the people in the region included destruction and poisoning of the nomadic water wells, killing of livestock and the dismissal or imprisonment of any prominent person," belonging to a group accused of disloyalty.

The actions taken by the regime led to the creation of revolutionary elements in the north which organized campaigns against the government. Barre responded by bombing the city of Hargeisa in the late 1980s, which caused considerable loss of life, internal displacement, and infrastructure destruction (Samatar, 1997). Ahmed and Green (1999) estimated that around 100,000 Somalis lost their lives in attacks carried out against Hargeisa. Odawa (2013:22) suggests that Barre used KGB-like tactics against his enemies and essentially turned the "the country into one large open prison camp." Ingiriis (2016) likened the events that took place in Hargeisa to a scale of genocide due to Barre's intentions of eradicating the members of the Isaaq clan for the sole purpose of their clan genealogy. Barre's use of clan and excessive punishment against those not aligned with him, along with economic difficulties from the U.S. cutting aid to the regime, weakened the military administration, thus paving the way for the eruption of Somalia's civil war in 1991.

Civil War and the Collapse of the Somali State

Barre's practices solidified the divisions between Somali clans, and the situation devolved into civil war. Adam (1999) notes that the civil war

affected Somalis differently in the sense of those who were being targeted based on clan (the Darood against the Hawiye and vice versa) or their lack of armed clan militia (the Bantu), the latter being “massacred” by Barre’s forces as well as other armed clan militias. Samatar (1997: 625) refers to the civil war period as ‘*Dad Cunki*’- the era of cannibalism due to the large scale of deaths during which close to half of the population was in danger of perishing.

Rebellious elements present in the country since the 1980s joined military factions in the north. In 1981, members of the Isaaq clan in the British diaspora created the Somali National Movement (SNM). The SNM was a guerilla militia group which fought from Ethiopian territory along with the already existing Somali Salvation Democratic Front (SSDF) of the Majeerteen sub-clan in an attempt to overthrow the Barre dictatorship (Prunier, 1996). Other groups like the Somali Patriotic Movement (SPM) of the Ogaden sub-clan and the United Somali Congress (USC) of the Hawiye clan were also created to encounter and topple Barre (Luling, 1997).

In the aftermath of the successful ousting of Barre, faction leaders began vying for control of the state; however, they were unable to achieve a decisive victory against one another, leading to a series of vicious inter-clan armed confrontations (Adam, 1999). Samatar (1997) argues that this stemmed from the assumptions of each faction leader positioning himself to replace Barre after his ouster. He notes that the clan militias created during the war against Barre became harder to control and started to splinter into sub-clan and sub-sub-clan based militias. With their newly gained powers, the “*mooryaans*” (young men fighting in the war) began to loot, steal, rape and wreak havoc across Somalia. Some of them eventually became warlords that claimed certain parts of Somalia as their clans’ “native area”.

In 1993, the UN embarked on conflict resolution conferences that involved faction leaders; however, despite signing on to agreements multiple times, each of these agreements ended up in failure (Ahmed and Green, 1999). Ahmed and Green (1999: 124) argue “A major problem with these high profile affairs is that legitimate representative of the affected communities, such as elder, merchants, women’s groups and other genuine stakeholders, are not included.” Adam (1999: 186) posits that external interventions in Somalia with the goal of conflict resolution were ineffective and that “...some Somalis argue even that outside forces

exacerbated matters, thereby delaying, if not reducing the chances of, peaceful settlement.”

Somaliland, led by the Isaaq leadership of the SNM, proclaimed cessation of the union and establishment of self-rule in 1991, and the region of Puntland followed suit in 1998. Johnson and Smaker (2014) discuss the different ways the de-facto states of Somaliland and Puntland developed and the role clanism played. In Somaliland, the first seven years of declared self-administration prompted inter-clan fighting. It became clear that clan elders were needed to step in toward a negotiation for a power-sharing mechanism between the Isaaq sub-clans and the Warsangeli and the Dulbanantee, as well the Dir sub-clans of the Gadabuursi and the Ciise. In the state of Puntland, the majority of population is from the Majerten sub-clan of the Darod family clan. Both regions attempted self-governance despite the refusal of recognition by the African Union and the United Nations (Njoku, 2013).

