

FMSs are Not Enemy Clans, They're Governing Institutions

Born of Hope to Forge a Peaceful State

An Alternative to President Farmaajo's Ahistorical View

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This is a follow-up to my recent article here concerning President Farmaajo's perspective on his government's relations with Federal Member States (FMSs). Mr. Farmaajo sounded an angry man, crying out for vengeance. He seemed to be engaged in an exercise of revenge-seeking against certain FMSs and their leaders. While it is fair to say that Somali politicians (past and present), like their counterparts in post-conflict contexts elsewhere, 'still exist in an unstable relational state of narcissistic rage towards each other,'¹ prudence and peacemaking demand that our leaders abandon their obsession with righting of past wrongs, put aside their differences, dispense with their grudges, and work together in pursuit of the weightier goals of nation-building.

It is in this spirit that this article focuses on the principle that FMSs are governing institutions created by their communities to maintain peace and provide citizens with basic needs. I am talking here about principles, as practices would vary across FMSs depending on level of leadership; organization and institutions; FMS-society relations; legitimacy; policy instruments and governance; capacity for public management, budgeting and finance; partnerships with government and NGOs; capacity for networking; collaborative governance within the FMS itself; community participation and social inclusion policies; and policies and strategies for capacity building, etc.

Notwithstanding their differences in leadership, functionality and legitimacy, all FMSs will have to work towards the ultimate goals of a society emerging from conflict by creating a safe and secure environment; establishing the rule of law; building stable democratic institutions; developing sustainable economy; and advancing social wellbeing.² These are all in line with their own constitutions and with that of the Federal Government of Somalia.

¹ (Kohut 1971), cited by Sandole, Dennis J.D. (2010) Peacebuilding: Preventing Violent Conflict in a Complex World. Polity, p. 35. For President Farmaajo's deep antipathy to political competition, see my forthcoming article on the subject.

² Here, I draw on Serwer, Daniel, & Thomson, Patricia (2007) A Framework for Success: International Intervention in Societies Emerging from Conflict, In Crocker, Chester A., et al. (eds.) Leashing the Dogs of War: Conflict Management in a Divided World. Washington, D.C.: United States Institute of Peace (pp. 369-387).

Creating safe and secure environment involves preventing clan or militia fighting by securing weapons/stockpiles, disarming, demobilizing, and reintegrating militias, and freelance gunmen; improving educational and vocational training for ex-combatants; protecting the public; ensuring freedom of movement for all; and building effective state security personnel. Establishing the rule of law involves security of individuals and accountability for crimes committed against them. This requires the full spectrum of civilian law-and-order capabilities – from criminal intelligence and investigation to arrest, prosecution, and defense, through to sentencing and incarceration, and will include establishing coherent, legitimate, and just legal frameworks (criminal and civil); building effective and independent courts; building effective FMS police force capable of protecting life and property; building effective prison and corrections system; building effective legal profession; protecting human rights; ensuring equal access to justice and equal application of the law; and promoting public awareness and legal empowerment, all in line with Somalia's Constitution and penal code.

Building stable democratic institutions requires establishing legitimate systems of political representation at FMS, regional, district and sub-district levels. Power must no longer come from the barrel of the gun; it needs to come from a ballot box. This translates into FMSs supplanting the culture of “guns and greed” with a political culture that fosters public discourse rather than violence as the channel of competition for wealth and power. Holding regular elections for community representatives at all levels in accordance with the Constitution and in a manner recognized as “free and fair” is the way forward. In addition, training officials, creating processes, and establishing rules are equally important steps in the process of democratization, and these are already in the domain of FMSs. But they also need to build effective and legitimate executive institutions at FMS levels (e.g., ministries, civil service), and create capable, representative local governments at sub-FMS levels; promote free and responsible media; promote the creation of political parties; and promote robust civil society and civic participation, including minorities and marginalized groups.

While the FGS is responsible for maintaining a unified external economic policy, FMSs have a constitutional role in developing and maintaining a sustainable economy.³ They will have to formulate and implement regional economic development plans within the context of national development goals. This will include construction or reconstruction of infrastructure (e.g., electricity, communication, transportation); promoting sound economic policies; building effective financial and economic institutions (e.g., banks); creating a viable workforce; promoting business development and sustainable employment; increasing access to capital; generating local revenues for services; and fighting against corruption and illicit economy.

The provision of basic necessities such as food, water, shelter, basic sanitation, and health care are some of the most immediate needs of a society emerging from conflict. FMSs must establish mechanisms to deliver these needs, and to facilitate, when the situation permits, the return of displaced persons and refugees who want to return to their homes. They will have to also ensure the provision of longer-term needs such as developing an inclusive and equitable quality education system and promoting lifelong learning for all; addressing past abuses and promoting peaceful coexistence between communities. These are just some examples of the work FMSs must be able to do if they are to fulfill their constitutional mandates.

