

Puntland Post Monthly

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JUBALAND ADMINISTRATION'S LEGITIMACY ON TENTERHOOKS

The Federal Government of Somalia last month changed its policy of non-recognition for Jubaland Administration led by Ahmed Mohamed Islam. The new policy grants a two-year tenure for the incumbent administration that claims to have legitimacy bestowed upon it by its parliament whose MPs elected the Jubaland President last year.



Jubaland President (left) might attend summit to be chaired by President Farmajo (right).

Jubaland Administration has rejected the two-year term offer of which one year has elapsed. The International Community has questioned the outcome of the 2019 Jubaland election. The rift between Mogadishu and Kismayo had begun when the Federal Government tried to persuade the Jubaland Government to accept Federal Interior Ministry electoral guidelines. Parallel elections took place in Kismayo, with a reform group electing a rival president against Jubaland President. The political deadlock seemed to have come to an end when a group of politicians from the reform group had signed an agreement with President Ahmed in Nairobi. The agreement had come to be viewed by many as “a deal struck by politicians from the same clan”.

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JUBALAND LEGITIMACY...

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A SOMALILAND PARTY LEADER TO LOSE IMMUNITY

The Somaliland Parliamentary Permanent Committee has stripped Faisal Ali Warabe, the leader of UCID, a Somaliland opposition party, of his immunity from prosecution. The Committee accuses Faisal of violating the Somaliland Constitution. "Having seen the applicability of article 2 and 8 of Somaliland Constitution and articles 2 and 18 of Amendment of Political Parties and Associations; the constitutional dignity and responsibility of the Speaker of Somaliland Parliament; the supremacy of the law; and the statement from Chairman of UCID Party Faisal Ali Warabe that he opposes equality of Somaliland citizens and breached the Somali constitution, the Select Committee accepts that Faisal Ali Warabe is incapable of acting responsibly in national matters and is a threat to the peace and security of people of Somaliland" the statement reads.

The committee resolved "that from today Faisal Ali Warabe will not be regarded as the Chairman of UCID Party and urge Somaliland Government and our partners that support us in the democratic process not to have

links with Faisal as a Chairman of a political party".

The Parliamentary Committee has called for Somaliland Committee for Party Registration to strip Faisal of immunity, and the Attorney General to press charges against UCID Chairman for violating the Somaliland Constitution.

UCID Chairman has used incendiary remarks to accuse people in Sool region for not paying tax, and egged on Somaliland clans in Eastern regions to fight each other over territories. It was not the first time UCID Chairman used words that make his position as a party leader untenable.



Somaliland Parliamentary Permanent Committee accused UCID Chairman of incendiary remarks for which "he will have to lose immunity from prosecution"

UCID Chairman may oppose the decision but charges from Somaliland Attorney General could overwhelm his responses to the decision from Somaliland Parliament and prosecution should the Somaliland judiciary follow the advice of the Somaliland Parliamentary Permanent Committee.



Faisal Ali Warabe has been accused of slander against Somaliland Parliamentary Speaker

UCID is one of the oldest Somaliland political parties. During the 2017 elections the party won less than 5% of votes. Waddani, a political party founded in 2012, won more than 40% of votes. If Faisal resigns or is sent to jail fierce competition on who could succeed him as party chairman will ensue if the party avoids the fate of UDUB, which was dissolved in 2011 following disagreement over party chairmanship.

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THE CASE FOR POSITIVE DISCRIMINATION IN SOMALIA

By Liban Ahmad

This year the 4.5 power-sharing system will turn twenty. Many Somalis hail it as an imperfect but necessary stage in the transition from a fragile state to a country with fully functioning institutions. Without the input of Somalia's neighbours (Djibouti, Kenya and Ethiopia), the Arab League, EU, the African Union and USA, the transition and post-transition political progress would not have materialised.

The political progress will lose its lustre if injustices from the 4.5 system remain unchallenged. Somalia is the only African country in which reconciliation deprived a segment of the citizenry of their political rights. There is a group of Somali clans lumped into "Others" designation to emphasise their lower political status.

