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The Politics of Clan Hegemonic States in Somalia: A Contestation without Reconciliation

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Abstract:

This article presents the theoretical framework of the federal system of governance in the modern world. It attempts to provide highlights on the factors that contributed the unification of south and west parts of the country and the grievance of westerners in the new republic that degenerated into full-blown armed conflict. It discusses federal states and clan dominance in Somalia where exclusionary system is being created causing discontent from 'marginalized' clans. It also analysis challenges facing all the states in Somalia where different clan compete access to power and resources. This article explains the necessity of social reconciliation model for management of protracted conflict. It argues that the conflict in Somalia requires a new social reconciliation model that is aimed at restoring the broken relationship among different clans while reaching consensus on the future governance of the country. Using values of Somali customary laws, it propose Jilib-Aro restorative model for intractable clan conflict in Somalia.

1. Introduction

Somalia was without effective central government in almost three consecutive decades. The primary cause of Somali conflict remains a bone contention as different scholars and politician view the same through lens. Some of the main factors perpetuating armed conflict in Somalia are poor governance, high illiteracy, clan based power struggle and extreme poverty. Ever since central government collapsed, the inter/intra clan conflicts increased, making Somalia one of the most chaotic, dangerous and ungovernable country in the world. The currently existing power-sharing model better known to as 4.5 (four clans get equal share and amalgamation of minority clans get half what one clan of the four got) in the federal parliament seats and cabinets positions has institutionalized clan based politics. Additionally, the new federal system has further polarized many clans causing recurrence of communal bloody conflicts. The 4.5 and federal structure models of power-sharing were adopted by political elites with the help of the neighbouring countries and international community. Despite elite decisions to share power, the divided Somali clans in south and central are yet discuss about political future of their country.

The clan loyalty at the expense of the state undermined peace and state-building processes as it perpetuated the persistence of intractable clan conflict coupled with dysfunctional public institutions. With the intention of devolving power and resource to communities in the periphery, federal model of governance was also initiated. Ironically federalism has added more fuel to the flame as the model sparked new competition and warfare among different clans and sub-clans and caused insurmountable obstacles to the success of power-sharing and state-building process. Although the different types of federation, the constitution in Somalia is silent model of federalism that country should adopt. Because of this constitutional vacuum, different clans and politicians were pushing their own political agenda with pretext of federating the country. As a result of this wrangling, many scholars and politicians were expressing doubt on the viability of clan based federal system in Somalia. This article analyses the challenges faced by the new federal system of governance in Somalia and the best way meticulously handling the same predicament.

2. Theoretical Framework

According Funk (2010) a federal state can be defined as a polity where at least two levels of government exist and through which are joined elements of both shared-rule and self-rule. Shared-rule refers to the common or central level of government that acts on behalf of the whole federation, while regional levels of government possess a certain amount of self-rule or autonomy over their respective constituent units. William Riker (1964) explained the essential features of a federal government by saying 'a government of the federation and a set of governments rule over the same territory and people and each kind has the authority to make some decisions independently of the other.

Federalism is defined as a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions (William Riker 1975 quoted in Blume and Voigt, 2008).The tenets of the theory of federalism equally recognizes the inevitability of conflicts among the components of the federation or any federation, prescriptively advocates mechanism for constitutionally dealing with such conflicts include the following; the division of governmental responsibilities between levels of government; existence of a written

constitution spelling out this division and from which federal and state authorities derive their powers; establishment of judiciary independent of both levels of government that acts as an arbiter in cases where there are conflicts over the jurisdictions enumerated in above(Akinele, S.T. and Olaopa O. R (2003).

Galtung (2005) considers federation as a pact between the centre and autonomous self-ruled parts and consociation ("being social together") as shared rule with no territorial divisions. He argues that the more orderly, the less "entropic" the territorial distribution of the nations the more meaningful a federal approach; the more disorderly the more "entropic" the distribution the more meaningful a consociational approach. Although Wheare (1964) definition of federalism had been criticized for being a too narrow to capture the whole gamut of federal principle, it conceptualizes federalism as the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent. In nutshell federalism is a governance model aimed at evading disintegration or secession by providing constitutional means for conflict management and self-determination.

