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The American University in Cairo

School of Global Affairs and Public Policy

SOMALIA'S STRUGGLE TO INTEGRATE TRADITIONAL AND MODERN
GOVERNANCE:
THE 4.5 FORMULA AND 2012 PROVISIONAL CONSTITUTION

A Project Submitted by

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Submitted to the Public Policy and Administration Department

Summer 2018

In partial fulfillment of the requirements for
The degree of Master of Global Affairs

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Abstract:

The objective of this project is to assess the impact of Somalia's 4.5 power sharing formula on the consolidation of post-conflict governance. Per the 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 dynamics that lead to conflict in the past. Even though the 4.5 formula was not included in the constitution adopted in 2012, the elections methods from the formula were utilized in 2017 presidential elections. Although the goal is to move towards a one-man-one vote system, the use of the 4.5 formula in the 2017 elections points to a struggle in establishing this process. This project 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. This research employed the works Ball (1996) and Papagianni (2007) to analyze the success as well as the failures of rebuilding Somalia and impact of the 4.5 formula had on this process.

Introduction

Since the formation of the Somali state, clans have been actors in both governance and conflict in Somalia (Lewis, 1972; Samatar and Samatar, 1987; Samatar, 1992; Luling, 1997; Besteman, 1996). Prior to independence, clans played an important social role and were a source of protection and identity for the population. However, during the colonial and post-colonial periods, clans were co-opted as a tool for gaining access to resource and power. This has created lasting divisions in the society that were politicized again during Somalia's lengthy civil war. These divisions stemmed from Siad Barre's utilization of clan during his 21-year rule over Somalia. His use of clan as a tool to stay in power and reward his allies led to the creation of revolutionary militias. After the civil war, these militias divided Somalis along clan lines and produced an environment within Somalia in which the population has been caught between inter-clan wars for over 20 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 between the warring factions during the decade's long civil war in Somalia. However, these negotiations proved to be fruitless when warlords, often associated with one of the major Somali clans, acted as spoilers if excluded from the process. Under the 2000 peace agreement, the Transitional National Government (TNG) established a power-sharing mechanism based on the traditional distribution of power among the main clans in Somalia. The TNG created a 4.5 power sharing formula, which allocated seats in parliament to the four big family clans - the Darood, the Dir, the Hawiye, and the Dige-Mirifle, with the remaining .5 reserved for minority clans and women. 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 played into the civil war. The institutionalization of clans into the government through the 4.5 system has strengthened clan identity, which in turn has weakened and destabilized the government. The solidifying of clan roles in governance has led to a stagnation of Somali politics, in which all aspects of governance are dictated

through the lens of clan. This has the potential to lead to more conflict and civil war if this system of power sharing persists.

The Project Objective:

The purpose of this project is to explore the impact of the 4.5 power sharing formula on the post-conflict reconstruction process in Somalia. It will examine how the clans have retained their influence in the period that began with the culmination of the 2000 peace agreement through the establishment of the first internationally recognized government in 2012. It will also assess whether the absence of the 4.5 formula in the 2012 constitution signals an intention to limit clan influence in the future. Specifically, the project will address the following questions:

- What role did clan play in the establishment of the 2012 constitution with regards to the 4.5 system in Somali politics?
- How did the 4.5 formula reflect historical patterns of governance in Somalia?
- What are the implications of the removal of 4.5 system from the 2012 provisional constitution in Somali politics?

Project outline:

The project begins by introducing the origins of the power sharing formula that Somalia has used for the past 18 years. Chapter two connects the current 4.5 formula to historical dimensions and provides insight on the way clan has functioned in Somalia and the xeer social contract system. Furthermore, it covers the ways clans have interacted with Somali national governance throughout history, including under colonialism, after independence and during the Barre regime. The chapter demonstrates how the clan structure was utilized to build political power or acquire personal gain, and how this pattern continued through the civil war. It also addresses the 2012 presidency and the decision to not include the 4.5 formula for clan based governance in the constitution.

The project's third chapter begins with an extensive review of clans and the different ways they have been part of Somali society. It also provides an extensive review of post-conflict reconstruction (PCR) in Somalia, which is needed due to the myriad of efforts undertaken to rebuild the government's capacity. Prior to the 4.5 formula, many

viewed Somalia as a country led by informal actors and a failed state. For a considerable period of time, these informal actors, including clan based warlords were the only form of authority. Through analyzing the PCR, I am able to assess if such efforts have succeeded and the status of Somalia's government in its process of rebuilding state capacity.

The fourth chapter draws on the power sharing and post-conflict reconstruction literature to analyze the impact the 4.5 formula on Somali governance, and its absence in the 2012 constitution. Specifically, this chapter considers if the power-sharing formula has advanced the consolidation of peace and the legitimation of post-conflict governance (Ball, 1996). Finally, the fifth chapter provides a conclusion of the analysis aspect of the project and recommendations.

Chapter Two: Clans and Somali Political Background

Since independence, Somalia has struggled to reconcile traditional identity with modern governance (Lewis, 1972; Samatar and Samatar, 1987; Samatar, 1992; Luling, 1997; Besteman, 1996). The clan held an important social role prior to the implementation of modern governance. For much of Somali history, society was organized by clans, whose leadership filled an important role in governance and conflict resolution. There is a long track record of clan and government interaction in Somali governance. During the colonial period, foreign rulers co-opted clan leaders as a means of gaining control of Somali communities. Since colonization, political leaders have utilized clan in governance as a tool to gain power and resources. For close to 25 years, Somalia has struggled with internal turmoil stemming from a civil war, which began in 1991. Somalia experienced a shift in 2000 after many attempts to implement governance when the Transitional National Government (TNG) was established.

In order to better understand the significance of clan involvement in Somali politics, this chapter will begin by addressing the peace conferences that took place after the civil war. In doing so, it will explain how the 4.5 power sharing formula came to be, as well as the way in which it has been utilized to elect governments in the past two decades. The chapter will then proceed to lay out the Somalia's larger historical background with particular focus on the use of clan by Somali political leadership. This is done to give the reader a clear and comprehensive view of clan and governance in Somali history.

The 4.5 Peace Agreement

After the fall of the central government in 1991, peace conferences were held in neighboring countries such as Djibouti, Kenya, and Ethiopia, as well as more distant countries like Egypt and Yemen. Already within the first few years of the conflict, a conference held in Djibouti in 1991 declared Ali Mahdi, a powerful businessman, the new president of Somalia. However, the peace initiative failed due to opposition from Mohamed Aidid, a former general and new warlord and the lack of representation from other parties to the conflict (Menkhaus, 2007). Elmi (2010:36) noted that warlords were considered to be the main stakeholders of Somalia and representatives of clans in all of

the peace conferences held between 1991 and 1997. The number of warlords claiming to represent clans grew after each peace conference. He wrote,

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.

In 2000, peace talks held in Arta, Djibouti produced the Transitional National Government (TNG), with Abdiqasim Salad Hassan as president with a parliament of 245 members. The TNG-produced power sharing policy allocated power based on a 4.5 formula. The power sharing formula divided parliamentary seats between the four clan families of the Dir, Darood, Hawiye, and Digil-Mirifle and a .5 given to the Bantu, Benadiri and other minority clans (Menkhaus, 2007). Elmi (2010: 29) noted that in the peace talks, the fifth major clan - the Isaaq clan, was put under the Dir clan. He suggested that the Isaaq clan viewed this to be “an act of aggression” against them. The TNG started to represent Somalia in the international community; however, the government collapsed after a year and a half when warlords Hussein Aidid and Musa Sudi led fights against it (Le Sage, 2002).

In 2004, a conference held by the regional organization of the Intergovernmental Authority on Development (IGAD) in Kenya produced the Transitional Federal Government (TFG). The TFG was established with the backing of Ethiopia and the U.S., and Abdullahi Yusuf Ahmed became president with a 275 members of parliament. The TFG once again used the 4.5 clan power-sharing system to elect the new government and its officials. The total number of seats were divided by 4.5, resulting in approximately 62 seats in parliament per major clan and 31 seats for minority clan groups (Elmi, 2010). It is worth noting that 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. Elmi (2010) suggested the peace process had issues due to the interference of external actors, such as Ethiopia, Eritrea, and Libya. As a result of their involvement in the peace talks, these states became backers for certain clan actors in the conflict. The TFG experienced problems stemming from their lack of legitimacy and warlords fighting against them.

These issues led to the inability of the TFG to take control of the Somalia. In 2009, the 4.5 formula procedure was used once again to elect President Sheikh Shariff Sheikh Ahmed for the TGF 2.0.

Power Sharing's Social Origins

The majority of Somalia's 11 million people are divided among five major clan families: The Hawiye, the Darood, the Dir, the Isaaq, and finally the Digil and Mirifle (Lewis, 1993). Tradition holds that these five families can be traced back to a mythical figure called 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 and Mirifle are considered to be descendants of Sab. This is important because it confirms the way Emli and Barise (2006), Emli (2010), and Leonard and Samatar (2011) have discussed clan fluidity in Somalia. Emli (2010) noted that in Somalia, sub-clans which are affiliated with one another do not have solid connection linking them. Beyond these five families, there are also two minority groupings; the minority clans and an additional group perceived as ethnically different (Kusow and Eno, 2015). The minority clans are the Gabooye, the Tumaal, the Yibir, and the Midgaan. They are the descendants of the occupational caste formed by hunters, blacksmiths, and ritual specialists. The ethnically different groups are made up of the Somali Bantu and the Banadiri Reer Hamar.

While these tribal identities are fluid, there are clear differences in dialect across the different tribal areas. For example, southern Somalis primarily speak the "Maai" dialect, while northern-central Somalis speak the "Mahaatiri" dialect (Mukhatar, 1988). However, there are also many commonalities, such as the xeer social system which Somalis have used to organize and regulate themselves before the establishment of modern governance. This will be further elaborated on in the clan section below.

However, despite the importance of the clans in Somali society, most western scholarship has treated Somalis as a homogenous group of pastoral nomads. The work of Lewis (1955) typifies this perspective. His work was carried out in the British colony of northern Somalia, now known as Somaliland. Although within Somali studies, Lewis is considered to be a renowned ethnographer for his work on Somali history and culture, he has been criticized by both Somali and foreign scholars (Samatar, 1997; Besteman, 1995)

for perpetuating a monolithic idea of Somalis.¹ Mukhtar (1995) noted the efforts made by the government in the 1960s and 1970s to glorify the traditions of nomadic communities. He wrote, "... '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).