The power-sharing mechanism based on clan fiefdoms has created citizens who belong a territory and enjoy all the privileges that come with it, and a group of citizens standing outside what Leenco Lata, the

author of *The Horn of Africa as Common Homeland*, calls "the economic and physical security community" although they are within "the political, cultural and linguistic community" of the Somali nation-state.

When representatives from Somali clans met at Arta for the Djibouti-sponsored reconciliation conference twenty years ago, the principle to relegate a segment of Somali citizens to a lower political status had guided the talks.

The consequences of the power-sharing mechanism that came to be known as 4.5 got starker when Somalia adopted a federal system that paved the way for the creation of four federal member states (Puntland is a pre-federal autonomous administration).

Belonging to a social group with no clan militias was the rationale for imposing a lower political status on Somali minorities. This imposition, institutionalised in 2000, 2004, 2009, 2012 and 2017, may get a new lease of life in 2021. Parts of Somalia once known for diverse communities have become a symbol of political exclusion.

The southern parts of Somalia bore the brunt of the civil war for twelve years after the state collapse in 1991. In agricultural areas once inhabited by unarmed communities, warlords had become

oppressors. The 4.5 power-sharing arrangement serves to emphasise political inequality of Somali minorities as a fact on the ground. How minorities fare in more stable regions is not dissimilar to what minority social groups experience in regions affected by dispossessions and internal displacement.

Lower Shabelle, Middle Shabelle and Lower Jubba are three regions once known for diverse populations. Those regions have been reorganised to accommodate unreasonable demands of the militarily powerful social groups that enjoy substantive political representation compared to nominal political representation that deepens disadvantages of the politically marginalised Somali minorities. Needless to say, sub-national identities based on federal states have partly evolved from the division of Somalis into four major clans with specific territories, and a group of clans without regions as political stronghold.

The first phase of the civil war moved Somali politics to a sphere of identification with a territory of origin. In this violent context of reconfiguring social relations once premised on citizenship, some Somali social groups have had their right to live peacefully in their land of origin disturbed by vocal, militaristic clan identities in post-1990 Somalia.

At the federal level Somali minority clans collectively have the same number of MPs and Senators as any of the four politically powerful clans. However, federal political representation for minorities does not translate into commensurate economic and political rights.

Somalia is planning to conduct elections next year against backdrop of reduced political and economic rights for its citizens. The plight of Somali minorities has serious implications for the administration of justice and the promotion of social cohesion in a country recovering from state collapse.

The transformation of clan fiefdoms into freewheeling political communities claiming ownership of national infrastructures such as seaports poses the threat that Somali clans might enter into agreements with foreign companies or parastatals, oblivious to the attendant risks in a world system based on national sovereignty.

At the Federal Member State level political marginalisation of minorities result from the already built-in bias in the regional and district administrations that favour people from non-minority clans. A positive discrimination policy in a Federal Member State would take the form of

instituting a public sector employment quota for minorities and establishment of an office tasked with protecting the rights of Somali minorities.

To reverse political marginalisation of minorities this essay proposes a positive discrimination policy for members of the alliance of Somali minority clans. The goal is to improve their lot by creating a level playing field and addressing the representation deficit in all national jurisdictions. For the policy to make a difference to lives of target beneficiaries, an independent audit of federal employment opportunities for minorities will have to be conducted. The audit will determine if lack of federal member state ownership precludes minorities from getting their quota of employment in federal institutions.

Somalia should stop turning a blind eye to increasing marginalisation of its citizens who have disproportionately suffered during and after the civil war. Celebrations for the sixtieth anniversary of the Somali Union will ring hollow without commitment to ending political and economic marginalisation of Somali minorities.

Source: Wardheernews

Federal elections and Political consensus building



Somalia's international partners (listed below) followed the address to the House of the People on 27 June by the Chairperson of the National Independent Electoral Commission (NIEC) in which she presented technical options for holding one-person-one-vote elections as close as possible to the constitutionally mandated timeframe. We thank the Chairperson for her presentation to the House of the People.