However, there are many diverse federal governance structures in the world. There are USA federalism; Canadian Federalism; Germany federalism, Switzerland federalism; Indian federalism; Nigerian federalism and Ethiopia federalism among others. Each system of federalism was shaped by the constitution and the political, socio-economic, cultural and legal realities of the country. In Switzerland, power and responsibility are shared between three levels of government: the communal level, the cantonal level, and the federal (or national) level. The 'vertical' dimension relates to the balance between power-sharing and self-rule at different levels of government. The horizontal power-sharing of Swiss federal policy is based on institutionalized cultural differences (Tanner, 2004).

Nevertheless, scholars like Keating (2007) argue that federalism is not a panacea for divided societies because of four reasons. First, it institutionalizes divisions and encourages politicians to reinforce boundaries by appealing to their own electorates against the others. Second, like it is the case in Somalia, if the (upper) state level is too weak, the national political community will break up and nobody will speak for the whole rather than the parts. Third, where the federated or devolved units represent distinct nationalities, they will regard themselves as sovereign and self-determining, and their leaders will merely use the institutions as a way of expanding their powers and undermining the state. Fourth, since the territory of a federated unit will never correspond perfectly to a nationality group, that federalism or devolution will merely create new discontented minorities within the new units, leading to recurrent challenges and divisions.

2.1. Federalism in Somalia

Two issues were dividing the SYL and HDM with regard to framing the constitution. First of all, a twist existed between whether or not, Somalia had to become a unitary or a federalist country. The latter option was preferred by the HDM since they represented thirty percent of the population situated in the well-watered region between the Shabeelle and Jubba rivers. This demand was nourished by the concern that the SYL, which was supported by pastoral clans that accounted for 60 percent of the population (mainly Daarood and Hawiye), would dominate.

The British Somaliland Protectorate (BSP) became fully independent on 26 June, 1960. Five days later, on 1 July 1960, Italian Somaliland followed suit, and having previously concluded separate agreements with the British and Italian governments, the two territories united on the basis by which their leaders had agreed. The two legislatures met in joint session at Mogadishu and formally amalgamated to form the national assembly of the republic (Lewis, 2002). Three weeks after Somalia's proclamation of independence, the new Somali Republic was provided with a government which represented a reasonable balance of northern and Southern interests, closely paralleling the ratio of northern (33) and Southern (90) seats in the national assembly. In the formation of the cabinet, 14 ministers were appointed by Premier Abdirashid Ali Sharmake, out of which 4 ministers were allocated to Somali National League (SNL) and United Somali Party (USP) both from northern regions (Lewis, 2002).

When these two former colonies merged to form the independent United Republic of Somalia in 1960, the contrasting colonial, political and economic traditions became a source of divisive tension in the young republic (Besteman, 1999). While Italy developed a comprehensive economic plan for the more agrarian southern Somalia, the largely nomadic British Somaliland remained neglected. This situation produced lasting disparities in wealth and infrastructure (Besteman, 1999). Mogadishu became the capital and the base of the newly created Somali parliament. Southern Somalis also held all major posts in the new government, and a majority of seats in the parliament. The increasing discontent of the northern people has never been properly addressed by southern officials. They rather adopted measures aimed at enforcing rapid integration, serving to further alienate their northern counterparts (Ahmed and Green, 1999). Today, there is demand for a decentralized approach to governance across Somalia. Today's vision of local governance is towards the establishment of inclusive and accountable system of governance. This facilitates the delivery of good, quality, reliable, affordable and sustainable services to all citizens. Similarly, the decentralized system can contribute to reconciliation as the same comprises of locally elected bodies that are accountable to the citizens in the local state (UNDAF, 2008).

Lewis and Mayall (1995) proposed four decentralized models of government that they considered suitable for Somalia case. Three of these models (a Confederation, a federation, and decentralized unitary state) are territorial based whereas one model (Consociational) is community based, which can be combined with any of the territorially-based models (Lewis and Mayall, 1995). In order to shade more light on the above stated four models proposal, the European Commission (EC) sponsored two seminars in 1996 in which a selected group of thirty eminent and respected Somalis from within Somalia and from the Somali Diaspora participated.

The group of eminent personalities examined various forms of decentralized government and gave their views on their applicability to Somalia (Rotberg, 2003). Of the four models reviewed, the decentralized unitary state and the federal models were selected as the most likely to succeed in a future Somali state. Both models were driven to be given by institutionalized power-sharing. At the second session, the majority of the Somali representatives favoured the decentralized unitary model, while some considered such

consociational practices as a rotating president to encourage better collaboration between Somalis (Rotberg, 2003). -He further notes that Somali representatives were concerned about the development and allocations of state resources.

