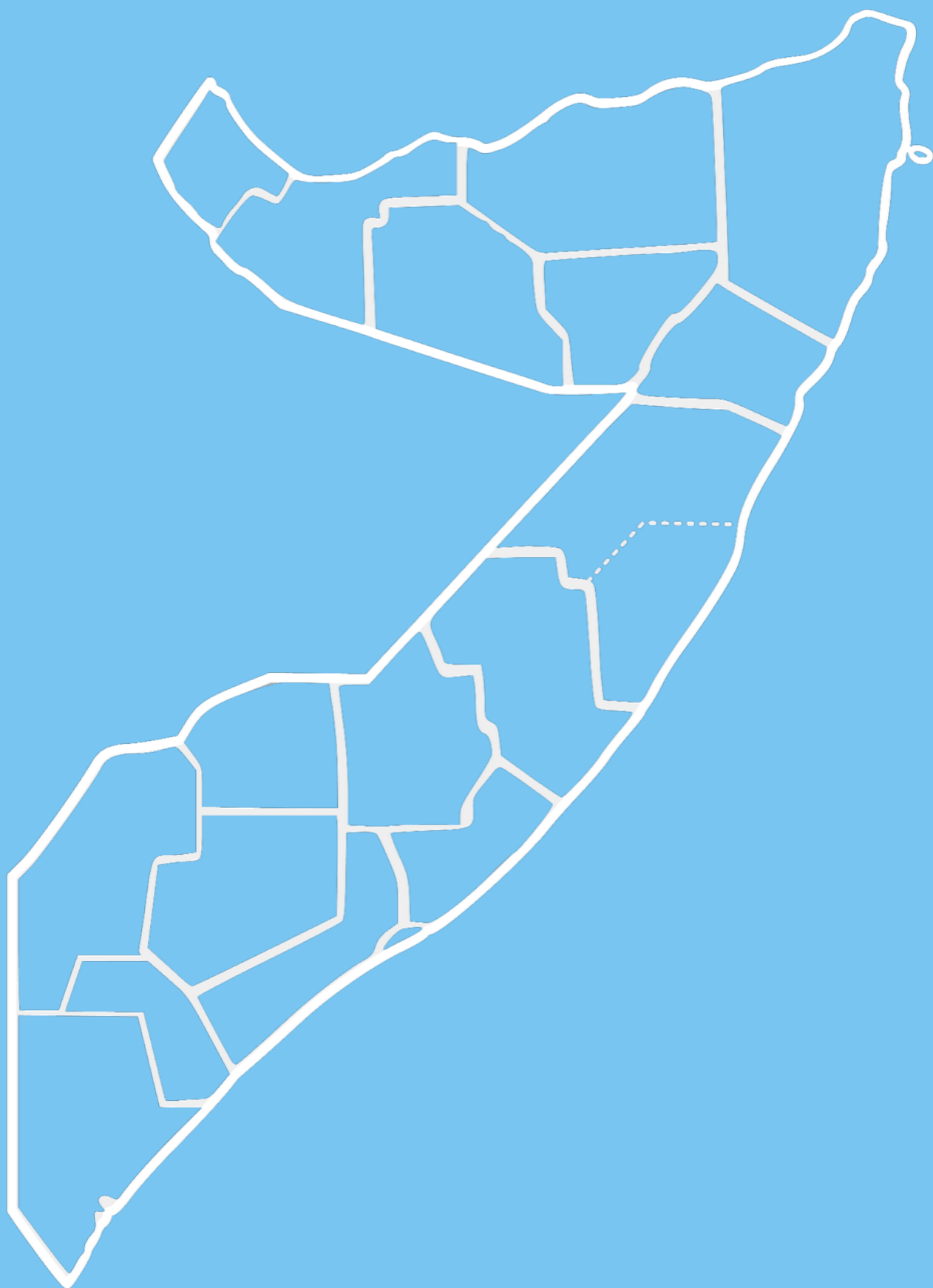


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Decentralization Options for Somalia

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Introduction

The issue of decentralization has been hotly debated in Somalia for the past decade. Following the collapse of the military dictatorship in 1991, few Somalis openly advocate for the return to a centralized authoritarian state that monopolizes power in Mogadishu. For many Somalis, some form of decentralization is necessary. However, the most suitable model of decentralization for Somalia remains a matter of contention.