We emphasise the continued need for Somalis to engage in inclusive dialogue to forge the widest possible agreement on this important topic, and

underscore the importance of a complete and comprehensive dialogue among the FMS and FGS leaders.

We welcome the announcement by President Mohamed Abdullahi Mohamed 'Farmajo' that he will convene a meeting with all Federal Member State leaders from 5 to 8 July and we urge that this meeting be the next step in a broad consultation of key stakeholders.

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We note the Parliament has also been meeting to discuss issues related to the electoral code. We urge that political agreement be fostered ahead of final decisions. We call on all of Somalia's leaders to work to reach agreement urgently on the path to holding national elections and other pressing national priorities.

**African Union Mission in Somalia (AMISOM), Belgium, Denmark, Ethiopia, European Union, Finland, France, Germany, Intergovernmental Authority on Development (IGAD), Ireland, Italy, Japan, Netherlands, Norway, Sweden, Switzerland, Turkey, Uganda, United Kingdom, United States, and United Nations.*

SOURCE: UNSOM

WHEN SOMALIA WAS A PIONEER OF ANTI-FGM CAMPAIGNS

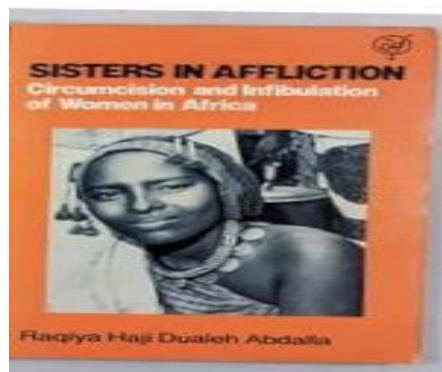
During 1980s Somalia launched a campaign against female genital mutilation. Health hazards of the heinous practice was becoming clear due to medical advances. The practice of FGM dates back to Pharaonic Egypt, one reason why Somalis call it *Gudniinka Fircooniga* (Pharaonic Circumcision). It was not enough to enlist the help of religious leaders and educationists. The campaign required significant involvement of women in the spread of the message against FGM.

Raqiya Haji Duale Abdalla, a former Deputy Minister of Health Minister and co-author of a 1973 book on Somali mothers, wrote *Sisters in Affliction: Circumcision & Infibulation of Women in Africa*, a book that gave Somalia the distinction of being the first country in Africa to ditch insouciance about pain and long-term reproductive health problems inflicted on women in many African countries.

UNICEF commissioned a Somali translation of the book. The late Dr Mohamed Hamud Sheikh translated Raaqiya's book into Somalia (*Walaasha Dhibaataysan*).

Cultural activities formed an important part of the campaign. Songs by Iftin, the Ministry of Education troupe,

helped raise citizens' understanding about a practice that had been promoted as an element of female chastity. In present-day Somalia female genital mutilation is a less discussed topic. There is not a solid evidence that the FGM is more widely practised in Somalia now than before 1991. There is a risk that lack of government attention to FGM can desensitise people to its health hazards.



Raqiya's book galvanized anti-FGM campaigners

Authorities pay scant attention to health awareness about FGM in Somalia. The fight against FGM in a country such as Somalia should not be confined to annual celebration of Women's Day. A robust health policy towards fighting FGM and enforcing existing laws against it can become a bulwark against it. Somalia once was a country known for its anti-FGM campaigns. It is time to revive the fight against FGM in Somalia.

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THE BANADIRI COMMUNITY DEMANDS FAIR REPRESENTATION IN THE UPPER HOUSE

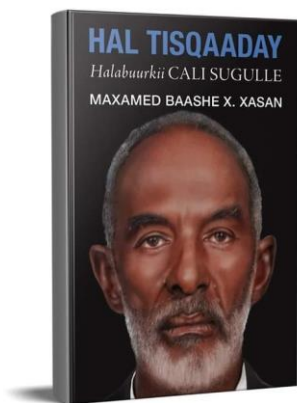
In a meeting held in Mogadishu Banadiri political leaders have urged the Federal Government to have senators in the Upper House. "I thank all those who put effort into seeking a the political representation for Mogadishu, The Banadiri community did have a senator in the Upper House. Now that Mogadishu will have 13 senators we ask for more senators to represent the Banadiri community since we are people who belong to the Banadir region." Said Nuh Ahmed Omar, a Banadiri politician. Another Banadiri politician at the meeting made a distinction between "to be born in Mogadishu and to belong in Mogadishu." "People in Mogadishu are divided into reer Xamar and Mogadishawi. Reer Xamar was born in and belong to Mogadishu but not everyone who was born in Mogadishu belongs to Mogadishu. One must have a link with Mogadishu dating back to seven generations" said a Banadiri community activist at the meeting.