Can all of this be done from Mogadishu to serve the multitude of communities across the length and breadth of the country, from Ras Hafun to Ras Kamboni? Well, it has been tried before, and it came to nothing. In fact, it ended in disaster. Even if the whole world poured its money to the coffers of the central government in Mogadishu, it would be next to impossible in the post-conflict context (the background; the current social, economic and political factors; and the security environment) to do so. As they say, nothing is impossible; somethings are just less likely than others. We can agree; they are less likely to be done from Mogadishu, now and in the foreseeable future.

The post-colonial state was a unitary state governed as a single entity in which the central government was ultimately supreme. It lasted for nine years, and had a succession of

³ It must be mentioned here that governments do not have a good record of managing firms themselves, not least because nationalized industries become powerful actors that are often able to prevent flexible responses. But governments can help businesses and private companies in myriad ways (See Krieger, Joel, et al. eds., (1993) *The Oxford Companion to Politics of the World*. New York, Oxford: Oxford University Press, p. 881.

civilian governments elected by universal suffrage until the dawn of the military coup in 1969 which brought to power the highly oppressive regime of President Siyad Barre. That regime abolished the democratic structures that were in place and created a highly centralized state which after twenty-one years of dictatorial rule led to civil war, state collapse, the flight of millions out of the country, and millions more becoming IDPs in their own country. By far the best proof that the post-colonial highly centralized state has not only failed but has also become irrelevant, shattering the hopes and aspirations of the people for a democratic, stable and prosperous country. Hence the imperative for it to be refashioned so that it can fulfill the high hopes that the people of Somalia entertained during the dawn of the independence era.

Federalism thus was born of hope for the country to forge a peaceful state out of adversity and civil war. The provisional constitution was adopted by a Constitutional Assembly in Mogadishu on 1st August 2012, and it is the legal basis of the FGS. While not yet ratified, it establishes a federal system of government with significant prerogatives reserved for the Federal Member States (FMSs) to prevent an overly powerful or despotic central government. If well managed and enough trust develops between the Somali people, a federation can satisfy both those who want a more substantial central governing capability, and those who want strong regional governments.

The unity of a federation is exemplified by the constitution, which has a fundamental role, since it is the guarantee of the rights of the separate units against any attempt by the centre to take them over, or subordinate them to itself.⁴ Thus strict adherence to the constitution acts as a check against any personal centralization of power, entrenches the rule of law and hence respect for legal procedures.

Whereas the FGS retains control over national policy and security concerns, FMSs could make a positive contribution to the political system by bringing government services closer to people. This is called the principle of *subsidiarity*: 'provision of public services should be located at the lowest level of government'.⁵ The core of this argument is that because local governments (read FMSs) are located closer to people, they're better suited than central government to identify the needs of their communities, and provide them

⁴ See A study of decentralized political structures for Somalia: a menu of options. Report prepared by consultants from the London School of Economics and Political Science, August 1995, p. 18.

⁵ Saito, Fumihiko (2013) Decentralization, In Bevir, Mark (ed.) The sage Handbook of Governance. Washington, D.C.: Sage, p. 487.

with services that are more responsive to their aspirations. Because community needs differ from one area to another, FMSs can provide 'tailor-made' solutions in each area in their administration. By contrast, central government tends to impose standardized services across the country. FMSs thus will not only deepen democracy and enhance political accountability through local service provision, but a certain allocative efficiency will also be attained in the process.

FMSs, by their very nature, will provide channels for the expression of regional sentiments, and cause national policies to become more sensitive to regional and local variations. Federalism thus improves representation by creating electoral incentives for national politicians to respond to subnational concerns in their quest to win or retain office. It also enhances democracy because it promotes inclusion by creating more points of entry into the government system. Both inclusion and representation help improve minorities' sense of security and, in so doing, indirectly enhance stability.⁶

Another important political advantage is that FMSs could both reduce the concentration of power at the centre and hinder the arbitrary exercise of that power, hence allaying the fear that some feel of a new tyranny or dictatorship. FMSs might also be able to absorb some of the collective grievances, communal challenges and clan militancy in the body politic and that will, in turn, mitigate the conditions in which competing rival interest groups mercilessly exploit to the full the coffers of the national government in Mogadishu. FMSs themselves will have to come up with robust ideas and policies to overcome the divisive legacy and painful memories of both the era of the dictatorship and the consequent civil war.

Moreover, FMSs could lead to greater citizen participation and inclusion, and to more accountable institutions. Participation signifies that people have the legitimate right to voice their concerns in affairs which affect their lives. Through participation, local communities, especially the poor and the marginalized groups, can reflect critically on their own situation which may lead to possible solutions. This process is itself empowering to poor people and could provide opportunities to overcome social isolation

⁶ See Norris, Pippa (2008) *Driving Democracy: Do Power Sharing Arrangements Work?* New York: Cambridge University Press, pp. 159-161.

and exclusion. Because people can scrutinize local governments more closely than central governments, FMSs may be able to reduce corruption and misappropriation of public funds by political representatives and administrators. This in turn contributes to more trusting and accountable relations between leaders and their communities, hence civic values are nurtured.⁷