Besteman (1995) refutes this narrative outlining the distinct differences in livelihood and culture between Somalis that reside in the north versus those of the south. She argues, "...the perception of a homogenous populations of cattle-and-camels herders in historically incorrect because it exclude 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). 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 culture and religion (Besteman, 1995). This negative connotation comes from the history of slavery in Somalia, and Bantus are viewed as descendants of said slaves. For the purposes of this study, I will focus mainly 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.

Importance of Clan within Somali Society

This aspect of the chapter looks at Somalis' high regard for clan. Mukhtar (1995) describes the importance of clan in northern nomadic communities, which can be traced back to the significance of livestock to the livelihoods of the clans that reside there. The xeer social contract within the clan dynamics has determined the way one conducts themselves in the community and was more important to the lives of nomads than to the southern farmer communities (Mukhtar, 1995). Traditionally, livestock has been very

¹ Lewis'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.

important in the nomadic lifestyle, in particular camels have served as both nourishment and revenue. Mansur (1995) and Mukhtar (2003) noted the importance of camels and their roles in a pastoral nomadic life. Mansur (1995) addressed it through the role camels have played in terms of revenue and restitution for criminal cases and said, “Thanks to their high social and economic, the payment of camels for murder often resolves bad blood existing between communities and individuals” (108). Adam (1999) noted that clan identity becomes more salient in times of crisis, such as in times of war or a natural disaster.

Leonard and Samatar (2011) pointed to the loose nature of clan, at times saying that clan identity in many ways is a constructed in each society. Musau (2013:15) wrote,

“Despite the prevailing political realities, all Somalis are allowed, especially in time of war or famine, to move in and live anywhere in the Somali geography. This means a Hawiye clansman fleeing a civil war in Mogadishu is welcome in a Darod dominated territory, thus implying that the Somali identity takes primacy over clan lineage or kinship system”.

Despite of this loose nature, minority groups like Somali Bantus have increasingly experienced discrimination due to the prevalence of clan affiliation in the general Somali society as Besteman (1995) addressed.

Clan Relationship (*Tol*/Kinship)

This section covers the way kinship and the xeer system function. Adam (1999) likened clans to other forms of identities that exist in different societies, such as tribes and ethnicities. Jama (2007) further explained this and suggested that the term tribe in the context of Somalia is out of place because, “‘tribe’ meant small, centralized or a cephalous groups, each with unique characteristics 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 fits better. Somalis identify themselves and one another through a series of a clan breakdown, starting from the big family clans: Hawiye, the Darood, the Dir, the Isaaq, and the Dagle-Mirfle and breaks down to sub-clan, sub-sub clans, the dia-paying group, and the family or household unit.

Xeer (Social Contract)

Moving away from kinship, another significant aspect in the way Somalis interacted with one another is the xeer social contract system. Jama (2007:226) noted “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 deal with all aspects of clan life. It was also functioned as a judicial system which did not have a central authority, but instead adult males within each community carried out judgments. Gundel (2006) noted that the xeer system is constantly changing and agreements can be adjusted or abandoned and new contracts made if a situation called for it. Jama (2007) noted the presence of important judicial branches like the “*shir* (Political Council) and *xeerbeegti* (Law Council)” (227). 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. It also had its own judicial system, which is quite similar to what is seen in court proceedings all over the world. Roles like plaintiffs, defendants, court recorders and lawyers with a potential backing from an assistant lawyer were all present in these legal proceedings. The xeer system is still strong, particularly in rural parts of Somalia and has also been used in urban settings by businesses and regular folk to settle disputes (Gundel, 2006).

Gundel (2006) noted that the xeer system was male-centric due to clan elders (any adult male) being the authorities that led decision making within the judicial proceedings of the xeer. Jama (2007: 227) discussed the way one become a leader within the clan and wrote, “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 (*qahr*) to exact loyalty”. He suggested since all men were equal in society, leadership could be acquired through one’s wealth, poetic skills, knowledge among other things.

Both Gundel (2006) and Jama (2007) have discussed the importance of the dia-paying group in relation to xeer system. Jama (2007) posited that the dia-paying is the most important in clan lineage as it is where responsibility is shared. The dia-paying groups come from the breakdown of clan families, going from sub-clans, sub-sub clans, dia-paying groups, until finally the family unit. 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 many responsibilities, ranging from dealing with cases of theft, murder to establishing new dia-paying groups, starting war, and concluding peace agreements. Gundel (2006) noted the strength of a dia-paying group relies on the wealth of the members and the willingness to use personal funds to aid those in the group. He also addressed the importance of the family unit for Somalis, which determines responsibilities of each member and serves as a safety net for those who are not able to care for themselves like the children, the disabled, and the elderly.

Colonization

This part of the chapter covers the impact of colonialism on clan and the social structures that were created. Colonial rule in Somalia affected Somalis in different ways depending on location. Those that resided in south and in the farming areas felt the most impact from colonial consequences versus those in the northern parts of the country, which were still ruled by clan elders. Prunier (1996: 39) noted the different ways Somalis were impacted by the colonizers. He wrote,

“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”

Besteman (1995) wrote that colonization contributed to the issue of inequality within Somalia’s social order. The group, which was most heavily subjugated during colonial rule, was the Somali Bantu, particularly within the plantation system implemented by the Italians. The British referred to northern Somalis as the ‘natives’ of Somalia and elevated that identity. The Italian used the word ‘*liberti*’ for Somali Bantus in order to connect them back to their slave roots and make them distinct. In employing this distinction as a tactic, they succeeded in getting the labor for their plantations.

Njoku (2013) discussed Sir Donald Cameron’s advice to the British that they should built on the already existing traditional system in Somalia. Jama (2007) added to this and addressed the creation of hierarchy within clan communities. As previously discussed, prior to colonization, hierarchy of leadership did not exist, and the role of

leadership could be taken on by any adult male in the community. However, colonial powers began to allocate new authority to leaders (*aqkils*), and this in turn weakened traditional systems and incited jealousy among the clan. Colonial officers and their attempts to implement the same system of control as they had in other parts of Africa came to naught. This was due to their inability to separate clans for easier control of Somalia since they had 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 Somalia and reunification of all Somalis. This movement was called “Dervish Movement,” which began in northern part of the country and lasted until 1920 (Sheikh-Abdi, 1977). Hassan used his poetry to unite Somali clans in order to fight their colonial rulers. Hassan was effective in battle to the point in which the British and Ethiopians joined forces in order to fight him (Hess, 1964). In the south, resistance came in the form of 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 worked for them (Mukhtar, 1996). The forced labor of the southern Somalis led large-scale deaths from forced work and disease.

Post-colonial Somalia and the First Republic

This subsection of the chapter addresses the preparation for an independent Somalia and the beginning of clan politicization by Somali leadership. After the Second World War, and with the end of Italian colonization in 1941, Somalia’s political growth started to take place (Abbink, 2001). The defeat of Italy in the war led to Somali territories coming under the rule of the British Mandate. Samatar and Samatar (1987) posit that the end of World War II prompted advocacy for self-determination and democracy. In Somalia, this led to the creation of a local Somali political party in 1945 called the Somali Youth League (SYL). The SYL consisted of former British employees. Barnes (2007:277) discussed the origins of SYL and wrote,

“From 1946 to 1948 the Somali Youth Club (SYC) grew from a small Mogadishu based urban self-help organization into a burgeoning nationalist organisation calling for the unification of all the Somali-speaking lands into Greater Somalia, changing its name to the ‘Somali Youth League’ (SYL) in the process”

The SYL used Hassan’s (Mad Mullah) rhetoric which had advocated for the unification of Somali clans under Somali rule. The SYL began to promote education and social institutional building while also campaigning against clan division among Somalis (Barnes, 2007). This eventually led to gaining independence for Somalia on July 1st in 1960 (Sheikh-Abdi, 1977).

From 1950 to 1960, Somalia fell under Italian Trusteeship, known in Italian as *Amministrazione Fiduciaria Italiana della Somalia* (AFIS), which was a UN-sanctioned program established by Resolution 289. The AFIS was meant to aid Somalia in building a modern state with democratic governance. In an attempt to build future leadership in Somalia, the AFIS sent Somali youth, mostly coming from the SYL, to Italy for a period of three years to take courses in subjects such as “administration, law, history of civilization, Islam, international law, UN organization, economy, geography, and the international statute for the organization of Somalia” (Tripodi, 1999: 368).

Ware (1965) discussed Somali political party expansion in the period of the trusteeship and named two additional significant parties involved. These parties were the *Hisbia Dighil Mirifle* (HDM) which represented the inter-river region in south and *Partito Democratico Somalo*, which was established by integrating multiple parties. Between 1950 and 1954, Somalia experienced a growth in the number of individuals’ involved in politics from 38,567 to 62,509. Mukhtar (1988) discussed many issues that became prevalent during the AFIS, such as the violence between Somali political parties that was connected to a north versus south rhetoric. The SYL were viewed to be heavily supported by the British and representing nomadic clans, and the HDM in the south viewed the presence of nomadic clans as representation of northern interests and feared the economic repercussions this carried.

In March of 1954, the first municipal election 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. Those that participated in the voting were all male. There were 281 seats in the competition for governance; the SYL won 140 of the seats and HDMS party came in second with 57 seats (Mukhtar, 1988).

Samatar and Samatar (1987: 679) noted the condition Somali was in before the independence was formerly declared 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 element 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 infrastructures, chronic balance-of-payments deficits, and acute dependence on foreign beneficence to assuage annual deficits”.

According to this assessment the conditions in Somalia at the start of the first independent government were already dire. Tripodi (1999) explains the country’s challenges occurred as a result of Italy’s inability to invest sufficient resources in Somalia. The Italians were experiencing financial troubles at the beginning of the AFIS and had difficulties sustaining the number of troops needed. The AFIS also failed in their attempts to establish an economy due to these financial constraints.

