

Federalism In Somalia: Birth of Puntland State and The Lessons Learned

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WHY FEDERALISM?

The idea of Federalism in Somalia was first put forward by the Pro-Italian Hisbiya Digil & Mirifle political party in the 1950s but practically introduced by Puntland State of Somalia, which was established in 1998 as a federal entity of a future united Somalia. The decision to adopt a decentralized system of government – federalism – was not taken lightly or hastily. It was not borne out of emotion, clan sentimentalism or as resentment resulting from the clan-cleansing massacre of thousands of people originating from the current Puntland regions that took place in what is now known as South-Central Somalia (SCS), mainly in Mogadishu.

The people of Puntland reached the decision to establish a pioneering Federal State after months of soul searching deliberations under compelling circumstances, including the collapse of the national government of Dictator Gen. Mohamed Siyad Barre in 1991 and the consequent disintegration of all public institutions. It was also the result of over 7 years of internecine civil war; the displacement of millions of people forced to flee from their ancestral homes in the south; their properties and other possessions seized; the failure of 9 externally sponsored reconciliation meetings plus a dozen local peace initiatives; and the declared secession of a big a chunk of the Somali Republic by Northwestern Regions of Somalia (Somaliland).

Notwithstanding all the bitterness and worries listed above, the people of Puntland (then known as “North-Eastern Region”) offered to host the first formal National Reconciliation Conference inside Somalia in May 1997 as a follow up to the National Reconciliation Conference (NRC) held in SODERE (Ethiopia) during the last months of 1996. The offer to hold the NRC in Bosaso was warmly welcomed by Somalis everywhere and endorsed by the international community. For four months Bosaso was consumed by major preparations – importing a conference tent (later used for the Arta/Djibouti conference in 2000!), hiring a fleet of vehicles, booking all available hotel rooms and decent villas in town, and recruiting hundreds of women and youth for the event – when all of a sudden the southern Somalia warlord “leaders” announced that they would boycott the Bosaso National Reconciliation Conference. As a result of the #

THE PUNTLAND STATE PROCESS

Guided by the fundamental principle in its political conduct—“To pursue a conscious policy of changing the course and orientation of our politics away from a pathological concern with clan hatred and conflict towards genuine commitment to dynamic development and the advancement of fundamental interests of the people, the region and the country” in its political Charter— the Somali Salvation Democratic Front (SSDF), the main political authority of the North-Eastern Regions (NER) at the time, called for an urgent Community Consultative Conference to discuss the critical regional and national issues, including regional security, public institution-building, national reconciliation and consideration of politico-economic decentralization options. The Community Consultative Conference (CCC) was held in Garowe from February 28 to 8th March 1998. The Sool and Sanaag communities with their traditional and political parties – USP and SNDU- joined the process at this stage.

The Consultative Conference

Preparatory/Organizing Committee, of which I was the Chairman, was mandated to propose draft answers to the following Agenda questions:

How longer should we wait for the restoration of a national government after 7 years of ongoing civil strife, breakdown of law and order, disintegration of public institutions and failure of 9 reconciliation conferences?

How to react to the fiasco of the Bosaso Conference boycott, highlighting the depth of fear and distrust among Somalis?

How could the zone organize itself and establish unified working public institutions and remain united with the rest of the nation, which is used to a centralized system of governance?

What would be the most practical system of governance that would heal the scars of the bloody civil war, assure security and restore trust among communities and enable them to determine their internal affairs until such time as national reconciliation is achieved?

Would decentralized system of governance and community empowerment offer regions more productive socio-economic development?

What role could we play to defend national unity and restrain secessionist tendencies?

The CCC considered these Agenda questions, among others, and proposed answers prepared by the Preparatory Committee. Because of the weighty considerations and serious implications of these questions/answers, the CCC decided to hold a Constitutional Conference (CC) for further deliberations and to make final decisions on these crucial issues. The same Preparatory Committee, with me again as the Chairman, was appointed to organize the CCC, prepare Agenda containing the recommendations of

the CCC, to Draft a Charter and to facilitate and coordinate more than 600 delegates to the Constitutional Conference , which was to be held in Garowe within 8 weeks.