Banadir community is a part of the Fifth Clan alliance made of clans deemed to be minorities according to the 4.5 power-sharing arrangement. Banadiri community lacks representation in South West State under whose jurisdiction Marka and Barawe districts come under, two distinctively Banadir districts. "Belonging to the Fifth clan in political disadvantage because you will have no little or no political representation in areas where your people predominantly live" says Muridi Hassan, a Banadiri activist. "What is important to know is that the Banadiri community can address their representation rights through the Fifth Clan alliance. The born-in and belong-to criteria diminish the cause of the Fifth Clan whose members face political discrimination based on belonging to a federal member state. The criteria benefits the other four Somalia clans who put themselves above us politically" says Saleh Afrah, a Fifth Clan community organiser.

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MOHAMMED BASHE HAJI HASSAN: AN AUTHOR WHO REVITALISED THE SOMALI LANGUAGE

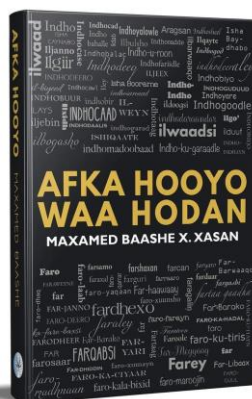
The sudden death of Mohamed Bashe Hassan (1963-2020) left a vacuum in the promotion of Somali language and literature. Born in 1963 at Maygaagle village in Togdheer, Mohammed Bashe was enrolled at a Koranic school before his family moved to Hargeisa where he started his primary schooling at Biyodha'ay Primary School and Farah Omaar Secondary School, both in Hargeisa.



Early eighties before he turned twenty he joined

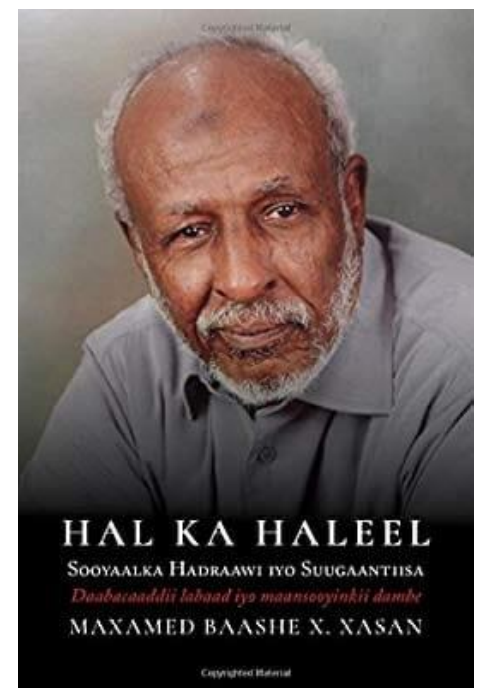
Somali National Movement, an armed opposition front against the former military regime. His budding journalistic talent landed him a job with *Halgan*, a Somali language radio for Somali opposition forces, then based in Addis Ababa.

In 1987 Bashe was awarded a scholarship to study journalism at Charles University in Prague. In 1992 he graduated with a Masters in Journalism and Mass Communication.