The First Republic

This section of the chapter addresses the first government and the use of clan by those in the parliament for personal gain and political power. In 1958, elections based on universal suffrage, which allowed women to take part in the government, took place (Tripodi, 1999). 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 country, with Ali Sharmarke as the Prime Minister in a democratic parliamentary system. Both Lewis (1972) and Njoku (2013) pointed 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 with Mogadishu being the center for business and the country’s capital. He also noted that within the first two years of the country’s existence, the northern part of the country felt disconnected and dissatisfied with the

southern-ruled government. Njoku (2013) built on this and pointed out that the politicians in the south presented requirements to the north, which would guarantee both the president and prime minister come from the south.

The Somali government took up the cause of “Greater Somalia” or “*Somali-Weyn*” as its first order of business. This meant uniting all Somali territories of French Somalia (Djibouti), Northern Frontier District (NFD) in Kenya, and the Ogaden region in Ethiopia. The cause was first brought at the Conference in Cairo in 1961, as well as in front of the Organisation of African Unity (now the African Union) and the United Nations. The efforts however did not produce any substantial progress due to the interest of keeping already established international sovereign borders (Sheikh-Abdi, 1977).

The new state faced many issues at the beginning of its independence in terms of attempted colonial influence in government and clan use in politics. Mukhtar (1989) noted that the Italians wanted political influence during their exit from Somalia, and they tried to gain it through replacing Italian staff with Somalis from their colonial territory. Samatar and Samatar (1987) noted colonial influence through the government’s dependence on external revenue from former colonial powers for the country’s finances. This external revenue was misappropriated by the parliamentarians as personal resources and power, which eventually led to political parties growing from 24 in 1964 to 62 by 1969. Samatar and Samatar (1987: 683) also noted that

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

Lewis (1988) built on this and posited that despite a modern independent state, Somalis to a large extent still dealt in clan loyalty in politics. Mukhtar (1989) pointed to this problem in the elections of 1956 and 1958, in which clan had also been utilized as a way to gain power in governance.

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”. Adowa (2013) added to this and discussed the purchasing of votes in order to secure parliamentary seats in the struggle for political

control. He says this created a pattern that Somali politicians still practice today, as well as an image of corruption that has also stayed persistent.

In 1964 for the first time parliamentary general elections were held, and the clan alliances formed in the previous years of governance were put to the test. Lewis (1972) noted that 21 political parties contested the elections. Despite of this, the election continued and the 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 ministry positions. However, the new government resigned in 1966 after dealing issues such as politicians renegeing on their promised support if they found it did not suit them or were encouraged to do otherwise.

On June 10th, 1967, the second presidential elections were held with Abdirashid Ali Sharmarke becoming the second president of the country. Samatar and Samatar (2008: 6) wrote, “That election was the first and only national occasion in which leadership, democracy, and the autonomy of public service were at the center of the contest.” 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 clans being used as a tool to seize and hold power. In particular, the use of public funds for the Ogaden war by the Barre regime further exacerbated political division along clan lines (Samatar and Samatar, 1987). Following Barre’s coup, political parties were dismantled and declared illegal and replaced by the Supreme Revolutionary Council (SRC) (Lewis, 1972). In addition to adopting Marxist socialism as the official form of governance, the SRC also attempted to eradicate the use of clan affiliation as a political platform. Davidson (1975: 28) wrote “Early in 1971 the regime proceeded to nationalize banks, insurance companies, and various other concerns with foreign money in them...” Abdi-Sheikh (1977) noted Barre’s government attempted nation building in all aspects of Somalia, such as creating a written form of the Somali language, literacy campaigns, and healthcare throughout the country.

The regime soon refurbished the first republic's interest in "Somali-weyn" after a few years of ruling by going to war with Ethiopia over the Ogaden region in 1977. The war ended in defeat by 1978. Adoda (1985) noted Somalia's defeat to Ethiopia was due to the Soviets decision to back Ethiopia rather than Somalia, which led to severance of the two countries relations. Weiss (1980) discussed Barre's shift in allegiance to the West after this defeat and the new military aid the United State agreed to provide. The US viewed this as an opportunity to balance power in the region through the Cold War paradigm. By the 1980s, 60% of the state's revenue came from foreign humanitarian and development aid (Loubser and Solomon, 2014).

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". He also addressed Barre's hindrance of petty bourgeois development in Somalia and in doing so valued the idea of "state clan" more. This meant that he gave power to his Darood family clan. Prunier (1996) discussed this further in the alliance Barre created between three Darood sub-clans to keep control of the country. They were the Maheeran clan of his father, the Ogaden clan of his mother and the Dolbahante clan of his son-in-law, generally referred to as the MOD. Besteman (1996) discussed the vulnerability of Bantu Somalis during this time, when their lands were being confiscated for governmental use as well as rewards for Barre's allies. Luling (1997:290) 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".

Adowa (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 for the past two decades.

When scholars (Besteman, 1996; Samatar, 1997; Elmi and Barise, 2006; Ahmed and Green, 2011; Odawa, 2013; Ingiriis, 2016) have write about this period of Somali politics, they point to Barre's use of collective punishment to those that opposed him.

Besteman (1996) noted Barre's collective punishment against whole clans for the transgressions of a few members. Elmi and Barise (2006) add to this and discuss the aftermath of the Ogaden war in 1978. There were talks of potential change in government by political members from the north and an attempted coup, which led to Barre using 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 from the region of who was suspected of being sympathetic to the coup".

In addition to these punishments, Barre also bombed the city of Hargeisa in the late 1980s, which led to the loss of many lives, 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) suggested 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, led to Somalia's civil war in 1991.

Civil War and the Collapse of the Somali State

Barre's practices solidified the divisions between Somali clans, which continued into the civil war. Adam (1999) noted that the civil war affected Somalis differently in the sense of those that were being targeted based on clan (the Darood) or their lack of clan (Bantu), the latter being 'massacred' by Barre's forces. Samatar (1997: 625) referred to the civil war period as " 'Dad Cunkii' - the era of cannibalism. He referred to it as the era of cannibalism due to the large scale of deaths during which close to half of the population was in danger of perishing.

Revolutionary elements had been present in country since the 1980s with the presence of 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 the already existing Somali

Salvation Democratic Front (SSDF) of the Majeerteen clan in an attempt to overthrow the Barre dictatorship (Prunier, 1996). Other groups like the Somali Patriotic Movement (SPM) of the Ogaden clan and the United Somali Congress (USC) of the Hawiye clans were also created in the fight against 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 small civil wars along clan lines (Adam, 1999). Samatar (1997) argues that this stemmed from the assumptions of each faction leader that they would be the one to replace Barre after the war. He noted that the clan militias created during the fight against Barre became harder to control and started to break into sub-clan and sub-sub clan based militias. With their new gained powers, the “*mooryaans*” (young men fighting in the war) began to loot, steal, rape and destroy throughout Somalia. They eventually became warlords that claimed certain parts of Somalia as their clans’ “‘native area’”.

In the 1990’s, humanitarian intervention from organizations like the International Committee of the Red Cross (ICRC) and United States Agency for International Development (USAID) started to take place alongside reconstruction and peacebuilding efforts. However, these attempts by the international community were not successful. Adam (1999) suggested that more than half the population of Somalia 4.5 million out of 8 to 10 million were starving and needed urgent help. Ahmed and Green (1999) noted that an estimated 3 to 5 hundred thousand individuals died during the famine and related problems like infectious diseases.

Menkhaus (2010) noted the arrival of a large number of NGOs during the famine period in the first few years of war. They began to be targeted by clan militias for their aid. Despite of this, they employed militias as a security in order to carry out humanitarian programs and paid them under the guise of ‘technical support.’ However this protection did not necessarily translate to security in the whole country, rather because clans changed from territory to territory, it meant that the aid they carried could still be taken. The payment acquired from NGOs by these clan militias was used as a new source of revenue and power by the militias. Ahmed and Green (1999) suggested that the

large number of NGOs with their competing agendas ended up complicating the issue further.

In 1992, the United Nations and United States became involved in the conflict and began a military humanitarian intervention called Operation Restore Hope (ORH). The Operation included many countries like Pakistan, Canada, Belgium, France, Italy and Germany. The UN Operation in Somalia (UNOSOM), which began June in 1991 and lasted until February 1992, was a small-scale operation with the intent of aiding humanitarian groups and establishing a cease-fire in the civil war. The United Task Force (UNITAF) which took effect late 1992 and ended mid 1993 was authorized under the Security Council Resolution 794; it involved a US-led force with the goal of establishing a secure Somalia and in doing so would be allowed to use deadly force if a situation called for it (Patman, 1997). Menkhaus (2010) noted that UNITAF disallowed Somalis to carry weapons in public and brought some stability, and as a result NGOs began to operate more smoothly after this.

The second phase of the operation (UNOSOM II) began in 1993 with the dissolution of the U.S. lead UNITAF (Diehl, 1995). The operation turned into a manhunt for Mohamed Aidid, (a former general, political prisoner of the Barre regime, and faction leader and warlord in the civil war) with some success in capturing his allies. However, Somalis eventually started to resent UN presence and riots broke out in Somalia. Diehl (1995) noted that 24 Pakistani UN troops were killed and 54 injured in 1993, a few weeks later the UNSOM II forces fired at and ended up killing 20 civilians. This prompted a SC investigation, which determined that Aidid and his followers instigated these riots. Adam (1999) suggested that although UN presence in Somalia brought much needed security for a short time, in the end fighting continued with UNOSOM II coming to be viewed as part of the conflict. In October of 1993, a U.S. helicopter was shot down, killing American soldiers, which prompted President Bill Clinton to withdraw from Somalia.

In 1993, the UN started to embark on conflict resolution conferences, which involved faction leaders; however, despite signing on to agreements multiple times, each of these agreements ended up in failure (Ahmed and Green, 1999). Conferences were held in countries like Egypt, Yemen, as well as in neighboring states like Kenya, Djibouti and Ethiopia however. Ahmed and Green (1999: 124) argued “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) posited 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 SNM, proclaimed independence 1991, and the region of Puntland followed suit in 1998. Johnson and Smaker (2014) discussed the different ways the de-facto states of Somaliland and Puntland developed and role clans played. In Somaliland, the first seven years of declared independence consisted of clans inter fighting one another. It became clear that clan elders were needed and stepped in to negotiate for a power-sharing mechanism between the Isaaq sub-clans of 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. They were all attempting self-governance despite the refusal of recognition from the African Union and the United Nations (Njoku, 2013).