The Constitutional Conference was convened in Garowe on May 15, 1998, after nearly 8 weeks of preparation. The composition and the working procedure of numerous delegates were an important innovation on past, post-1991 Somali conferences. Delegates to the Conference were directly elected from their respective villages, districts and regions; ex-officio political and regional administration leaders were part of the delegates elected along with their respective regional representations; and 27 most senior elders, who waived their right to vote so as to remain neutral, were there to chair the conference, resolve disputes, offer advice and witness the process.

There were the principal political leaders, Gen. Mohamed Abshir Musse and Col. Abdullahi Yusuf Ahmed of SSDF, Mohamed Abdi Hashi of USP and Ali Ismail Abdigiir of SNDU but their status inside the Conference Hall was simple delegates sitting with their regional delegations. Thus, there was a democratic, level playing field. The delegates at the Constitutional Conference were provided with the opportunity and power to decide, draft and elect whoever they wanted.

The Constitutional Conference process took two and half months, which was unusually long partly due to regional representation and other local issues but the delay was mainly due to time needed for thorough assessment of the benefits, effectiveness and implications, regionally and nationally, of decisions concerning the adoption of a federal system of governance. Issues concerning the name and borders of the entity, the impact on national reconciliation and unity as well as on regional economic development were deliberated for weeks.

THE CRUCIAL DECISIONS

On the major agenda questions listed above – the upholding of national unity, continued participation of the national reconciliation dialogue and the re-establishment of public institutions – were agreed without much debate. However, the four most critical decisions on which the Constitutional Conference had to make, and their justifications are as follows:

Taking Unilateral Decision to Establish Puntland State of Somalia: It was argued that 7 years of statelessness without a light at the end of the tunnel was long enough to wait for a national solution. It was further believed that the adoption of a self-governing state would not only enhance law and order and development in the zone but also contribute to resolution of the Somali crisis. It was, therefore, decided to establish the Puntland State of Somalia to bring together and locally govern the 5 regions of Bari, Sool, Nugal, Eastern Sanaag and North Mudug as one federal entity of a future united national federal government of Somalia.

Federalism Initiative: 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.

Puntland Boundaries: Both the Charter Drafting Committee and the Conference delegates spent long hours of heated debate on determining the boundaries of the new State of Puntland, of which most of its borders are defined by the Indian Ocean and the Gulf of Aden seas. Although traditional and colonial clan border lines were considered, it finally agreed to respect the rights and views of neighboring communities in the South, Southwest and Northwest borders of the new State. A provision was written in the first Charter recommending consultation with the neighboring communities on demarcation of the boundaries so that mutually satisfactory agreements are reached peacefully.

The Role of the Traditionally Titled Elders in the New State: With the critical role the elders played in Puntland in maintaining peace, unity and institution building and with the precedent of politicizing traditional elders' role in Somaliland by creating an Upper House of Elders (Guurti) there, Puntland elders' political responsibilities and how it should be reflected in the Charter were discussed. The elders were consulted and given the option of becoming politicians and join the political fray and mudslinging, or to remain in their traditional role. They chose to serve their communities as they have always done and declined official political roles. Nevertheless, the elders should have an important place in the Charter/Constitutions of Puntland under provisions of unity, peace-making, conflict resolution and public orientation towards peace and development.

LESSONS LEARNED

It is obvious to Somalis and foreign Somalia observers that the creation of the Puntland self-governing state contributed to the consolidation of peace and stability in the zone; enabled it to re-build the disintegrated public institutions, rehabilitate vital infrastructures and encourage vibrant private sector development.

These are important lessons for anarchic and warring regions of Somalia. I believe it is now recognized that if the South-Central regions had emulated the Puntland pioneering example, the situation there could have been vastly different and that the nation might have been at peace today.

As a choice between unviable Northern secession and 20-year senseless civil war in the South, the Puntland option of federalism is acknowledged to offer the most practical solution to Somalia's intractable political problem, in which Puntland could play a positive role since it has traditionally acted as the bridge linking Northern and Southern Somalia, not only geographically but also culturally – the "interpreter" of the two!

Within Puntland, it is learned that not all the expectations of enjoying the fruits of a democratization process and the development of the economic potential of the region

could be fulfilled within the timeframes set out in the first Charter of Puntland State by the Constitutional Conference. The people of Puntland are still learning that it takes more than wishful-thinking to mobilize the potential of the people and fully exploit the resources of a country, and that it requires qualified and competent leadership to achieve those goals.

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