In southern-central Somalia, the multiple negotiation processes discussed at the beginning of the article occurred. Through these negotiations, clans agreed on the power-sharing mechanism which created the limited stability Somalia has experienced in the past twenty-eight years. Agreeing to a formula that distributed power among the four major clans was essential to stopping the conflict. The distribution of power among these clans reflects the long history of clan significance to Somali politics. The equal division of power in parliament and in the cabinet among the four armed groups signaled to a move away from the practices of Barre's regime, during which he attempted to privilege his clan over others. This led to an environment where clans were comfortable with the governance of the state. It is important to note that this power-sharing mechanism was only the first step to achieving stability in the country.

Power Sharing

Post Conflict Reconstruction (PCR)

Contemporary scholars (Paris, 2004; Krause and Jutersonke, 2005; Brinkerhoff, 2005; Coyne, 2005; Talentino, 2006; Englebert and Tull, 2008) describe post-conflict reconstruction/peace-building as efforts to rebuild a state that go beyond ending the conflict and demobilizing combatants. It moves towards creating a sustainable and effective

government that exercises control over the use of force. Coyne (2005) further explains

Reconstruction should not be confused with state-building, nation building or peacekeeping. State building and nation building activities can be seen as a subset of reconstruction and involve transferring governance capabilities. Likewise, peacekeeping can be seen as a subset of reconstruction that involves stabilizing a war-torn society. Reconstruction is a broader notion that encompasses these, as well as other, activities. (326)

PCR and Power-Sharing

Since the end of the Cold War, power-sharing has become the standard approach to ending civil war. As Hartzell and Hoddie (2003) note, even when the warring parties have reached a hurting stalemate, the risks of allowing one's adversary to gain or retain control are too great to abandon the fight. The introduction of a power-sharing pact can alleviate that fear by removing or at least reducing the possibility of one faction dominating the opposing parties in the post-conflict environment. According to Papagianni (2007), power-sharing entails bringing together actors of the conflict, in order to agree upon representation in all branches of governance. Power-sharing is typically utilized in countries where there are issues based on identities like religion and ethnicity. She also suggested that there must be an agreed upon formula for representation before power-sharing can take place in a war-torn country, a process that requires third party guarantors for success.

Power-sharing agreements can take several forms, and typically divide the political, economic, military, or territorial resources of state among the warring factions (Hartzell and Hoddie 2003). According to Hartzell and Hoddie (2005), the most durable power sharing pacts are those that divide power across multiple areas of state governance. Papagianni (2007) discussed executive power, in which power sharing is "independent of electoral outcomes" and guarantees specific quotas based on groups. In the establishment of the Somali 4.5 power sharing formula, executive power sharing was utilized in a political form, meaning that the division of power followed an already set formula that divided parliamentary seats based on clans. This form of power sharing was utilized to guarantee equal representation for the four big clans in order to end the conflict. In the 4.5 Formula, there was no specific

allocation of political positions to clan to ensure that each clan would have equal chance of participating in governance.

However, despite the effectiveness of power sharing as a mechanism for ending the fighting, scholars have also recognized it can work against peace and the consolidation of democracy over the long term. Spears (2000) notes the issues power-sharing mechanisms face before implementation even takes place. He posits that powerful actors in the conflict tend to utilize smaller actors of the war to build coalitions to become strong enough to defeat those they consider to be their rivals. Therefore, their intention is not to reach peace but to come out on top. He also suggested that actors who believe they have sacrificed the most in conflict tend to think they should be the ones ruling the country after the conflict has ended. He uses the example of Ali Mahdi and Mohamed Farah Aidid in the Somali civil war and their use of this scheme to outmaneuver one another to become the leader in Somalia. Aidid believed that his Hawiye family sub-clan was responsible for the defeat of Barre in the civil war and therefore should be ruling the country as the president.