Mid 1990s Mohammed settled in London where, in 1999, he had become a well-regarded columnist for the Hargeisa-based *Jamhuriya*, the first Somali language to launch a weekly edition in

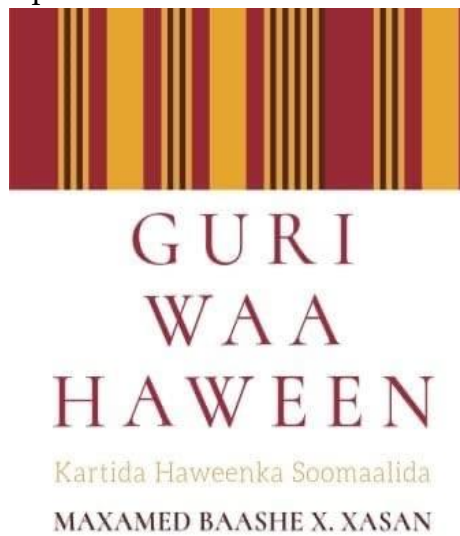
Western Europe. His columns touched on current political issues and were fun to read not only for salience of issues but also for Bashe's flair for using Somali language for political commentary or literary criticism.



Bashe was a Somali language wordsmith who graduated from writing columns to writing books and presenting TV programmes. Early 2000s Bashe wrote his first book, *Hal Ka Haleel*, a critical study of the literary works of the Somali poet and

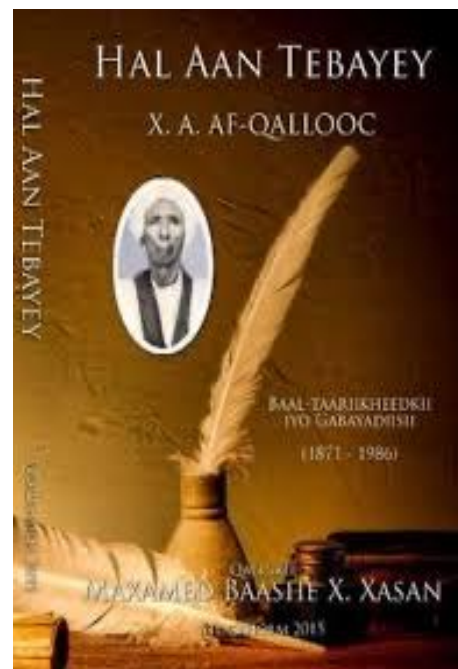
playright Mohamed Ibrahim Warsame (aka Hadrawi). The book paved the way for the other works by different writers who had written critical works on poets. More importantly, Bashe blazed the trail in Somali diaspora publishing when publishers and distributors of Somali language books were non-existent.

isputed



Mohamed ventured into business but had not lost sight of his obligation to promote the Somali language publishing. He wrote four other book that

constitute a remarkable oeuvre that generations of Somalis will read with interest. *Guri Waa Haween* (Home means Women) on the central role of women in the Somalia society; *Hal Aan Tabayay* (One I Have been missing), an anthology and commentary on the poems of the late Haji Adan Afqallo'; *Hal Tisqaaday* (Poetry that has caught on) on the poetry and plays of the Ali Sugulle, and *Afka Hooyo Waa Hodan: Hodantinimada af Soomaaliga* (Somali Language is Rich).



The legacy of Mohammed Bashe Hassan will continue

to inspire Somali writers whose work sustains the vitality of the Somali language at a time the Somali nation is still grappling with the effects of state collapse and its impact on all aspects of the Somali culture.

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SOMALIA-SOMALILAND TALKS LEAVE DISPUTED TERRITORIES IN THE LURCH

The new round of Somalia-Somaliland Talks held in Djibouti last week show the remarkable progress made since 2012, when the former President of Somaliland Hon. Ahmed Mohamed Mohamud introduced the policy to talk to Mogadishu about outstanding political issues of which sovereignty of Somalia over Somaliland is the most salient.

What makes the renewed Somalia-Somaliland Talks under the auspices of Djibouti Government more interesting is the political risk President Mohamed Abdullahi Mohamed and President Muse Bihi Abdi have taken to modify their respective positions.

In his speech President Bihi explained the rationale for seeking secession from Somalia thus: "Following the failure of the unity government, Republic of Somaliland exercised its inherent right to self-determination which are consistent with the preamble of UN 1948 Universal Declaration of Human Rights. Somaliland has long argued that Somali Republic was two united countries. The Failure of the unity government provided adequate ground for the restoration of the independence of Somaliland Republic."