The Provisional Constitution of Somalia is clear on the issue, prescribing federalism as the most appropriate system of governance for the country. It stipulates, "Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people and a multiparty system and social justice". Federal member states, according to the Provisional Constitution, must be formed of two or more of the 18 administrative regions "as they existed before 1991". With slow progress on the implementation of federalism, however, the debate continues.

Somalia's political class appears to lack consensus and a comprehensive understanding of the concepts of 'federalism' and 'decentralization'. Federalism is commonly understood to represent the only alternative to unitarism. Interestingly, many Somalis, following past experience, broadly associate the unitary state system with authoritarianism. There is little acknowledgement of alternative models of decentralization, including those within a unitary framework.

The objective of this report is to enrich the public debate on these complex issues. Greater understanding of the current debate and the options for a decentralized governance structure in Somalia could support the current process towards inclusive and legitimate politics in Somalia.

The report explores four governance models: Confederalism, Federalism, Consociationalism, and Devolution. It also examines the contending narratives behind centrifugal forces – forces pulling away from the center.

Research Methods

In collecting data for this report, we have combined

select-elite interviews and focus group feedback with textual analysis of constitutions and speeches of leaders, and extensive library and media research over six months. Somali and non-Somali experts have debated the suitable governance model for the country for many years. Various media outlets carry these discussions on a regular basis. We have used speeches of regional and national leaders, debates between intellectuals and politicians, and opinion and research articles written on the issue. In addition, we have interviewed various Somali politicians and/or intellectuals who are associated with the decentralization debate. Most of these are actively involved in the effort to establish regional administrations in Somalia.

Drivers of Decentralization in Somalia

What follows is intended to provide historical context to the current emphasis on decentralization, focusing first on domestic drivers, and then on the influence of external actors.

Domestic Drivers

Possibly the most important driver of decentralization is a prevailing lack of trust in and among the Somali political elite. In the first decade of the independent Somali state, politics was centered in Mogadishu. Although the country was democratic, many communities outside of Mogadishu were marginalized. In 1969, the military seized power. In response to growing repression, opposition groups were formed in order to depose President Mohamed Siyad Barre.

Rebel groups, formed along clan lines, finally managed to oust Barre in 1991 before turning against one another in a bid to dominate Mogadishu politics and, subsequently, the State. The emergence of war-lord politics resulted in a civilian exodus from major cities as various factions tried to assert the dominance of their sub-clans. Atrocities committed against civilian populations reinforced mistrust between clans and sub-clans. Fear and distrust of another strong central authoritarian government dominated by one clan family is largely based on this historical experience.

Second, decentralization is widely considered to offer Somalis greater participation and representation in

government. Previous governments appointed governors to each region, and mayors and police commissioners to each city. There is strong demand for democratic participation – people want to elect their local, regional, and national leaders. Greater local democratic participation will act, it is commonly held, as a safeguard against under-representation in national politics. Aspiring politicians have proven apt at exploiting the common desire for greater local participation and representation by conceptualizing clan-based fiefdoms before declaring themselves president.

Third, historically Somalis have been forced to travel to Mogadishu to acquire a passport or other vital services. The desire for greater access to government services is often cited in the argument for greater decentralization in Somalia - Somali citizens should not be required to travel long distances to gain access to basic services that could be offered locally. Attempts to limit access to basic services are commonly viewed as further evidence of central government's desire to consolidate control over the country.

Finally, periphery regions have legitimate grievances against Mogadishu. Somali governments have consistently prioritized the development of Mogadishu, and neglected much of the rest of the country. This remains an important issue for many Somalis. Somalia is, potentially, rich in unexploited resources. Its coastline, the longest on the African continent, offers excellent marine resource potential. The northern coastline, with natural deep-water ports, faces one of the world's busiest shipping lanes. Fertile soils in southern Somalia offer strong agricultural potential. The livestock sector, supporting the livelihoods of more than 65 per cent of the population, already accounts for the majority of Somalia's export earnings though still holds strong potential for growth.