In southern-central Somalia, the multiple negotiation processes discussed at the beginning of the chapter took place. Through these negotiations, clans agreed on the power-sharing mechanism which has led to the limited stability Somalia has experienced in the past two decades. Agreeing to a formula that distributed power among the four major clans remaining in the region 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 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. Successful post-conflict reconstruction will require the establishment of an effective government which overcomes the initial underlying issues that led to the civil war to begin with. The current state of Somali governance presents a risk which can lead to the same politicization of clan that has been observed 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.

Chapter Three: Literature Review

In order to answer the questions at hand, there needs to be an extensive review of the literature in the different ways clan has been present in Somali society and politics. The review begins with how clan has interacted with Somali leadership and conflict. The second part of the literature review consists of post-conflict reconstruction (PCR) and the way it is carried out in failed states. Finally, it also covers PCR and power-sharing mechanisms as a way to implement peace in conflict situations such as Somalia.

Clan in Governance: Leadership and Legitimacy

This section of the literature addressed the role clan took in Somali governance and how it has changed throughout political history. From independence and onwards, the leadership in government as well as warlords in the civil war era have utilized clan as a way to gain access to power and resources. Scholars (Samatar and Samatar, 1987; Tulumello, 1993; Luling, 1997; Elmi, 2010) have discussed leadership in Somalia and their utilization of clan as a dividing tool as well as a uniting force at times of war. Samatar and Samatar (1987) addressed the Somali governance in the 1960s and the way in which the newly elected parliamentary leadership realized the need for clan backing in the absence of ideological differences between political parties. This eventually led to an explosion of political parties with each their own clan affiliation.

Tulumello (1993) addressed clan as a tool in the civil war era and said that the clan resistance groups were created to fight against Siad Barre's military regime. After his ousting, clan lines became further divided for power grabbing purposes. Luling (1997) posited that the tendency to look at clan as 'irrational' thing from the past could not be further from the truth, and those that use clan are "rational" and aware of its power for personal gain. Elmi (2010: 44) has noted that both colonial leaders and Somali politicians have marginalized traditional leaders. This has led to political leaders becoming the "de-facto clan leaders".

Scholars (Adam, 1992; Samatar and Samatar, 1987; Tripodi, 1999; Leonard and Samatar, 2011; Odawa, 2013; Menkhaus, 2014) have discussed the use of clan by different types of leaders in Somalia including politicians, businessmen and warlords. Tripodi (1999) noted the presence of clannism in Somali politics before the establishment

of the first government and clan use by the leaders in forming groups based on potential personal gain. Both Samatar and Samatar (1987) and Menkhaus (2014) have noted the use of public funds as a way to buy power in Somalia. Samatar and Samatar (1987) addressed the parliament in the civil government during the 1960s and their use of public funds to gain political power. Adam (1992) discussed Barre and his poisoning of clan relationships as a tactic to divide the opposition groups forming against him.

Gundel (2006) and Leonard and Samatar (2011) have discussed the re-emergence of traditional leaders in the civil war. Gundel (2006: iv) argues,

“Since the civil war in 1990 the traditional authorities have regained considerable importance, especially in creating peace, security and law and order after the state collapse. Their primary role is still the regulation of access to shared resources such as grazing areas and water”.

He suggested that the legitimacy of the traditional authorities lies outside the modern ways of establishing legitimacy through elections and stems from their history in Somalia unlike the politicians, which have controlled the government since independence.

Leonard and Samatar (2011) suggested that the xeer system is at odds with modern governance, however, after the state collapsed, it proved to be a fair judicial authority for Somalis. They say that the xeer system put checks in place so there was space for negotiation through the dia-paying groups between clans before resorting to revenge.

Leonard and Samatar (2011) have pointed to the use of clan by warlords and businessmen as it became apparent that clan backing was a way to gain access power in Somali society during and after the period of the civil war. They wrote, “Politics within the Somali political systems is heavily influenced by those individuals who are able to use their resources to purchase protection, personal consideration, elected offices and policy attention” (572). They have also noted the presence of former warlords within current Somali governments like the Transitional Federal Government. Odawa (2013) posited that the use of clan by leadership hinders the progress of effectively establishing governance outside of clan. Menkhaus (2014) referred the use of donor funds in the Transitional Federal Government (TFG) and the widespread corruption that was present.

Clan and Conflict

This part of the literature looks at the relationship between clan and conflict. This relationship had always been present Somali society however, during the Barre regime, which came into power in 1969 and ended in 1991, it became more salient. In turn, the civil war exacerbated this as militias were divided by clan, which will be explained further next.

Adam (1992) discussed the formation of an alliance between three Darood sub-clans (Marehan, Ogaden, and Dolbahante) during the ruling of Barre and how in doing so he created members of an in-group, which aided him in instigating violence in the country. Samatar (1997) and Ahmed and Green (1999) added to this by noting Barre's violence against the members of the Isaaq clan in Hargeisa as a result of certain members attempting a coup against him. In the aftermath of the fight against Barre's regime, leaders of the opposition faction started to separate along clan lines. As a result these newly formed groups began fighting one another, which led to increased fragmentation of clan militias. Samatar (1997) noted the ways in which these militias began to enact violence through looting and raping civilian women from opposing clans..

On the other hand, Scholars (Gundel, 2006; Leonard and Samatar, 2011; Musau, 2013) have discussed the positive role clan took on during the civil war. Gundel (2006) noted that with the collapse of Barre's government, clans served as safe havens for Somalis and became the authority of their respective communities. Leonard and Samatar (2011) wrote that "in Somalia the reach of the state was never complete and governance institutions that pre-existed it have continued to persist or have been resurrected in the years since 1991" (561). Reiterating Gundel (2006), throughout differing political regimes, clan identity and affiliation was always present. Further, during the civil war and despite attempts of the state to eliminate clan influence, clan affiliation reemerged. In a similar vein, Musau (2013) discussed the positive influence of clan and its relationship with "Somalinimo" (Somali nationalism) and said that clans do not exceed humanity within the Somali community at times of war.

Abbink (2003) has suggested that while violence is not the direct result of clans, it is the organization of clans and the way they have been utilized in the general society, which has indirectly brought conflict forward. Elmi and Barise (2006) build on this and posit that clan on its own does not produce violence but rather it is the way in which

those in power have utilized it as a violent tool. Leonard and Samatar (2011) suggested that clans have been resurrected during the civil war because they served as stabilizing agents and at times an organizational tool for violent actors.

Post-Conflict Reconstruction

Leonard and Samatar's conclusions regarding the purpose of re-incorporating the clans in post conflict governance is supported in much of the academic literature on post-conflict reconstruction. In his Agenda for Peace in 1992, Boutros Boutros-Ghali established a framework for post-conflict peace-building stating, "the efforts of the Organization to build peace, stability, security, must encompass matters beyond military threats in order to break the fetters of strife and warfare that have characterized the past" (Boutros-Ghali, 1992). This can be applied to Somalia because warlords used clan to divide Somalis along lines and in the process gained new power. In order to apply this to the situation in Somalia, ending conflict on its own does not address the problem. As Boutros-Ghali suggests, underlying issues such as the politicizing of clan, need to be addressed in an effort to build a sustainable government.

PCR Definition

The literature produced by many contemporary scholars (Paris, 2004; Talentino, 2004; Krause and Jutersonke, 2005; Brinkerhoff, 2005; Coyne, 2005; Englebert and Tull, 2008) share a common description of post-conflict reconstruction/peace-building and describe it as efforts to rebuild a state that go beyond ending the conflict and demobilizing combatants, and to creating a sustainable and effective government which exercises control over the use of force. Coyne (2005:326) further explained what PCR is and wrote,

"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".

In Somalia, PCR happened through the 4.5 power sharing mechanism agreed upon in 2000 by the TNG leadership (Menkhaus, 2007). This mechanism divided power among four big family clans and a .5 for minority clans and women.

PRC in Failed/Fragile States:

This section defines what a failed state is and addresses at the ways PCR efforts take place in said states. This is relevant to Somalia because it has been used as the Poster child for what a failed state looks like. Gros (1996) and Newman (2009) have discussed what constitutes a failed state. Gros (1996: 462) discussed the five contributors to failed state, which were about the presence of a weak economy, social division among citizens, authoritarianism, militarism, and extensive population growth, which can lead to environmental issues. He noted that Siad Barre's militarism contributed to Somalia's civil war.

Newman (2009) defined state collapse through the state's inability to control the use of force in its territory or provide services to the citizens within its borders. Somalia has experienced this since the collapse of the government in 1991, and therefore has been unable to provide services to citizens and implement rule of law in the country. Thiessen (2015) suggested that the international community is too hasty to label a country a failed state due to their expectation of what a successful state should look like and overlooks what a state does provide for its citizens.

Diamond (2006) wrote about the aftermath of conflicts and subsequent governance rebuilding which takes place. He stated that in order to carry out democratization and governance building in failed states, there must first be some sort of government with a "set of political institutions that exercise authority over a territory, make and execute policies, extract and distribute revenue, produce public goods, and maintain order by wielding an effective monopoly over the means of violence" (94). Somalia has yet to accomplish any of the requirements he mentions. He also noted that within democratic building in failing or failed states, the issues stem from the lack of a clear idea of how to build legitimacy.

One task, which has been rushed by international community in Somalia after the establishment of the 2012 government, was producing a constitution (Ingiriis, 2016).

Diamond (2006) said that in post-conflict states with presence of violent non-state actors, the country cannot afford to rush the time needed to rebuild. Ball (1996) and Diamond (2006) have both advocated for more time spent on rebuilding a post-conflict society. Ball (1996) suggested there should be more time than the two-year timeframe given to states by the international community in the expectation they carry out a full scale rebuilding of the state and the establishing of elections. Consequently, it is evident that the establishment of the two-year time frame puts constraints on the rebuilding process. The implications of imposing this timeframe are that post-conflict reconstruction cannot be carried out as effectively as it could be if the timeframe had been extended.

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) discuss, 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 governance and all of its branches. Power-sharing is typically utilized in countries where there are issues based on identity such as 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 and would need third party guarantors in order to make the process work.