The federal system was introduced to ameliorate the principal problem confronting Somalia today, the zero sum game of a centralized system and the aggravation of clan animosities. Giving more autonomy to local political structures allows Somalis to exercise their political will through multiple levels of government instead of only having the recourse of the central authority (Deinlein, 2011). This is consistent with Waldo (2010) assertion that claimed federalism is the best political model that can offer a middle solution between repressive, centralized system and outright secession. Taking Puntland state of Somalia as an example, he argues that the “verdict of the federalism choice was based on three considerations. He claims that 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. He further argues that federalism offers a middle solution between an autocratic, centralized system of governance and outright secession. He also asserts that decentralization empowered district and regional communities and offered more balanced and more productive socio-economic development opportunities. However, Waldo’s analysis failed to explore the risks associated in the formation of federal state units, in an absence of strong federal government that is capable of regulating and presiding over the process of forming federal states. Despite the fact that federalism provides territorial solution to the divided society, it has propensity of widening the division and mistrust among different clans in Somalia should conciliatory approach not be used.

Many scholars and Somali political analysts reject the Waldo’s assertion about efficacy of clan based federal system in Somalia. For instance, Uluso (2014) terms the existing federal state units as an ‘artificial’ governance system that deepens public disillusionment with peace-building and state-building. He argues that because of the encouragement of clan loyalty over state loyalty and of discrimination among citizens as a result of territorial demarcation, clan based federalism (secession) is an insurmountable obstacle to the emergence of sustainable and democratic Somali State. Therefore, clan-based federal system will not support formation of a united state of Somalia that is capable of delivering its essential functions to citizens. Hussien (2011) suggests that decentralized unitary system is appropriate for the Third Somali Republic as it guarantees regional and local autonomy. He further explains that 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 (Hussien, 2011).

Zoppi (2013), cites the possible danger associated with clannization of federalism. He mentions that the risk of establishment clan federalism rather than regional one. He holds that clannization of a federal state formation can easily trigger clan rivalries and recurrence of armed violence. He argues that Somali needs a federal government with strong local institutions freed from latent affiliation criteria, capable of avoiding many of risks posed by clan centric attitudes. Therefore, Somali citizens will be able to enjoy the beauty of a fair representation in the state.

When Somalia central governance system collapsed in 1991, many attempts were made by different local and foreign actors. Of the many interventions, some fueled the clan competition and zero-sum attitude while others partially eased the tension and provided settlement to the conflict. The intractability of the conflict in Somalia attracted both spoilers and empathizers. As result many top-down political models and conflict management strategies were imposed by international actors. Lewis and Mayall (1995) proposed four decentralized models of government that they considered suitable for Somalia case. These models were a confederation, a federation, decentralized unitary state and a consociational system. Unfortunately, some of the political models that were prescribed to help Somalia transition to peace turned to plague the country’s socio-political fabrics. Federalism is one of the political models that were proposed by Lewis and Mayall which with the influence of neighbouring countries (Ethiopia and Kenya) Somali national conference adopted in Kenya in 2004. The absence of strong national institutions that can guide, direct and regulate the formation and devolution processes of regional states, has triggered clan competition and predatory behaviour.

2.2. Federalism and Clan Hegemony in Somalia

Clan system in Somalia had been used to destroy and integrate the nation. Raising clan centric emotions to build federal states units proved to be counterproductive to the restoration of peace, security and democratic governance in the south and central part of the country. The clan based federalism poses dangerous threat to the sovereignty and territorial integrity of Somalia. Two of the success stories of federal system in Somalia are Puntland and Somaliland. It is worthy for one to note that the existence of majority clan which is collectively supporting the idea of building state is the key stabilizing factor that holds Somaliland and Puntland together. For instance, in Somaliland Isaaq is a majority clan while others clans in the periphery with an exception of highly divided Dhulbahante, support the peace and stability in the state. However, the emergence of Suldan-waber opposition against Somaliland’s Isaaq dominated government shows existence of unaddressed grievances from Samoron clan. This is an unorthodox as Samoron clan is known for being peaceful while producing some of the best and highly educated Somali elites.