Equitable sharing of resource wealth is important in the on-going decentralization debate. If oil of commercial quantity is discovered, it is likely to compound regional competition for resources. This will have a profound impact on both demands for greater local autonomy and efforts to maintain centralized government.

Effective decentralization of authority, in which communities are freely able to elect both local and national representatives, may offer a viable solution to widespread mistrust of central government, and address demands for greater participation and representation in politics and access to government services. Equitable sharing of resource wealth within the Somali society and between central government and decentralized units would ensure future benefits of economic development are not limited to the capital.

External Drivers

Besides domestic drivers, external stakeholders (neighboring countries and the donor community) have had an influence on the model of governance suitable for Somalia.

Neighboring countries, particularly Ethiopia and Kenya, have not shied away from engagement in Somalia's national and subnational politics. Following independence in 1960, Somalia's leadership pursued aspirations for a Greater Somalia - what Kenya and Ethiopia referred to as 'irredentism' – seeking to unite all ethnic Somalis under one nation state. Both countries remain nervous about the re-emergence of the desire of greater Somalia.

Ethiopia has a long history of intervention in Somalia. Ethiopia's troops have entered Somalia on numerous occasions since the collapse of the Somali state in 1991. It has openly supported various factions in Somalia during the last two decades. In 2006, Ethiopia invaded Somalia with backing from the United States to crush the Islamic Courts Union (ICU), the first administration to offer a degree of stability in Mogadishu since the collapse of the state in 1991.

The fall of the ICU resulted, directly or indirectly, in the rapid rise of extremism. Al-Shabaab quickly seized large swathes of south-central Somalia. Until formally joining AMISOM in January 2014, Ethiopia's troops have remained in the country since defeating the ICU in 2007. Recently, Ethiopia facilitated dialogue between the Interim Jubba Administration and the FGS, and has offered to mediate between Puntland and the FGS. It appears that Ethiopia would prefer to engage with several weaker stakeholders in Somalia

than a single, strong, centralized government.

Kenya is a relative newcomer to Somalia sending troops across the border for the first time in October 2011. The Kenyan Defence Force (KDF) helped to remove al-Shabaab from several cities of the Jubba regions, including the port city of Kismayo. KDF troops were officially integrated into the African Union Mission in Somalia (AMISOM) peacekeeping force in February 2012 but have continued to pursue their own agenda in the region at times acting in violation of their adopted mandate. Kenya has openly admitted to supporting the creation of a buffer-state in southern Somalia to protect its interests, and has arguably undermined the federal government by actively supporting the establishment of a sub-national administration in the Jubba regions against its will.

The donor community has also demonstrated preference to a decentralized system of governance in Somalia. Many donors have, over the past decade, openly worked with subnational entities. The U.S. government formalized this approach in what it called the 'Dual Track Policy' in Somalia. Given the incapacity of Mogadishu-based governments to extend authority far beyond the capital and other major cities, the approach to working with non-central-state actors in Somalia can be explained in practical, as opposed to ideological, terms. By working with subnational actors, donors have gained significantly greater access to parts of Somalia not under the authority of the FGS. Still, and for better or worse, by working with regional administrations by-passing the government in Mogadishu donors have arguably legitimized the authority of subnational actors at the expense of the FGS.

Decentralization is increasingly included among measures designed to promote 'good governance' by the international community. According to Lidia Cabral, "the international community, driven by empowerment and efficiency narratives, has been an important driving force pushing for decentralization reforms" (Cabral, 2011). Peacebuilding and Statebuilding Goal (PSG) One of the New Deal Compact for Somalia, 'Inclusive Politics', emphasizes the importance of dialogue with subnational

administrations and federal states "to address critical issues: fiscal federalism and natural resource management; the role, functions and scope of various administrations (political decentralization); and structure, mandate and deployment of various parts of the security sector".

Decentralization of authority in Somalia has been encouraged from beyond its borders, by neighboring countries pursuing domestic agendas, and the donor community seeking practical measures to gain greater access to the country and, separately, through promotion of 'good governance' agendas. While the 'good governance' agenda largely corresponds with some of the domestic drivers for decentralization, the promotion of existing or emerging subnational entities, suiting practical or domestic purposes, threatens to complicate the process.