Power sharing agreements can take several different forms, and typically divide the political, economic, military, or territorial resources of state between the warring factions (Hartzell and Hoddie 2003). According to Hartzell and Hoddie, the most durable power sharing pacts are those that divide power across multiple areas of state governance, such as political power, economic resources, military or territorial authority (Hartzell and Hoddie 2005). 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 a in political form, meaning that the division of power followed an already set formula, which divided parliamentary seats based on clans in the governmental representation. In Somalia, this form of power sharing was utilized to guarantee equal representation for the four big clans in order to end the conflict. Somali clans are similar social units and function in a comparable manner to ethnic groups present in other countries. In the 4.5 Formula, there was no specific allocation of political positions to clan in order to insure that each clan would have equal chance of participating in governance. Mehler (2009) suggested that power sharing could only work once there has been an in-depth debate about the arrangements.

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) discussed the issues power-sharing mechanisms face before implementation even takes place. He posited that 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 and therefore the intention is not to reach peace but to come out on top. He also suggested that actors which 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 used the example of Ali Mahdi and Mohamed Farah Aidid in the Somali civil war and their use of this scheme to out maneuver one another to become the leader in Somalia. Aidid believed that his Hawiye family clan was responsible for the defeat of Barre in the civil war and therefore should be ruling the country with him as the president.

Hertzell and Hoddie (2003) address the way in which the number of casualties in the 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 died as a result of the war and this memory still fresh on the minds of Somalis. Papagianni (2007) posited that power-sharing mechanisms hinder the evolution of politics and put the power in the hands of the elites, which can lead to continued mistrust between the members of the government. Despite the success of 4.5 Formula in

ending clan infighting, in governance the formula has led to the stagnation of politics and an inability to move away from clan based politics.

Mehler (2009) pointed out 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. This can be seen in the way the 4.5 Formula has disadvantaged Somali Bantus and minority clans. They have been marginalized in politics due to the unequal representation in governance, and this in turn has led to difficulties for the government such as lack of legitimacy and democratic governance. Next I will provide a brief critique on post-conflict reconstruction efforts.

In Somalia, democratization occurred after independence with the first civilian government, which ended up politicizing clan as the lack of ideological difference became apparent (Samatar and Samatar, 1987). Brinkerhoff (2005) wrote about the potential issues, which could rise when a state goes through a democratization process. Especially with the presence of informal actors, which compete for legitimacy against the state due to their ability to provide services for the population unlike the formal weak government. In the context of the civil war, this happened in Somali through the re-emergence of clan elders and the services they provided like security and justice for Somalis (Gundel, 2006).

Krause and Jutersonke (2005) addressed the lack of a clear idea of what success entails in peace-building mission and suggested that all peace support missions have failed after five years. They pointed out the effect post-conflict peace-building can have on both those that intervene in a conflict and the state in which it takes place. It can be financially and politically costly for the international community, and domestically, it throws the state into disarray by restructuring different institutions and power dynamics. In her work, Hellsten (2006) noted that despite a few successful cases, reconstruction attempts in war-torn countries, have mostly contributed to further violence.

Ball (1996) noted the problem of the international two-year timeframe and its tendency to rush the peace-building process leads to root causes of conflicts being ignored for the sake of accomplishing set goals. Collier et al (2008) in particular address the likelihood of democratic elections contributing to conflict. They wrote that within the first year of elections, there is a reduction in violence due the antagonists taking part in

the process. However, once elections results are not in their favor, they tend to act as spoilers. Elmi (2010) addressed this behavior in Somalia through the context of the peace negotiations, which took place in multiple conferences in Djibouti, Egypt, and Kenya. Elmi (2010) pointed out that there were two types of reactions to these conferences. There were clans which felt they were left out because they did not take part in the conflict, while other clans increased their violence while the peace processes took place as a way to be included and get a seat in the next conference. In this sense, warlords acted as spoilers in these peace negotiations.

Guttal (2005) noted the tendency for the international community to point to the lack of liberal democracy and free market as the cause of state failure in developing countries, as opposed to the international community dealing with underlying issues such as historic disadvantages like colonialism and financial debt. Thiesse (2015) reaffirmed this and wrote, “the privileging of internal factors over external ones not only leads the failed state discourse to ignore the interplay between domestic and international contexts, it also means that the influence of external actors on socio-political crises are ignored” (134). To relate dealing with historical issues to Somalia, the hierarchies created within clans by colonial actors, as well as the privileging of certain identities over others has had consequences on the way Somalis have dealt with one another and has greater implications on political stability as well.

Methodology:

The principal objective of this research is to consider Somali governance, starting from post 2012 elections and up until the 2017 election, through a case study. I have chosen to use this timeframe as a case study because of the 2012 provisional constitution which eliminated the 4.5 Formula. Gerring (2004) defines a case study as, “... an intensive study of a single unit for the purpose of understanding a larger class of (similar) units” (342). I chose to do a case study because of its usefulness in understanding a complex issue like Somalia and its continued struggle for stable governance. Through their work, Bennett and Elman (2007) have confirmed the advantages a case study can have when studying a complex issue. In using a case study method, or more specifically comparative-historical analysis, I have the flexibility to assess the way clans have

interacted with governance in Somalia throughout different time periods. In doing so the project will gauge if clans are still part of Somali governance after the 2012 Constitution. I employ the concept of post-conflict reconstruction to assess the way clans, as informal actors have been part of the government and the role they played in stabilizing the country through power sharing mechanisms.

In order to analyze the role of leadership and clan, my research is conducted through the desk review method and through my role as a participant observer. I define desk review as using secondary research from online scholarly articles, books, online news sources and official documents. Becker and Geer (1957) defined participant observation as an individual taking part in the context they are studying while they are either undercover or out in the open as researchers. I was in Somalia during the summers of 2016 and 2017 and use my personal experience and conversations as part of this project. In an effort to consider Somalia more comprehensively, I use the desk review method to provide background about Somalia and its current political situation. Additionally, this method aids in tying historical background to the present situation in Somalia as it relates to leadership and clan in governance.

I employ Papagianni's (2007) work, as she addresses the different ways power-sharing formulas are used to divide power, such as political, economic, and military power-sharing mechanisms. Her work is relevant to the project because Somalia's 4.5 Formula is based on a political division in power and more specifically through executive power sharing. She discusses formula based power sharing and the allocation of power to identity groups which are used to analyze the clan aspect of Somalia's 4.5 Formula.

Further, Papagianni (2007: 24) suggested that within political power sharing, there are four elements which are present. These elements are: "1) Proportional representation of all parties in the cabinet and legislature; 2) decision-making by consensus and mutual group vetoes on contentious issues; 3) proportional allocation of funds and position; and 4) projection of the rights of minority groups." I assess Somalia's 4.5 Formula using these elements and determine which of these elements are present and which are missing. Finally, she also discusses the shortcomings of power-sharing mechanisms and their tendency to put power in the hands of the majority as well as the political stagnation they can contribute to.

I also utilize Ball's (1996) work and its relevance to my research due to Somalia's status as a state going through a rebuilding process. She identifies two stages within the peace process in countries with no outright victors like Somalia, which she defines as cessation of conflict and peacebuilding. Cessation of conflict encompasses a negotiation process as well as efforts to end hostilities. Further, she posited that within peace-building, there is transition and consolidation. The objective of the transition phase is to "establish a government with a sufficient degree of legitimacy to operate effectively and to implement key reforms mandated by the peace accords" (722). The consolidation phase addresses the root causes in conflict and the need for more time than the allowed two-year timeframe given by the international community.

She outlines three important tasks for countries going through peace-building. The first task is the importance of rebuilding of the economy. The second task is limiting competition for resources by actors in the conflict, in particular natural resources, to fuel their agenda. The third task is the building of a security sector and specifically one that is democratic and can bridge the gap between security forces and citizens.

Finally, I assess Somalia's current political situation through the two stages suggested by Ball (1996) and pinpoint the current stage the state is in within the process of rebuilding.

Chapter Four: Governance and Post-conflict Reconstruction

This chapter explores the impact of the 4.5 system on Somalia governance from 2000 to present day, as well as the implications of its absence on the 2012 provisional constitution in Somali politics. The main question I consider is: What role did clan play in the establishment of the 2012 constitution with regards to the 4.5 system in Somali politics? Sub-questions are: How did the 4.5 formula reflect historical patterns of governance in Somalia? What are the implications of the removal of 4.5 system from the 2012 provisional constitution in Somali politics?

This project analyzes the relationship between clan and governance in Somalia. The 4.5 formula was implemented as a way to end the civil war and represent the big clans in Somalia within governance. The analysis takes into consideration the negative political history of how clan and governance have interacted in the past. Leaders who have been in control of governance in the past have used the power and resources of the state to further personal interests and help one's own clan. I employ Papagianni's work in terms of the way the 4.5 power sharing mechanism had been implemented in Somalia and the issues that were produced by this formula. I also employed Nicole Ball's framework for rebuilding governance to assess the Somali government and whether it has been successful. One way this has been done is utilizing Ball's criteria to assess whether or not effective governance has been established in Somalia.

Attempts at governance rebuilding began as early as 1991; however, some success was only gained in 2000 with creation of the 4.5 formula and the establishment of the Transitional National Government. The formula was used again in 2004 when the Transitional Federal Government (TFG) was established, and in 2009 with TFG 2.0, as well as the 2012 government with the Federal Republic of Somalia (FRS). These governments have all faced structural problems such as warlords from the civil war, terrorist organizations, and even piracy. The element of clan had been present in the process of attempting to reestablish governance. As previously mentioned in the background chapter, clan affiliation is an important part of the Somali identity and however its relevance in governance grew after independence as it became apparent that it could be used as a tool to gain prestige and power.

The Somali Governance since 2012

This part of the analysis covers the governments that have been elected in 2012 and again 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. At the time Somalia had been dealing with Al-Shabaab while attempting to rebuild governance. President Mohamud promptly laid out goals in order to stabilize Somalia. Brown and Fisher (2013:6) wrote,

“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”.

Mohamud made the eradication of Al-Shabaab a priority for his government, attempted to strengthen the relationship with the international community, and centralize the government by attempting to appoint the leadership of regions like Jubbaland (Brown and Fisher, 2013). Ingiriis (2016:63) noted 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”.

Nevertheless, it is also important note the bad experiences Somalis have had with centralization of government, especially in previous governments like Barre’s regime. Barre’s regime, as discussed in the background chapter, utilized clan as a tool for collective punishment as well as collective rewards for those that were in his in-group.