Hertzell and Hoddie (2003) address the way in which the number of casualties in war can be a hindrance to how well power-sharing can work. They wrote, "Although wars with high casualty raters are extremely costly, we do not expect them to result in settlements that prove stable in the long term" (322). In Somalia, an estimated 500,000 individuals lost their lives as a result of the war. The memory of loss of life as well as material resources such as land, homes, livestock, and even motor vehicles is still fresh on the minds of many Somalis and a prominent topic in reconciliation processes

A Contemporary Look at Somali Politics: The Reality on the Ground

The Somali Governance since 2012

This part of the article covers the governments that have been elected in 2012 and in 2017. In 2012, for the first time in two decades, the government in Somalia was internationally recognized with Hassan Sheikh Mohamud, a former educator and civil society worker as the president. President Mohamud promptly laid out goals in order to

stabilize Somalia. Brown and Fisher (2013) write:

The president quickly outlined his priorities as a Six Pillar Plan: 1) Create stability in the country; 2) speed up economic recovery; 3) build peace and remove the main drivers of conflict; 4) improve government capacity by improving service delivery; 5) increase international partnerships and create closer ties with neighbours; and 6) unity at home” (6).

Mohamud prioritised eradicating Al-Shabaab (a deadly terrorist group), strengthening the relationship with the international community, and centralizing the government by attempting to appoint the leadership of regions like Jubbaland (Brown and Fisher, 2013). Ingiriis (2016:63) notes that Mohamud began to shift from a centralized form of government in Mogadishu to a more federal-based system due to external international pressure. He wrote,

Torn between the expectations of his state authority and the requirements of his donors, Hassan Sheikh sought to consolidate his power in the face of aid donors, known as partners-conditioning economic assistance for the government’s ability to reach a number of benchmarks, the hardest of which is to implement federal state-formation projects consistent with other autonomous or semiautonomous mini states

Somalis underwent negative experiences with centralization of their government before, especially under Barre’s regime. Barre’s regime, as discussed, utilized clan as a tool for collective punishment as well as a collective rewards scheme for those that were in his alliance.

Balthasar (2014) suggested that although the rest of the world saw new and improved governance in Somalia under Mohamud’s presidency, remnants of older practices in Somali politics remained. The government came to power in the same manner as its predecessors, with the 4.5 clan representatives as the parliamentarians who in turn elected Mohamud. However, accusations of unfair influence and voter-purchases marred the elections.

In February of 2017, Somalia welcomed a new president, Mohamed Abdullahi Mohamed (Farmaajo). According to Aglionby (2017), the Farmaajo victory signaled to a change in Somali politics since he was

considered to be one of the least corrupt candidates by both members of government and the public. The Somali people were jubilant about his campaign promises to tackle issues such as famine. However, Sheikh and Houreld (2017) note the domestic instability brought on by Farmaajo's time in office. They point to the impeachment brought against him in court for accusations of violating the constitution and inciting violence by attempting to arrest members of the elite and in turn potentially renewing the animosity among the clans. Although these arrests are political and not clan related, they have the potential to plunge the country back into clan-based war.

The Somali Constitution and the Removal of the 4.5

After the 2012 constitution, the reign of clan influence endured despite the removal of the 4.5 system from the legislative document. The Somali provisional constitution was adopted in 2012 and states that the Somali government is based on a federal power-sharing system between members states. The constitution states that the reach of the Somali government and its laws are applied to the skeletal state of Somalia, including the self-proclaimed independent state of Somaliland. The constitution was meant to further the goal of creating a functioning state with written laws which all could adhere to by creating responsible and accountable governance (Kouroutakis, 2014).

The constitution presents a very liberal and inclusive government and points to a state which intends to practice democratic governance. It states that the Somali government should promote human rights along with inclusive governance. There are three branches: legislature, executive, and an independent judiciary intended to balance power and maintain accountability. Article 11 states "All citizens, regardless of sex, religion, social and economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law" (Som. Const).