Options for Decentralization:

Literature on Governance Models

Many countries have experienced civil wars since the end of the Cold War in 1990. Most ended either through a military victory for one group (e.g. Rwanda, Uganda, and Ethiopia) or through a negotiated settlement (e.g. South Africa and Mozambique). Regardless of the way civil wars ended, leaders have faced the difficult tasks of designing suitable institutions that would regulate political, economic, and cultural conflicts within their societies. Somalia is no exception.

A team led by Ioan Lewis and James Mayall published *A Study of Decentralised Political Structures for Somalia: A Menu of Options* in 1995. The study briefly explained the four mechanisms that political scientists often propose when designing governance institutions for divided societies: Confederalism, federalism, consociationalism, and decentralized unitarism. In the following section, the report briefly revisits the main features of these four models and presents the arguments of Somali and non-Somali scholars prescribing them

Confederalism

Confederalism is loosely defined as a 'union of states'. Independent States 'confederate' to establish common

and complimentary policies (Elazar, 1991; Lister, 1996; Golove, 2003). The European Union is often provided as an example of a confederation. Constituent states retain sovereignty—thus making it a weaker union than that of a federation—but are obliged, by terms of the confederation, to adhere to particular policies on, for example, trade, fiscal policy, immigration, defence, and justice. Member states are also able to veto or 'opt-out' of policies that are considered harmful to their interests (Golove, 2003).

Hussein Adam, writing in 1994 in the edited volume *Conflict and Peace in the Horn of Africa: Federalism and its Alternatives*, identifies confederalism as a possible path to maintaining ties between Somaliland and Somalia. "It is likely," Adam writes, "that internal and international circumstances may oblige the Republic of Somaliland, in time, to reconsider full independence and opt for some link with Mogadishu in a confederal state" (1994).

Lewis and Mayall also considered the confederation system to be a potentially viable model explaining:

European experience here may have potential relevance for Somalis: one of the motives inspiring European union was to prevent a repetition of the two European wars that also engulfed the world in conflict earlier this century. At some point in the future, and in conformity with traditional political values, it would be possible for the different Somali regions or states to create common institutions and policies. Somalis could then work together in central agencies, with representation from each state or region protected by the sovereign status of each region and by the right to veto, or opt-out of unwelcome proposals (Lewis and Mayall, 1995).

Richard Dowden, in an article written for the African Arguments blog, agrees with Lewis and Mayall. Using the Swiss confederation as a model for Somalia, he argues that there are potential benefits of the opt-out clause:

The way people live and are governed [in Switzerland] is decided locally. The Swiss confederation means that cantons [sub-divisions of the country] have joined the state willingly and can leave if they want to... Allow the government in Mogadishu to run the city and port, perhaps the Benadir region, but no further. Negotiations should then take place region by region about the relationship between them and the capital, leaving power in local—not

national—hands (Dowden, 2011).

Roland Marchal and Ken Menkhaus, responding to Dowden's article, disagree. Marchal identifies the growth of Islamism in the 1990s and early 2000s as, in part, "a nationalistic reaction to what many Somalis interpreted as a balkanization of Somalia... On [sic] should stop identifying [the] State-building process with a UNDP/NGO project," Marchal continues, "and see it as it is: messy, contradictory, often coercive and bloody, and much longer than a diplomatic assignment or a UN contract," (Marchal, 2011).

Menkhaus' response, meanwhile, is more concerned about the inevitable rise of ethno-states in a federal or confederal Somalia. Pointing to Somaliland and Puntland as examples of future confederal states, Menkhaus claims, "they have defined citizenship in their territory in exclusivist clan terms, treating other clans as at best "guests" (galti) and worst as illegal immigrants," (Menkhaus, 2011). Minority groups risk further marginalization in clan dominated confederal ethno-states as centralist political tendencies are re-enacted on a smaller scale.

Viable recent examples of confederalism, as a solution to conflict, do not exist. The Senegambia Confederation, established in 1982 between two previously independent states and dissolved in 1989, failed to bring the countries closer to one another as the Gambian government resisted what it perceived as Senegalese domination. On the African continent newly established independent states—Eritrea and South Sudan—have poor relations with their former capitals.