Reitano and Shaw (2013) noted the presence of natural sources such as oil in Somalia and the way this has affected the politics of Somalia. President Mohamud in his attempts to preserve stability in Somalia addressed international oil companies, which had been making deals with regional governments for the rights to their oil reserves. He warned the companies that such agreements would not be honored. Balthasar (2014)

suggested that although the rest of the world saw new and improved governance in Somalia under Mohamud presidency, remnants of older practices in Somali politics were still present. The government came to power the same way its predecessors had with the 4.5 clan representatives electing the parliamentarians which in turn elected Mohamud. During the elections there were also accusations of buying votes.

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 population. The Somali people were jubilant about his campaign promises to tackle issues such as famine. However, Sheikh and Houreld (2017) noted the domestic instability brought on by Farmaajo's time in office. They pointed to the impeachment brought against him in court for accusation such as violating the constitution and inciting violence in the country by attempting to arrest members of elite and in turn potentially bringing back wars between clans. Although these arrests are political and not clan related, they have the potential to plunge the country back into clan-based war.

PCR (Traditional Systems) and Governance

In the background chapter of the project I have presented the relationship between clan and governance in a historical context. It is evident that clan is a very important aspect of Somali identity and governance. Dating back to the role of the clan prior to colonization as a way of life to the politicization process it has gone through in different period of governance (Gundel, 2006 and Jama, 2007). Based on the finding of this research, it became clear that clan has been used by leaders whether they be the colonizers of Somalia as a way to divide and rule the Somali people (Samatar and Samatar, 1987; Besteman, 1996; Gundel, 2006; Jama, 2007; Njoku, 2013) or within governance before and after independence by Somali leaders like the SYL, parliamentarians, Barre, and warlords (Samatar and Samatar, 1987; Mukhtar, 1989; Samatar, 1992; Prunier, 1996; Luling, 1997; Elmi and Baris; 2006; Ahmed and Green, 1999; Adowa, 2013).

Clan and the traditional xeer system have been a consistent part of Somali history. The positive and negative roles clan has taken on have depended on those in charge of the governance of Somalia. Elmi and Barise (2006) and Leonard and Samatar (2011) have pointed out the fluidity of clan in Somalia, which is evident in the use of clan by different leaders throughout Somalia's political history.

Paffneholz and Spurk (2006) and Barnes (2009) have discussed the importance of informal actors in the reconstruction process of post-conflict states. Lundy and McGovern (2008) as well as Parver and Wolf (2008) have emphasized the importance of local participation and ownership in PCR efforts and warned that exclusion of these groups can stagnate progress. Morgan (2005) and Barnes (2009) in particular have addressed the participation of traditional leaders and groups in PCR and the importance of their unique perspective in conflict.

Distinguishing the importance of clan and its role in Somali society is essential to understanding Somalia and Somalis. Prior to colonization, clan and the xeer system presented a way of life for Somalis and although violence was part of life, through these systems Somalis found justice and protection (Adam, 1992; Gundel, 2006; Jama 2006). In later periods clan was utilized by the leadership for personal gain in power and resources (Samatar and Samatar, 1987; Jama, 2007). In the civil war period clan elders began to be viewed in a positive manner due to their ability to provide justice and protection once again in the absence of a central government (Gundel, 2006). In the more recent attempts of governance particularly in the early 2000s, the representation of clan was used a strategy to enact power-sharing mechanisms and to attempt to bring back some stability to Somalia (Menkhaus, 2014).

The 4.5 Power-sharing Formula and The Somali Constitution

This section of the analysis addresses the 2012 constitution and the reign of clan influence despite the removal of the 4.5 system. 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 also states that the reach of the Somali government in its laws are applied to the skeletal state of Somalia, this means that it also includes the self-proclaimed independent state of Somaliland. Kouroutakis (2014) wrote, "The constitution was adopted with the aim of terminating a long period of

tensions, warfare, political turmoil, and often chaos, by establishing efficient political institutions and introducing governance that is more responsive and accountable to its people” (Kouroutakis: 1196).

The constitution, I found, presented a very liberal and inclusive government and points to a state which intends to practice democratic governance. In the constitution it states that the Somali government should promote human rights along with inclusive governance. There are three branches of authority consisting of the legislature, executive and an independent judiciary intended to balance power and be accountable. In Article 11 of the constitution, it says, “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 is now a federal government containing states like Jubbaland, Gamudug, Puntland, the South West State of Somalia, Hir-Shabelle and Somaliland. The constitution states that there are 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 like any other federal state. 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 of the 4.5 power-sharing model and this signals a move away from clan-based governance and to the establishment of one person, one vote, giving individuals the power to vote themselves as opposed to clan representatives. President Mohamud’s government had committed to establishing the structures needed to allow for direct voting by 2016 as initially planned. Crouch and Njagi (2017) stated, “However, political delays and disputes greatly impeded 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” (4-5). 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 elections took place on two levels of government, which were the House of the People or

Lower House and the Upper House. Crouch and Njagi (2017) 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” (5). It was through this process that President Farmaajo was elected.

Reality of 4.5

The Somali government under President Farmaajo still has not established the mechanisms needed to move way from 4.5 power sharing system. Ainte (2014) addressed the lack of a permanent constitution that was meant to be adopted in 2016 and include input from the public. As of 2018, civil participation in elections has yet to be implemented, but continues to be a topic of discussion at the federal government level. He also noted that Somalis both in the country and in the diaspora perceived the 4.5 model as unfair and undemocratic. He wrote, “Many Somalis see the 4.5 power-sharing formula as crude and simplistic. Marginalised groups and minority clans in particular perceive it as having reduced their political representation and access to authority” (62). Mehler (2009) warned about the marginalization of minorities taking place in countries utilizing power-sharing because within the initial decision making, these groups are not presented at the negotiation table and therefore are left out.

The Somali 4.5 formula is based on power sharing mechanism which allocates power based on parliamentary seats in the government. As Papagianni (2007) noted, power sharing mechanisms can lead to the stagnation of politics. To relate this to Somalia, the power sharing mechanism of the 4.5 system solidified clan identity in politics, which resulted in stagnation. Despite the 4.5 formula being 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. Papagianni (2007) pointed to the way power-sharing puts power in the hands of those who perpetuated conflict, making them legitimate actors in governance. To tie this back to the political sphere of Somalia, by giving former warlords a place in the government, they were able to establish themselves as legitimate actors in governance.

In utilizing Papagianni (2007: 24) and her four elements of political power sharing, it is evident that “proportional representation” and “protection of minorities” are not present in Somalia. The 4.5 formula already puts large groups of Somalis at a disadvantage based on historical discrimination which allocates less power to them. It is important to note that the other two elements of “mutual vetoes” on issues and “allocation of funds and positions” are not applicable to the Somali 4.5 power-sharing formula.

In a similar vein, both Cox (2001) and Rosiny (2015) have discussed the way power-sharing mechanisms in Bosnia and Lebanon have put political power in the hands of former parties to the conflict. Cox (2001) noted that in Bosnia, the power sharing in the Dayton Agreement was between the warring parties of the Croats, Serbs, and Bosniaks. He says that these groups ended up with a state in which the economic development was at a standstill and the public funds were used for surveillance and for political parties. Rosiny (2015) addressed the situation in Lebanon and how the Ti'af agreement actually allowed former warlords to become part of the government through the guarantees of power sharing and gain power in ways they could not have in civil war.

This power-sharing system has brought back old practices of Somali politicians like looting public funds as well as buying votes to gain power. Gettleman (2017) 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 on Wednesday”(2). He also noted that this practice has been normalized that clan elders believe they would lose the respect and trust of their clan members if they do not accept bribery for their votes. When I was in Somalia, this topic generated so much debate. The buying of votes is not something that is hidden and if someone loses the election, most people justify the loss in two ways, either that it was based on clan rivalry or more likely that they did not have enough money to buy into the government.

Ball Framework and Governance

In this section I utilize Nicole Ball’s work to analyze the attempts at building the capacity of the government after the 2012 constitutional and the attempts to move away from clan governance. First I assess Somalia’s attempts at peacemaking during the civil

war through the two stages Ball (1996) identifies within the peace process. Second, I use Ball's (1996) three tasks of peace-building to pinpoint Somalia's progress and assess whether there have been implemented successfully. Finally, I assess the relationship between the international community and Somalia in rebuilding governance.

Cessation of Conflict and Transition

Ball (1996) identified two stages within the peace process in countries with no outright victors like Somalia. The first stage is the cessation of conflict, in which the objective is to end violence between parties of the conflict and negotiate. In Somalia, this stage has been accomplished to some extent but not yet fully realized. Since 1991, violence between parties has persisted in one way or another. First it was between clans during the civil war and later between the government and insurgent groups like Al-Shabaab and warlords. In case of clans in the civil war, cessation of conflict occurred in 2000 when the TNG was established and the 4.5 clan power sharing system was adopted. However, this peace did not last long and within a year and half of governance, warlords, which were left out of the peace process acted as spoilers (Le Sage, 2002). It was not until 2000, when negotiations took place and were somewhat successful, which led to the current form of government that is in place. In regards to of Al-Shabaab, the government has not attempted to hold negotiations since the conflict between the two is still fresh.

The second stage identified by Ball (1996) is the peace-building stage, which encompasses the transition and consolidation phase. In the transition phase, the objective is to build a legitimate and capable government. For the past 18 years, Somalia has been attempting to accomplish this objective; however, it still has yet to produce a government with "adequate legitimacy" and the rule of law behind it. After the 2012 constitution was initiated, the objective became to build the mechanisms needed for a durable governance such as civil participation through direct elections and accountability, which have not been established as observed in the shortcomings of former president Mohamud's government.

The consolidation phase addresses the root causes of the conflict and in Somalia, these issues have stemmed from the misuse of Somali identity in terms of clan by leaders in the first government and particularly in Barre's regime. Although reconciliation

conferences have been held to address the horrific ways clan has been utilized by the leadership, it has yet to bear fruit. I had the privilege of taking part in a reconciliation process in the summer of 2017 and witnessed that people were still referring to their memories of the atrocious acts by the former government.