Despite the general stability and peace that prevail in Somaliland clan grievance over injustice and unaddressed past atrocities still persist in the region. The differences between elites of Garhajis and Bahar-awal sub-clans of Isaaq over seceding or remaining part of Somali republic is persistent reality in Somaliland. The first sub-clan is mainly pro-fair and democratic union while the latter is leading the idea of seceding from rest of the Somali republic. Despite being the island of peace and stability in troubled country, Somaliland’s political institutions remain weak and fragile. The mushrooming number of clan based political parties that contested the local government election was indicative of fragility of the political institutions in Somaliland. The power disputes within the ruling Kulmiye party which started when the current chairman of the party Muse Bihi Abdi announced his interest for the presidential election in 2015 against the sitting president Ahmed Siilaanyo have created turbulent political climate. Wrangling between the two

leaders would have deteriorated into conflict between clans of Mr Bihi's Sa'ad Muse and President Siilaanyo's Habarjeclo should preventive measures were not taken by council of elders. As part of strategy to minimize the relevance of his opposition while uniting and rallying Isaaq's support behind him President Siilaanyo, focused on disputed areas in eastern regions of Sool and Sanaag where his predecessors failed to reach. In March 2014, President Siilaanyo visited in Lasqoray, which caused a sharp reaction from Puntland who also claim the same area as a part of their territory. Puntland Information Minister Abdiweli Hirsi Abdulle (Indho Guran) called the tour as a 'provocative' and condemned Somaliland for fomenting insecurity and armed confrontations in peaceful areas. He declared that Puntland is ready to defend its borders. The two administrations fought several times in Sool region, a conflict that compelled the clans of Sool, Sanaag and Cayn regions to meet and come up with an alternative political order. Khatumo regional state was formed 2012, but neither Puntland nor Somaliland recognizes this autonomous state in Somalia. Astonishingly both Somaliland and Puntland at one point attacked and captured Taleex which is a historic town and the seat of Khatumo state with a pretext of defending their territorial integrity. When parliament of Khatumo elected former prime minister of Somalia, Dr Ali Khalif Galayd as a president of this floating state in Salaxdher village, Somaliland troops attacked it and pushed the same administration across the border to Ethiopia. As a result, there is a bloody armed conflict currently active between Somaliland and loyalists of Khatumo state. In Sanaag, Diaspora members of Warsangeli clan announced Maakhir state of Somalia. The border of between Puntland and Somaliland remains a bone of contention as Somaliland claims all the land under British Protectorate whereas Puntland considers all the Harti inhabited areas as their rightful territory.

In the case of Puntland, Majeerteen or Mohamud Suleiman is the main clan the shape the political arena of this administration. Because of some grievance disgruntled members of Dhulbahante decided to form their own regional state, the Khatumo. Warsageli is also divided as some of them whole-heartily support Somaliland while others are either still loyal to Puntland or rebelled against Puntland by taking arms in Galgala Mountains before Shiekh Atam surrendered to federal government in Mogadishu. This is not say, that Mohamud Suleiman has no internal wrangling, which in some case turned to be bloody. Example can be cited of the conflict between later president Abdullahi Yusuf (Omar Mohamud Sub-clan and Jama Ali Jama and General Adde Muse Hersi (Osman Mohamud Sub-clan). Additionally, there is cold war between Reer Bari, reer Mudug and reer Nugaal of the same Mohamud Suleiman sub groups. Despite their support for formation of a new state in central regions, Omar Mohamud sub-clan and Puntland state adamantly rejected the idea of Mudug especially the North of Kalkacayo town joining the new central state currently being formed. The recent armed conflict between Puntland and new Galmudug state in Galkacayo over the control of the same town signalled the gravity on latent clan conflict in the federal states.