Federalism

Ronald L. Watts, in *Comparing Federal Systems in the 1990s*, defined federalism as the "combination of shared-rule and regional self-rule within a single political system so that neither is subordinate to another." (Watts, 1996). In a federal arrangement, sovereignty is divided between national and sub-national governments along territorial lines (Wheare, 1964; Watts, 1996). Peter H. Schuk identifies four distinct paths to federalism: 1) pre-existing regions or colonies unite to form one federal states (e.g. the

United States); 2) a colonialist or imperial force imposes a federal arrangement on a given nation-state (e.g. the United Kingdom imposing federalism on Australia); 3) a federal state is created through military conquest (e.g. Germany following World War II); and 4) an existing nation-state decides to establish a federal system to accommodate different groups within that state (e.g. South Africa and Belgium) (Schuk, 2006).

According to its proponents, federalism provides each member state with stronger defence against external threats, and boosts each member state's economies through an expanded trading zone and labor pool. Citizens of federal states are given greater opportunity to participate in political developments through the election of multiple layers of authorities. Minority communities, when concentrated in particular locations in the country, can, in theory, govern themselves in cultural and linguistic areas that separate them from the majority without fear of domination (Schuk, 2006).

In Somalia, as Mohamed H. Mukhtar noted, the Hizbia Dastur Mustaqil al-Somalia (HDMS) political party, representing the historically marginalized Digil and Mirifle clan families, was the first party to propose a federal structure for Somalia prior to independence in 1960 (Mukhtar, 1989). The proposal did not gain traction at the time with most of the political elite favoring the unitary model.

Globally, of 202 recognized independent states in the world, just 25 have adopted federalism, though, according to the Forum of Federations, these states account for more than 40 per cent of the world's population (Forum of Federations, n. d.). Federal states often feature large populations. Each of the three existing federal states on the African continent—Nigeria, Ethiopia, and South Africa—are among the five most populous countries on the continent. Somalia's total population—approximately 10 million—is smaller than the population of some federal members states in Nigeria, Ethiopia, and South Africa.

Lewis and Mayall suggest that federalism may provide an effective compromise between groups seeking a centralized system of governance and those seeking a decentralized system of governance (Lewis and Mayall, 1995). In such a system, a central, federal government

of Somalia will continue to exist alongside regional governments. The United Arab Emirates (UAE), they claim, may provide a useful model for Somalia.

Veteran Somalia observer Mohamed Abshir Waldo, likewise, sees federalism as a viable solution to the political crisis in Somalia. While explaining the creation of Puntland, he states:

The verdict of the federalism choice was based on three considerations: 1) that this system of zonal self-governing was the best approach that Somali communities could, under the circumstances, heal and overcome the fear, hatred and distrust of the bloody civil war; 2) that it offered a middle solution between an autocratic, centralized system of governance and outright secession; and 3) that decentralization empowered district and regional communities and offered more balanced and more productive socio-economic development opportunities (Waldo, 2010).

The Somali scholar, Ali A. Hersi, however, writing in 2004 highlights several reasons federalism is not a viable option for Somalia:

...Somalia is not a multicultural country with critical cultural and religious antagonisms and is not home to mutually exclusive ethnic or racial groups that earnestly desire to be separate from each other and would, therefore, require constitutional guarantees for their continued existence in separation in a secure multicultural political environment. . . There is hardly any part of this country that can stand by itself as a viable federal unit. Most likely, the only thing that will result from the plan to make Somalia federal is the break up the country into several clan-based, exclusive [sic] and economically non-viable units, and the creation of these clan enclaves will in all likelihood only exacerbate the clan hostilities that the civil war has generated. With the creation of these clan cantonements the trend towards national integration will be reversed and clan identities will begin to cast a menacing shadow over Somali ethnic identity, which under the circumstances is bound soon be gone with the wind. Federalism, therefore, is not the right choice for Somalia (Hersi, 2004).