Ball's PCR Tasks

In this part, I use Ball's tasks to assess whether PCR efforts have been successful. Ball (1996) outlined three important tasks for rebuilding states, which have experienced a civil conflict. The first task is the rebuilding of the economy; previously, Barre had monopolized the economy during his regime (Leonard and Samatar, 2011). Although the economy suffered at the beginning of the civil war, the sector actually began to improve and grow in the aftermath of state collapse (Powell et al, 2008). The second task deals with limiting competition for natural resources by actors in the conflict as a way to prevent the use of resources to fuel their agenda. In Somalia, the management of resources and the way they can be purchased have been crafted into the constitution. In doing so, the government wants to limit the involvement of foreign actors and deals made with them by certain communities which could consequently impact the whole country. The third task is the building of a security sector and specifically one that is democratic and can bridge the gap between security forces and citizens. Somalia's security in the past decade has been reliant on the African Union Mission In Somalia (AMISOM) forces and as pointed out by Tawane (2017) has yet to accomplish building an effective and sufficient force.

The International Community and Somalia

Ball (1996) also discussed the relationship war-torn societies can build with the international donor community. Somalia has maintained a strong relationship with the international community since the collapse of the government through the presence of civil society organizations such as NGOs and IGOs. Multiple PCR efforts led by the international community have also taken place. Prior to 2012, aid from the donor community had gone through Somali based NGOs. In recent times, this relationship has become politicized, in that the donor community has set up requirements for the

government in order to receive aid (Ingiriis, 2016). The International community's involvement in Somalia has taken on a different role more recently. Kouroutakis (2014) noted that the constitutional making was hasty and was mostly carried out by the UN with little involvement from Somali civil society due to the UN's believe that they were not as engaged as they needed to be. Another way international actors have been involved is through the backing of certain candidates to make business deals such as Turkey taking over the Mogadishu port (Gettleman, 2017). In Somalia, there was also interaction and competition between different NGOs on the ground in terms of competing for funding from the donor community and declaring certain issues under their jurisdiction.

Chapter Five: Conclusion and Recommendations

The relationship between Somali leadership and clan as a political tool began before the establishment of the modern Somali state (Tripodi, 1999). Jama (2007) pointed out clan became politicized before independence during colonialism, when clan elders were used as indirect rulers for the colonizers. The colonial powers in this process created hierarchies, which could be perceived as perhaps the initiation of the interaction between clan and politics. This relationship, in one way or another, has continued in Somali political history and became more prominent after the state became independent. Samatar and Samatar (1987) have pointed to the lack of ideological difference that led to Somali politicians utilizing clan as a way to gain power. Samatar (1997) and Luling (1997) among many other scholars have covered the use of clan by Barre's regime and the extreme divide he created, which led to the civil war and, in turn, to the protracted state failure in Somalia. Somalia today is still to some extent a collapsed state despite the presence of an internationally recognized government. This is due to the government's inability to take control of the country or provide services to its citizens.

The background chapter the project began by laying out the origins of the power-sharing mechanism Somalia has been using to elect leadership in government. The chapter also covered the political history of Somalia and exemplified the way clan has been part of governance in much of Somalia's modern history. In doing so the chapter showed how political turmoil was caused by the leadership's use of clan as a political tool. Barre's regime is notorious for utilizing this relationship in the most extreme of manners. His rule in Somalia lasted 21 years, and in that time, he managed to take the relationship between clan and politics further in practicing 'clan state,' meaning that he attempted to create a state where his clan was on top and especially those from his sub-clan along with his mothers and son-in-law's sub-clans. He also committed horrific acts along clan lines like the bombing of Hargeisa in order to eliminate the Isaaq family clan based on the actions of a few. These acts led to political factions being created in both the north and the south to fight against him and eventually topple his regime and begin the civil war period.

During the civil war, the country experienced warlords, which again led to the use of clan by faction leaders to divide the Somali people and fight against one another in the

name of clan. The conflict of warlords lasted until mid-2000s when conflict turned into one between the Transitional Federal Government assisted by a U.S. backed Ethiopia and later on AMISOM and against Al-Shabaab. This form of the conflict still exists today between the Federal Government of Somalia, which is still backed by AMISOM while it attempts to build the capacity of its armed forces and Al-Shabaab.

In the third chapter, the role of clan as both a social identity and a political one was laid out in an attempt to give the reader a comprehensive idea of the way clan functions. Furthermore, PCR was utilized to assess the success of the power-sharing formula in Somalia and what this has meant for rebuilding efforts. I have concluded that this formula has worked against the Somali government in the sense of capacity building and creating legitimacy. I have also used PCR in connection with informal governance when addressing the role of clans in peace building efforts. Clan elders have been key actors in the aftermath of the civil war, in that they have provided services and security to the Somali people in the absence of a central government.

In utilizing Ball (1996) to analyze the current state of politics in Somalia, I have pointed out that in terms of the stages in the peace process in Ball's work, the government has attempted to end violence without much success. Al-Shabaab still carries out deadly attacks in the heart of Mogadishu. In terms of determining success when it comes to peace negotiations in Somalia, the 2000 peace agreement and the existence of the current government can be used as evidence of this. However, the 4.5 power-sharing can also be perceived to be working against the establishment of an effective government. As pointed out by scholars like Papagianni (2007) and Mehler (2009) along with many others, power sharing might 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.

I have also used Ball's peace-building tasks to assess the progress of rebuilding. Somalia's economy sector seems to be growing in respect of the government, this is evidenced in that economic growth began before the establishment of the current state. Ball (1996) discussed the relationship between rebuilding and the international community, I have pointed to the way the IC's requirements can actually hinder the growth of the state and provided the example of president Mohamud's government and

the abandonment of his goals in order to focus IC approved tasks like constitutional reform. There have also been other external actors, which have established relationships with politicians as a way to gain access to Somali resources.

Recommendations:

In modern Somali political history, both the negative or positive roles taken on by clan were connected to certain actors. Through the research process, I have come to the conclusion that use of clan identity has been useful in the stabilization efforts during the civil war with the establishment of an agreed upon power-sharing mechanism. However, the 4.5 power sharing system has stood in the way of progression for the country.

Recommendation one:

Although the 4.5 system of governance is not an official part of the government and is absent from the 2012 constitution, it is a reality. The big clans still dominate the government and vote based on this system that privileges some above others. The best of course of action is to implement the constitutions, which already states in Article 1, that the federal government is one that represents all equally and pursues democratic and social justice values.

Recommendation two:

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 they had done before the 2017 elections. The government should establish the structure needed to allow for one person-one vote in time for the next election in 2021. This might take some time due to the lack of security and development in Somalia but should still be a priority.

Recommendation three:

In order to have a more legitimate and 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 between the clan families. The lack of legitimacy in the government stems from its inability to secure the country and defeat Al-Shabaab. The government must, put in, more efforts in strengthening the forces of the state and taking over the security of the state instead of relying on AMISOM, the

state would be able to gain back some legitimacy, which could potentially pave the way for a more stable Somalia.

Bibliography

- Abbink, G. J. (2003). Dervishes, 'moryaan' and freedom fighters: cycles of rebellion and the fragmentation of Somali society, 1900-2000. *African dynamics*, 38.
- Adam, H. M. (1992). Somalia: militarism, warlordism or democracy?. *Review of African Political Economy*, 19(54), 11-26.
- Adam, H. M. (1999). Somali civil wars. *Civil wars in Africa: Roots and resolution*, 161, 192.
- Ahmed, I. I., & Green, R. H. (1999). The heritage of war and state collapse in Somalia and Somaliland: local-level effects, external interventions and reconstruction. *Third World Quarterly*, 20(1), 113-127.
- Aglionby, J. (2017). Farmaajo begins 'era of unity' as Somali president. Retrieved from <https://www.ft.com/content/4a2ee996-ee26-11e6-930f-061b01e23655>
- Ball, N (1996). The Challenge of Rebuilding War-Torn Societies. In Crocker, C. A., Hampson, F. O., & Aall, P. R. (Eds). *Managing global chaos: Sources of and responses to international conflict (719-736)*. Washington, D.C.: United States Institute of Peace Press.
- Balthasar, D. (2014), Thinking Beyond Roadmaps in Somalia. *The New Southbound Policy | Center for Strategic and International Studies*, Nov. 2014, www.csis.org/analysis/thinking-beyond-roadmaps-somalia.
- Barakat, S., & Zyck, S. A. (2009). The evolution of post-conflict recovery. *Third world quarterly*, 30(6), 1069-1086.
- Barnes, C. (2007). The Somali Youth League, Ethiopian Somalis and the Greater Somalia Idea, c. 1946–48. *Journal of Eastern African Studies*, 1(2), 277-291.

- Barnes, C. (2009). Civil society and peacebuilding: Mapping functions in working for peace. *The International Spectator*, 44(1), 131-147.
- Becker, H. S., & Geer, B. (1957). Participant observation and interviewing: A comparison. *Human organization*, 16(3), 28-32.
- Bennett, A., & Elman, C. (2007). Case study methods in the international relations subfield. *Comparative Political Studies*, 40(2), 170-195.
- Besteman, C. (1995). The invention of Gosha: Slavery, colonialism, and stigma in Somali history. *The invention of Somalia*, 43-62.
- Besteman, C. (1996). violent politics and the politics of violence: the dissolution of the Somali nation-state. *American Ethnologist*, 23(3), 579-596.
- Brinkerhoff, D. W. (2005). Rebuilding governance in failed states and post-conflict societies: core concepts and cross-cutting themes. *Public administration and development*, 25(1), 3-14.
- Browne, E., & Fisher, J. (2013). Key actors mapping: Somalia. *Birmingham: GSDRC, University of Birmingham*.
- Boutros-Ghali, B. (1992). *An agenda for peace: Preventive diplomacy, peacemaking, and peace-keeping : report of the Secretary-General pursuant to the statement adopted by the summit meeting of the Security Council on 31 January 1992*. New York: United Nations.
- Chandler, D. (2010). Race, culture and civil society: Peacebuilding discourse and the understanding of difference. *Security Dialogue*, 41(4), 369-390.
- Collier, P., Hoeffler, A., & Söderbom, M. (2008). Post-conflict risks. *Journal of Peace Research*, 45(4), 461-478.