Somalia today is a federal government containing states like Jubb-aland, Galmudug, Puntland, the South West State of Somalia, Hir-Shabelle and Somaliland. The constitution created two levels of governance in Somalia, the federal government level and the member states level. There have been distinctions made between the different aspects of control similar to other federal states. It also states that the federal government has control over matters dealing with foreign affairs,

national defense, citizenship and immigration, and monetary policy (Som. Const.art.54). The powers at the state level are still being developed.

The constitution does not mention the use of the 4.5 power-sharing model, which signals a move away from clan-based governance and towards the establishment of a one-person-one-vote system. Such a system gives individuals the power to cast their own vote as opposed to reliance on clan representatives. President Mohamud's government has committed to establishing the structures needed to allow for direct voting by 2016, however, "political delays and disputes greatly impeded the process, and as a result many of the necessary milestones were not achieved in time to hold elections in 2016, including boundary demarcation and finalisation of the constitution" (Crouch and Njagi, 2017: 4-7). The government instead expanded the number of delegates taking part in the election process.

In the 2012 elections, 271 members of parliament were elected by 135 elders utilizing the 4.5 formula to vote for the president. However, in the 2017 elections, the exercise was conducted on two levels of government, which were the House of the People or Lower House and the Upper House. Crouch and Njagi (2017, 5) wrote, "In attempt to make the selections more democratic and to mitigate corruption, the National Leaders Forum (NLF) expanded the electorate to 14,025 delegates, who formed 275 electoral colleges comprising 51 electors for each parliamentary seat". It was through this new overly complex structure which in reality did not create a real solution to the election process that President Farmaajo was elected.

Reality of 4.5

As of 2019, civil participation in elections has yet to be implemented, but continues to be a topic of discussion at the federal government level. The Somali government under President Farmaajo still has not established the mechanisms needed to eradicate the 4.5 power sharing system. Ainte (2014) addresses the lack of a permanent constitution, which was meant to be adopted in 2016 and would include input from the public. He also noted that Somalis, both in the country and in the diaspora, perceive the 4.5 model as unfair and undemocratic because "marginalised groups and minority clans in particular perceive it as having reduced their political representation and access to authority" (Ainte 2014, 62).

About half a decade earlier than Ainte's comment, Eno and Eno (2009, 137) criticized the system for its "inherent segregation and marginalization." They rebuke the principle for its "consequent abuses" that inform not only "psychological, political, [and] economic" handicaps to the Bantu Jareer community, but also as one with connotations of "ethnic" inferiority and identity degradation (142). Power sharing mechanisms are limited in their inability to tackle all the complex issues facing a conflict torn country and these processes tend to ignore the concerns of minorities in the decision making (Mehler, 2009). Similarly, the 4.5 Formula has disadvantaged Somali Bantus and minority clans, marginalizing them through unequal representation, and this in turn has led to difficulties for the government such as lack of legitimacy and democratic governance.

The Effects on the Nation

Despite the debate over the 4.5 Formula and its application to end clan infighting, in governance the formula has led to the stagnation of politics as well as the solidification of clan identity. It has created an inability to think beyond clan-based politics as those who hold power as a result of the formula develop dependency on it and a tendency to continue it. Although the 4.5 Formula has been utilized for over a decade and half, it has been unable to bring the stability needed to build a legitimate, functional government. The Somali government has yet to gain legitimacy of power in its territory. In fact, power-sharing puts control in the hands of those that perpetuated the conflict, making them legitimate actors in governance (Papagianni, 2007). In Somalia, it has become a common reality as former warlords participate in government and, in doing so, establish themselves as legitimate actors in governance.

The 4.5 power sharing exercise has brought back old practices by Somali politicians in which clan is once again used as a means to gain access to resources. Outside of politics, the shifts in population which occurred during the civil war have created clan hubs all over the country and in particular Mogadishu. One outcome of this was the economic gains it has enabled to those from the powerful clans and/or sub-clans.