According to the previous Transitional Charter and the current Provisional Constitution, Somalia has officially been a federal state since 2004. Transitional governments prior to the current Federal Government of Somalia, involving two presidents (Abdullahi Yusuf Ahmed and Sheikh Sharif Sheikh Ahmed) and five prime ministers (Ali Mohamed Gedi, Nur Hassan

Hussein, Omar Abdirashid Ali Sharmarke, Mohamed Abdullahi Farmajo, and Abdiweli Mohamed Ali-Gas) have, however, all failed to implement it.

Consociationalism

The term 'consociationalism' was popularized by Arend Lijphart. It is commonly understood to refer to non-majoritarian or consensus democracy. Group representation along ethnic, religious, lingual or, in the case of Somalia, clan lines, is guaranteed. Majority domination is averted through power-sharing agreements and the formation of coalitions representing all groups in society are encouraged (Lijphart, 1977; Andeweg, 2000).

Governments adhering to consociationalist principles often provide minority groups with considerable autonomy. Consociationalism departs from other forms of decentralization by ensuring representation along non-territory specific lines. Minority groups are guaranteed representation in government regardless of territorial cohesion.

Somalia has practiced consociationalist politics. The 4.5 (four-point-five) clan-based power-sharing formula resulted from a meeting among factions under the umbrella of the National Salvation Council, also known as the Sodere Group. The formula provides equal political representation to the four clan families in Somalia - the Darood, Digil and Mirifle, Dir and Hawiye - with a number of smaller clans receiving, cumulatively, half representation. The 4.5 system is demonstrated in the House of the People of the Federal Parliament of Somalia in which, of 275 seats, the four major clans are each guaranteed 61 seats, with the remaining 32 seats allocated to 'minority' clans.

The 4.5 system is fiercely defended by the political and intellectual class coming from clans historically marginalized by the previously domineering Darood and Hawiye clans. When former Prime Minister Mohamed Abdullahi Farmajo condemned the use of the 4.5 system in Mogadishu in 2010, he was publicly criticized by Digil and Mirifle parliamentarians. Somali scholars, including Mohamed H. Mukhtar have argued that the 4.5 arrangement was an important development in Somalia, though it should be

considered as a temporary mechanism, with free and fair elections ultimately offering a more sustainable system of governance (Mukhtar, 2007).

Critics of consociationalism and the 4.5 system alike have argued that it reinforces existing divisions in society by institutionalizing them (Eno & Eno, 2009; Samatar, 2007). Further, they argue that representation without cohesion or effective leadership among groups is meaningless. Consociationalism assumes the groups represented have a common agenda with strong leaders able to articulate that agenda. Some rights are thereby awarded to communities rather than individuals.

Others have argued that the 4.5 arrangement is not representative enough, that the formula should be changed from 4.5 to 5 providing 'minority' clans with greater representation in national politics. Cabinet formations under President Hassan Sheikh have been based on the 5, rather than 4.5, distribution model. Somali women, largely excluded from clan-based politics, were also given a 30% quota of parliamentary seats though they only secured 13% of the total MPs.

Both the 4.5 and 5 power-sharing arrangements, arguably, also serves the political elite well, providing them with an excuse not to advance citizenship-based politics. Meritocracy is sacrificed in all government institutions for representation. Further, in practice despite apparent equal representation between the four clan-families, Hawiye and Darood politicians continue to dominate the political landscape in Somalia with each clan assuming either positions of president or prime minister for the past decade.

For the proponents, consociationalist politics have served a positive purpose in Somalia. Further policies to promote greater representation of minority and marginalized groups are widely encouraged. Women and youth groups continue to advocate for greater representation in national politics otherwise dominated by male elders. Proportional representation and positive discrimination for marginalized communities may serve to increase the legitimacy of the current government. Consociationalist policies alone, however, are unlikely to result in significant progress toward democratization and inclusive

citizenship beyond the status quo. A system that subordinates individual citizenship rights to group-based collectivist entitlement is not sustainable as neither clans nor citizens are equal.

Devolution

G. Shabbir Cheema and Dennis A. Rondinelli define decentralization as "transfer of authority, responsibility and resources—through deconcentration, delegation or devolution—from the centre to lower levels of administration" (Cheema and Rondinelli, 2007). Devolution, Rondinelli asserts, is the most "extreme form of decentralization" in which the central government establishes "independent levels and units of government" (Rondinelli, 1980). It also provides them with the authority, responsibility, and resources in order to make decisions and implement them.