- Cox, M. (2001). State building and post-conflict reconstruction: lessons from Bosnia. *Geneva: Centre for Applied Studies in International Negotiations*. 3-28
- Coyne, C. J. (2005). The institutional prerequisites for post-conflict reconstruction. *The Review of Austrian Economics*, 18(3-4), 325-342.
- Crouch, J., & Njagi, S. (2017). Electoral Crossroads: Dilemmas of future democratisation in Somalia (pp. 1-36, Rep.). London, UK: Saferworld. Retrieved from <https://www.saferworld.org.uk/resources/publications/1126-electoral-crossroads-dilemmas-of-future-democratisation-in-somalia>.
- Davidson, B. (1975). Somalia: towards socialism. *Race & Class*, 17(1), 19-37.
- Diamond, L. (2006). Promoting democracy in post-conflict and failed states. *Taiwan Journal of Democracy*, 2(2), 93-116.
- Elmi, A. A., & Barise, A. (2006). The Somali conflict: root causes, obstacles, and peace-building strategies: feature. *African Security Review*, 15(1), 32-54.
- Elmi, A. A. (2010). Understanding the Somalia conflagration: Identity, political Islam and peacebuilding.
- Englebert, P., & Tull, D. M. (2008). Postconflict reconstruction in Africa: Flawed ideas about failed states. *International security*, 32(4), 106-139.
- Gerring, J. (2004). What is a case study and what is it good for?. *American political science review*, 98(2), 341-354.
- Gros, J. (1996). Towards a Taxonomy of Failed States in the New World Order: Decaying Somalia, Liberia, Rwanda and Haiti. *Third World Quarterly*, 17(3), 455-471. Retrieved from <http://www.jstor.org/stable/3993200>
- Gundel, J. (2009). Clans in Somalia. *Austrian Red Cross, Vienna*. Available at:

- http://www.ecoi.net/file_upload/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf [Accessed 18 October 2012].
- Guttal, S. (2005). The politics of post-war/post-conflict reconstruction. *Development*, 48(3), 73-81
- Hartzell, C., & Hoddie, M. (2003). Institutionalizing peace: power sharing and post-civil war conflict management. *American Journal of Political Science*, 47(2), 318-332.
- Hess, R. L. (1964). The 'mad Mullah' and northern Somalia. *The Journal of african history*, 5(3), 415-433.
- Hellsten, S. K. (2006). Ethics, Rhetoric, and Politics of Post-Conflict Reconstruction: How Can the Concept of Social Contract Help Us in Understanding How to Make Peace Work? *Making Peace Work*, 1-28. doi:10.1057/9780230595194_5
- Ingiriis, M. H. (2016). How Somalia works: mimicry and the making of Mohamed Siad Barre's regime in Mogadishu. *Africa Today*, 63(1), 56-82.
- Krause, K., & Jütersonke, O. (2005). Peace, security and development in post-conflict environments. *Security dialogue*, 36(4), 447-462.
- Kusow, A. M., & Eno, M. A. (2015). Formula Narratives and the Making of Social Stratification and Inequality. *Sociology of Race and Ethnicity*, 1(3), 409-423.
- Leonard, D. K., & Samantar, M. S. (2011). What does the Somali experience teach us about the social contract and the state?. *Development and Change*, 42(2), 559-584.
- Lewis, I. M. (1972). The politics of the 1969 Somali coup. *The Journal of modern African studies*, 10(3), 383-408.
- Lewis, I. M. (1988). *A modern history of the Somali: Nation and state in the Horn of Africa*. Boulder & London: Westview Press.

- Lewis, I. M. (1993). *Understanding Somalia: Guide to culture, history and social institutions*. Haan Pub.
- Loubser, H. M., & Solomon, H. (2014). Responding to state failure in Somalia. *Africa Review*, 6(1), 1-17.
- Lundy, P., & McGovern, M. (2008). Whose justice? Rethinking transitional justice from the bottom up. *Journal of Law and Society*, 35(2), 265-292.
- Luling, V. (1997). Come back Somalia? Questioning a collapsed state. *Third World Quarterly*, 18(2), 287-302.
- Mansur, A. O. (1995). Contrary to a nation: The cancer of the Somali state. *The invention of Somalia*, 107-116.
- Mehler, A. (2009). Peace and power sharing in Africa: a not so obvious relationship. *African Affairs*, 108(432), 453-473.
- Mohamed, J. (2007). Kinship and contract in Somali politics. *Africa*, 77(2), 226-249.
- Menkhaus, K. (2007). Governance without government in Somalia: spoilers, state building, and the politics of coping. *International security*, 31(3), 74-106.
- Menkhaus, K. (2007). The crisis in Somalia: Tragedy in five acts. *African Affairs*, 106(424), 357-390.
- Menkhaus, K. (2010). Stabilisation and humanitarian access in a collapsed state: the Somali case. *Disasters*, 34(s3).
- Menkhaus, K. (2014). State failure, state-building, and prospects for a “functional failed State” in Somalia. *The Annals of the American Academy of Political and Social Science*, 656(1), 154-172.
- Monk, D. B., & Mundy, J. (2014). *The post-conflict environment: Investigation and*

- critique*. Ann Arbor, Michigan: The University of Michigan Press.
doi:10.3998/mpub.5960287
- Morgan, E. (2005). Peacebuilding and human security: a constructivist perspective. *International Journal of Peace Studies*, 69-86.
- Mukhtar, M. H. (1989). The Emergence and Role of Political Parties in the Inter-River Region of Somalia From 1947-1960. *Ufahamu: A Journal of African Studies*, 17(2).
- Mukhtar, M. H. (1995). Islam in Somali history: Fact and fiction. *The invention of Somalia*, 1-27
- Mukhtar, M. H. (1996). The plight of the Agro-pastoral society of Somalia. *Review of African Political Economy*, 23(70), 543-553.
- Mukhtar, M. H. (2003). *Historical dictionary of Somalia* (Vol. 87). Scarecrow Press.
- Musau, S. (2013). Clans' and clannism's control over weak political institutions. *International Training Programme for Conflict Management*, 2239-7949, 13-18
- Newman, E. (2009). Failed states and international order: constructing a post-Westphalian world. *Contemporary security policy*, 30(3), 421-443.
- Njoku, R. C. (2013). *The history of Somalia*. ABC-CLIO.
- Odowa, A. M. (2013). What can current leaders in Somalia learn from their past history? *International Training Programme for Conflict Management*, 2239-7949, 19-24
- Paffenholz, T., & Spurk, C. (2006). Civil society, civic engagement, and peacebuilding. *Social Development Papers: Conflict Prevention and Reconstruction*, 36, 10-55.
- Papagianni, K. (2007). Power-sharing: A conflict resolution tool. *Africa Mediators'*

- Retreat*, 23-33.
- Paris, R. (2004). *At war's end: Building peace after civil conflict*. Cambridge: Cambridge University Press.
- Parver, C., & Wolf, R. (2008). Civil Society's Involvement in Post-Conflict Peacebuilding. *Int'l J. Legal Info.*, 36, 51.
- Powell, B., Ford, R., & Nowrasteh, A. (2008). Somalia after state collapse: Chaos or improvement?. *Journal of Economic Behavior & Organization*, 67(3-4), 657-670.
- Prunier, G. (1996). Somalia: civil war, intervention and withdrawal (1990–1995), *Refugee Survey Quarterly*, 15(1), 35-85.
- Reitano, T., & Shaw, M. (2013). Briefing: Peace, politics and petroleum in Somalia. *African Affairs*, 112(449), 666-675.
- Rosiny, S. (2015). A quarter century of 'transitory power-sharing'. Lebanon's unfulfilled Ta'if Agreement of 1989 revisited. *Civil Wars*, 17(4), 485-502.
- Sage, A. L. (2002). Somalia: Sovereign disguise for a Mogadishu Mafia. *Review of African Political Economy*, 29(91), 132-138. doi:10.1080/03056240208704593
- Samatar, A., & Samatar, A. I. (1987). The material roots of the suspended African state: Arguments from Somalia. *The Journal of Modern African Studies*, 25(4), 669-690.
- Samatar, A. I. (1992). Destruction of state and society in Somalia: beyond the tribal convention. *The Journal of Modern African Studies*, 30(4), 625-641.
- Samatar, A. I. (1997). Leadership and ethnicity in the making of African state models: Botswana versus Somalia. *Third World Quarterly*, 18(4), 687-708.
- Sheikh-Abdi, A. (1977). Somali nationalism: Its origins and future. *The Journal of*

- Modern African Studies*, 15(4), 657-665.
- Sheikh, A., & Houreld, K. (2017). Somali lawmakers seek to impeach president amid political crisis. Retrieved from <https://www.reuters.com>
- Spears, I. S. (2002). Africa: the limits of power-sharing. *Journal of Democracy*, 13(3), 123-136.
- Spears, I. S. (2000). Understanding inclusive peace agreements in Africa: the problems of sharing power. *Third World Quarterly*, 21(1), 105-118.
- Talentino, A. (2006). One Step Forward, One Step Back?: The Development of Peace-building as Concept and Strategy. *Journal of Conflict Studies*, 24(2). Retrieved from <https://journals.lib.unb.ca/index.php/JCS/article/view/207/364>
- Tawane , A. A. AMISOM Is Leaving. What That Means for Somalia. *International Policy Digest*, 23 Nov. 2017, intpolicydigest.org/2017/11/20/amisom-is-leaving-what-that-means-for-somalia/.
- Thiessen, B. (2015). Conceptualizing the ‘Failed State’: The Construction of the Failed State Discourse. *USURJ: University of Saskatchewan Undergraduate Research Journal*, 1(2).
- The Federal Republic of Somalia: Provisional Constitution [Somalia]. (2012). available at: <http://www.refworld.org/docid/51b6d0c94.html>
- The World Factbook: SOMALIA. (2018). Retrieved from <https://www.cia.gov/library/Publications/the-world-factbook/geos/so.html>
- Tripodi, P. (1999). *The colonial legacy in Somalia: Rome and Mogadishu: from colonial administration to Operation Restore Hope*. Springer.
- Tripodi, P. (1999). Back to the Horn: Italian administration and Somalia's troubled independence. *The international journal of African historical studies*, 32(2/3),

359-380.

Tulumello, A. (1993). Rethinking Somalia's "Clanism". *Harvard Human Rights*

Journal,6(J), 230th ser., 230-234.

Ware, G. (1965). Somalia: From Trust Territory to Nation, 1950-1960. *Phylon*

(1960), 26(2), 173-185.

Weiss, K. G. (1980). *The Soviet involvement in the Ogaden war* (No. CNA-PP-269).

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