The 4.5 system has also created an environment that undermines traditional authority. It is not secret that there are lucrative opportunities for clan elders whenever there are elections in Somalia. Politicians have created a precedent of buying the votes of clan elders to win political

seats. However, in doing so, they have also created distrust within the population. As mentioned, clan elders have become more prominent in society since the civil war due to the lack of central authority after state collapse. Since the creation of the power sharing formula, politicians have perverted the authority of the elders, at times even going as far as creating fake elders that they control and manipulate (Gundle et al, 2016).

Gettleman (2017, 2) while addressing the recent 2017 election in Somalia, wrote, “Somali investigators estimate that at least \$20 million has feverishly changed hands during parliamentary elections that will culminate in the selection of the president.” He also noted that this practice has been normalized as clan elders believe they would lose the respect and trust of their clan members if they do not accept bribery for their votes. It is a general belief that if a candidate loses an election, it is due to two reasons: that it was lost either on clan rivalry or, more likely, that the failure was due to insufficient money to buy into the government.

Minorities Under The 4.5

The minority groups in Somalia are lumped together to distribute among themselves the 0.5 (zero-point-five) or half of the share of a major clan. Kusow (2015: 4) refers to these groups as those considered to be outside the “...social space of Somaliness”. They are made up of the outcast groups mentioned above and those perceived as ethnically distinct such as the Somali Bantu and the Banadiri. These minority groups face discrimination in many aspects of life, such as in social, economic, and political circumstances. In allocating a .5 to minorities, the 4.5 formula has solidified and justified a long history of discrimination by equating the political worth of these groups as half of that of a major clan, which many interpret as an affirmation, or rather confirmation, of ethnic inferiority. Minorities do not have access to the justice system even within the local courts regardless of whether there was a governing body or not. They are in fact vulnerable in these courts due to the fact that they are headed by officials/experts from the majority clan/sub-clan dominant in that area. This meant that judges would rule in favor of their fellow clan members (Gundel et al, 2016).

Conclusion and Recommendations

In modern Somali political history, both the negative and positive roles taken on by clan were connected to certain actors. The use of clan identity has been useful in stabilization efforts during the civil war with the establishment of a power-sharing mechanism. As pointed out by scholars like Papagianni (2007) and Mehler (2009) along with many others, power sharing can be a useful transitional tool, however, if there is no progress made to implement an effective democratic government, then the state is in danger of being stagnant in both politics and development. The 4.5 power sharing system can be perceived to be working against the establishment of an effective government and the progression for the country.

Successful post-conflict reconstruction will require the establishment of an effective government which overcomes the initial underlying issues that led to the civil war in the first place. The current state of Somali governance presents a risk which can lead to the same politicization and instrumentalization of clan that has been evident throughout Somali political history. The Somali government has yet to put in place checks and balances in both the distribution of governance and resources to ensure that clans are not once again politicized to gain such access.

Recommendations:

1. Implementation of the Constitution

Although the 4.5 system of governance is no longer an official part of the government due to its absence from the 2012 Constitution, it is a reality. The major clans still dominate the government and vote based on a system that privileges them above the minorities. The best course of action is to implement the Constitution, which already states in Article 1, that the federal government is one that represents all equally and pursues democratic and social justice values.

2. Voting Mechanisms

The next steps taken by the government should be to set a guideline for participation in governance in a general manner rather than postponing it again and creating a complex system as occurred in the 2017 election

process. The government should establish the structures necessary to allow for one-man, one-vote in time for the next election in 2021. However, although this process might take longer due to the lack of security and development in Somalia, it should still be a priority.

3. Prioritize Security in Somali Hands

In order to have a more legitimate administration and a secure Somalia, the government should focus on building capacity of both the governmental institutions and security rather than solely relying on the clan power-sharing to keep peace among the clan families. The lack of legitimacy in the government stems from its inability to secure the country and defeat Al-Shabaab and expand its authority across the country. The government must exert more effort in strengthening the forces of the state by taking responsibility for the security of the state instead of relying on AMISOM. The government would be able to gain back some legitimacy, which could potentially pave the way for a more stable Somalia.

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