The United Kingdom provides the most relevant example of devolution in recent history. The central government in London devolved powers to the Scottish Parliament and assemblies in Wales, and Northern Ireland. Devolution transfers authority to defined entities which, together, are still united under one sovereign central government. Although some negotiations are involved, devolution is a top-down model of decentralization in which central governments delegate authorities to regional administrations or the private sector.

Decentralization is often criticized for establishing multiple interwoven layers of administration (Parker, 1995; Rodden, 2004). In the majority of cases of decentralization, authority is shared, either between the central government and local government, or between multiple layers of local governments. As Jonathan Rodden suggests, "when decentralization amounts to adding layers of government and expanding areas of shared responsibility, it might facilitate blame shifting or credit claiming, thus reducing accountability. Even worse, in countries already suffering from corruption, it might lead to competitive rent-seeking and "overgrazing" of the bribe base" (Rodden, 2004).

Article 86 of the 1960 Somali Constitution, *Administrative Decentralization*, states that,

"[w]henver possible, administrative functions shall be decentralized and performed by the local organs of the State and by public bodies". Writing for Hiil-Qaran Political Party recently, Abdirizak Haji Hussein, former prime minister of Somalia (1964 to 1967), wrote that:

...a decentralized unitary system, with guarantees of regional or local autonomy, would be more, much more, appropriate for the Third Somali Republic. The unitary decentralized system provides not only regional/local capacitation but it's also more pragmatic and cost-effective. Though regional/local autonomy should be constitutionally guaranteed, its implementation should be contingent on each region's demonstrable administrative ability to undertake such duties and responsibilities. Once such capability is verified a transfer of such a mandate should be constitutionally delineated and put into action (Hussein, 2011).

Ali A. Hersi argues that the unitary system in Somalia is often wrongly conflated with military dictatorship. Rejection of over-centralization of the state, he contends, does not necessitate federalism. "[M]any Somalis, who apparently do not have an adequate grasp of what a federal system entails, are using this political concept rather loosely, to simply mean a form of administrative decentralization only" (Hersi, 2004).

Devolution occurs within a unitary state despite featuring decentralization. Sovereignty, ultimately, remains with the central government. The unitary state remains the most common form of governance worldwide with more than 75 per cent states worldwide maintaining unitary systems. The overwhelming majority of democratic states are unitary. The unitary state should, therefore, not be equated with authoritarianism and centralization.

Devolution, in theory, can sometimes provide greater autonomy to sub-units or parallel agencies than federal systems. Scotland, for example, as part of the devolved unitary state of the United Kingdom enjoys considerably greater autonomy from central government than any of the federal member states of Ethiopia.

Conclusion

Few disagree that decentralization of authority is necessary for Somalia to rebuild a government system that is trusted by all Somalis. Consensus on the type of

such decentralization remains elusive. Officially, based on the draft constitution, Somalia is a 'federal state'. This does not, however, mean the debate on this issue is over.

There is no system of governance that can provide a panacea to the overwhelming governance challenges Somalia has faced since the collapse of the state in 1991. Lessons can be learned from other countries emerging from conflict to rebuild government but the Somali context is unique and, ultimately, sustainable solutions to its problems will also be unique. A major challenge is how to balance the contradictory trends within Somali society. Both centrifugal and centripetal tendencies are strongly present in Somalia.

This paper has presented the domestic and external drivers of decentralization. It has also provided a brief overview of four different models of decentralization, each offering varying degrees of autonomy and sovereignty to decentralized units. It has, furthermore, attempted to provide a summary of the advantages and disadvantages associated with each system of governance. A genuine national dialogue on the domestic drivers explained above, with a view to designing a unique system of decentralization for Somalia, is long overdue. This paper hopes to contribute to this debate.

This paper is the first in a series of outputs by the Heritage Institute for Policy Studies on the topic of decentralization. The Institute will engage with various Somali stakeholders and communities across the country with the aim of informing the process further.

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