Unless the legitimate political claims of the local populations are reasonably satisfied, national unity and harmony cannot be established. Local democratization thus is a prerequisite for building national unity. But local democratization requires local autonomy for it to be able to better accommodate the competing interests of diverse social groups. FMSs are in a much better position here than central government to promote national unity by facilitating the diverse claims of their communities.⁸

FMSs could also play a vital role in supporting functioning local economies, and creating the conditions for balanced economic growth within the different areas of the country. Their first line of duty in this regard is to create an environment in which individuals can safely engage in economic activity. Intra-regional and urban-rural disparities in economic activity exist in terms of agricultural production, market activity, commercial vehicle traffic, industrial activity, building stock, and labor supply, as well as infrastructure and institutional capacity, and hence the capacity of FMSs to attract investment. But FMSs could maximize the benefits to be derived from intranational comparative advantages, backward and forward linkages, and enhance optimal utilization of resources. They can also facilitate the planning and management of economically integrated areas, thus creating the opportunity to take advantage of interregional complementarity.

This should encourage competition in which FMSs are engaged with central government as well as with other FMSs in order to attract resources. Such a competition may induce FMSs to become more honest, efficient and responsive. As the federation matures, an institutional framework could be provided for coherent and balanced development to occur, and for targeted interventions to be undertaken where needed.⁹

⁷ Saito, F. (2013), *op. cit.*, p. 487

⁸ Here, I draw on ideas from Berman, David R. (2003) *Local Government and the States: Autonomy, Politics, and Policy*. London and New York: Routledge, Taylor & Francis Group.

⁹ See Adar, Korwa G., Finizio, G., Meyer, A., eds., (2017) *Building Regionalism From Below: The Role of Parliaments and Civil Society in Regional Integration in Arica*. Bruxelles: P.I.E. Peter Lang.

Local revenue raising is another economic issue in which FMSs can play a huge role. Experience elsewhere suggests that people are increasingly willing to share the cost of improved services. Even the poor becomes more willing to pay for services as long as the payment is used to provide more satisfactory services. As a result, the revenue to FMSs for user contributions is increased.¹⁰

A very important question! What is the public perception of FMSs in Somalia at the present time? Is it more negative than positive, or vice versa? Or is it fairly neutral? The true answer is that we don't know! But whatever people's views or feelings about the subject matter, FMSs are institutions, recognized as such by the Constitution of the FGS, and rightly so. The development literature assigns a preeminent role to institutions (in particular the role of property rights and the rule of law) when it comes to the success or failure of nations.¹¹ And that is why we need a post-Farmaajo leader who is able to redefine our truly vital national interest (which can also be more narrowly defined as the survival and socioeconomic wellbeing of our people) at this juncture in our history as simply adhering to the constitutional provisions that are in place.¹²

Significant weaknesses in governance and economic development underlie the instability in Somalia. A solely military solution to these issues will not achieve long-term success without efforts to improve underlying conditions that foster the insecurity in the first place. More specifically, reconstruction and development need to bolster the legitimacy, effectiveness and reach of the FGS, as well as address the population's grievances.¹³ As the evidence above points out, it is well-nigh impossible to plan and implement these critical activities top down, with no reference to local governance. The Somali people understand this and made their resolution in the form of a federal Constitution.

¹⁰ Saito, F. (2013), op. cit., p. 488.

¹¹ See Acemoglu, Daron, & Robinson, James A. (2012) *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. New York: Crown Publishing Group, chap. 13. See also *Institutions Rule: The Primacy of Institutions over Geography and Integration in Economic Development*, by Dani Rodrik, Arvind Subramanian, and Francesco Trebbi, NBER Working Paper 9305, October 2002 (Cambridge, Massachusetts: National Bureau of Economic Research), viewed 28 May 2020, < <https://www.nber.org/papers/w9305.pdf>>.

¹² When asked about the political fallout between the FGS and some FMSs in his Addis Ababa interview, President Farmaajo declared that he 'swore' to defend the Constitution of the FGS. That may be so for that much was on his lips but we can't of course know what was in his heart. What we know is that he behaved autocratically from the get go, and there was really very little magnanimity and goodwill from the President vis-à-vis his political opponents throughout his time in office, especially certain FMSs and their leaders. See here for my article 'President Mohamed Abdullahi Farmaajo's dictatorial tendencies are a cause for widespread political grievances capable of unravelling the Federal Government of Somalia (FGS)'.

¹³ Here, I draw on ideas from Brooke Stearns Lawson (2011) *Developing Stability Community-Driven Development and Reconstruction in Conflict-Affected Settings* [Dissertation of Pardee Rand Graduate School]. Santa Monica: California. Rand Corporation, viewed 25th May 2020, <file:///C:/Users/25261/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/RAND_RGSD288.pdf>.

Arguments in favor of post-conflict federalism emphasize its effect on peace, democracy, and policymaking. Of course, every system of governing under the sun has pros and cons, and federation is no exception. But this is not an academic paper, weighing all arguments both for and against the subject matter. It is a call to action for people to defend the Provisional Constitution of the FGS, and to elect a new pragmatic leader with a vision and fresh ideas to build the unity of purpose necessary among the FGS and FMSs to transform politics and security in Somalia.

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