This argument based on "government failure" reflects a desire on the part of Somaliland to refine its claim that once emphasised "unilateral secession" and "reassertion of independence". Hargeysa sees parallels between the collapse of the state in Somalia and the break-up of Yugoslavia.

President Bihi thanked the Somali Federal Government "for their sincere apology today for the horrors of yesteryear committed in Somaliland." President Mohamed Abdullahi Mohamed has signaled that Mogadishu will adopt a new approach to Somalia-Somaliland Talks. The Federal Minister for Interior, Abdi Mohamed Sabriye, co-signed preliminary points on which the two technical committees from Mogadishu and Hargeysa agreed.

The focus on a common stand on human development projects and humanitarian assistance leaves Somalis in disputed territories, who bear the brunt of underdevelopment and threat of territorial conflicts, in the lurch. Not only is Somaliland in territorial dispute with Puntland but it also questions the sovereignty claim of Mogadishu over disputed territories. Puntland State has issued a statement to the effect that it will not honour any agreement between Somaliland Government and Somali Federal Government. What is the point of talks without addressing the territorial dispute that render parts of Sool and Sanaag conflict-prone?

There is no a military stand-

off between Somaliland and the Federal Government of Somalia. The possible eruption of territorial conflict between Puntland and Somaliland necessitates inclusion of conflict resolution element in Somalia-Somaliland Talks.

Due to absence of commitment to conflict resolution, notables in disputed territories have genuine concerns to express their dissatisfaction about Somalia-Somaliland Talks that relegate their plight to the level of a non-issue.

This oversight raises questions about how serious Mogadishu and Hargeisa are about talks that leave crucial issues out in favour of goals from which political leaders can reap political capital in the short term. Somalia-Somaliland Talks will turn out to be talking-shop and a waste of time and resources if Mogadishu and Hargeisa put disputed territories on the backburner.

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PUNTLAND MOUNTS A LEGAL CHALLENGE AGAINST FEDERAL LEGISLATURES

Puntland State of Somalia prides itself upon coming up with the federalism project for Somalia. As an idea it sounded appealing compared to the centralist agenda of the first transitional government for Somalia formed in 2000 after the Arta Reconciliation Conference in Djibouti. Puntland facilitated the end of the transition through Garowe I and II conferences that built on the first 2012 Somalia London Conference to enable Somalia to have a permanent government.

To Puntland the end of the transition was a strategy to institutionalise federalism. Eight years after the end of the transition Puntland State has demanded abrogation of electoral and resource-sharing laws passed by bicameral legislatures in Mogadishu. Since 2017 Puntland has lost the privilege to issue fishing licenses for foreign companies. The incumbent Federal Government of Somalia instituted the policy

to render fishing licenses issued by Federal Member States null and void.

The legal challenge that Puntland State mounts against the Federal Parliament and the Upper House is premised on an article Puntland constitution that stipulates “Puntland will have the privileges of an independent state until the Somali draft constitution gets finalised and put to a national referendum.” Puntland has not revised its constitution to avoid an indirect sovereignty claim in a country with a recognised government. In Puntland federalism is still an idea waiting for implementation.



President Deni demands abrogation of laws passed by bicameral legislatures in Mogadishu

The administration is centralised. That means Puntland has not pounced at the opportunity to decentralise certain powers to the regions

and districts. Efforts are under way to conduct pilot local government elections at several districts. More than ten political associations will participate in planned elections. Three political associations will emerge to become political parties twenty two years after the creation of Puntland as an autonomous administration. Puntland lacks clear separation of powers. Its system of government saddles the executive with unaccountable powers. On the sixtieth anniversary of the Somali Union President Said Abdullahi Deni vowed to follow recommendations offered by Puntland Parliament to respond to the rift with the Federal Government. Puntland Parliament is not wholly independent of Puntland Presidency, not an anomaly in Somali politics but a common political aberration delaying the transition to good governance throughout Somalia. Only when Puntland sets a good governance example can its questions about laws passed by federal legislatures make sense.

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