2.3. Galmudug State

One main problem of clannism and federal system can be witnessed in Galkacayo town of Mudug region where the town is divided by a green line between Puntland state and Galmudug state. The town is divided because each of the two clans of Darod (Majerten and Leylkase) and Hawiye (Habar-Gidir, Sa'ad) unilaterally decided to form their own federal member state. The Darod clan is part of Puntland state while Hawiye (Habar-Gidir, Sa'ad) choose to have their own administration which is now part of the new state for Mudug and Galgudud regions. The formation of the new federal member state in Galgudud and Mudug region faces many challenges out of which three are fundamental. The first challenge is the division of Mudug along clan lines where Majerten and majority of Leylkase sub-clans of Darod gave their loyalties to Puntland. Political leaders in the federal government have also contradicted each on the same matter. For instance, former Prime minister Abdiweli Sheikh visited Puntland and supported their stand for dividing Mudug region into the south and the north. This had caused unsympathetic reaction from Hawiye and other top leaders of the Federal government leading to the parliamentarians to initiate a motion of 'no confidence' against the prime minister which eventually toppled him. The second challenge is constitutional one. Clause 6 of Article 49 of the provisional federal constitutions unequivocally stipulate that based on a voluntary decision, two or more regions may merge to form a Federal Member State. In clause 5 of Article 111E of the constitution presumes that based on the recommendations of the Boundaries and Federation Commission (BFC), the final determination of the boundaries of Federal Member States shall be made by the Federal Parliament. Therefore, formation of one region and half can be challenged as unconstitutional arrangement. The third challenge is the clan fragmentation and the president of federal government along with kitchen-cabinet partial and lopsided political preferences. During the formation of Galmudug state, the Hawiye clan showed their ambition towards overwhelming domination the new state and biased position of president of FGS have caused other clans such as Marehan of Darod clan and Dir to in several occasions walk out of the consultation meetings. The reconciliation conference held in Dusamareb town heralded the level of internal divisions and wrangling within Habar-Gider sub-clan of Hawiye. When Cayr of sub-clan of Habar-Gider was pushing for Dhusamareb to become the seat of the new state, Saleban sub-clan of the same Habar-Gider were restlessly lobbying for Adado town to host the reconciliation and to become capital city of same state. Each of the two sub-clans were campaigning from other clans or trying to building alliance in favour of their quest for power. The Ahlu-Sunna waljama'a (ASWJ) which is a moderate Somali Islamist armed group dominated by Dir and a section of Cayr sub-clan of Habar-Gider, feel political besieged by Federal government supported forces and alienated from the new state formation process. This has resulted fierce power-struggle between ASWJ and other pro- federal government politicians, increased further polarization of clans and sub-clans and the bloody armed conflict in Guri'el, town.

Although the federal government through the minister of defence, Mr Abdikadir Sheikh Ali Dini, had tried to resolve the conflict in Guri'el, and managed to bring all the warring factions on the table of negotiation where a cease fire was signed and combatants were returned to their original bases in Dhusamareb and Guri'el, ASWJ accused the federal government of failing to fulfil her promises. Additionally, the betrayal of ASWJ who paid high a price to fight against Alshabab in Central regions by the federal government will haunt peace and stability in this region. This is because the group is well armed and determined to not only to fight against the

Alshabab but also get political representation in the Galmudug state. Some weeks prior to the formation of Galmudug state, ASWJ took the control of Dhumareb town forcing federal government troops to retreat to Adado. This was to show their political and military relevance. The federal government had tried to negotiate with ASWJ, but the group's hardstand and demand for 50% power-sharing in the new state was impermeable federal government representatives. On same note, delegates from Marehan clan of Darood in several occasions went out of conferences in Dhusamerab and Adado complaining about poor representation and marginalization. Although the president of Galmudug state had tried to address some of their grievance in the new cabinet of the same federal member state, they still have complains on the parliamentary quota that were allotted to them. This is an indicative of the complexities and high levels of mistrust coupled with deep rooted clan fragmentations and infirmity of the federal government to decisively and impartially lead the state formation process.

2.4. *Hiran and Middle Shabelle State*

Although the process of establishing Hiran and Middle Shabelle state has been embarked, the formation of the same federal member state is yet to materialized during the time of writing this essay. However, there are several peculiar challenges facing the new federal member being formed in Hiran and Middle Shabelle regions. Protracted clan conflicts that caused division and perpetual power struggle. Hawadle clan is dominant in Hiran and some elites from this clan are advocating for partition of Hiran region into two regions. The rationale behind this proposal is to gain more clan power representation in the sub-national and national governments. However, the idea for portioning Hiran region is not sellable in the national political arena as the same contradicts the letter and spirit of the Article 49 of the provisional constitution which recognizes only 18 regions that existed before 1991.

Additionally, Beletwein town, which headquarter of Hiran region is divided right at the centre between eastern part dominated by Hawadle and western part of the town resided by Galje'el, Jajele other Hawiye sub-clans and other minority groups in the region. This division of the town into competing clan line has been manifested in the conflict between Alshabab and federal government over the control of Beletweine town. Different clans in Hiran region give their allegiance to different authorities not because of ideology but rather because of inter and intra clan power struggle. For instance, Hawadle was supporting the federal government forces while other clans were supporting Alshabab for them to gain more power and survive from Hawadle's political dominance.

The conflict between Hawadle and Dir clans over farmland in Defow and Kabhaley claimed many lives and invaluable properties. Both clans were claiming the ownership of this arable and productive land along shabelle river. The conflict caused political uproar in Hiran region while the heat of the same tension was felt in areas far from the conflict hotspot. The mistrust and entrenched zero sum attitude within the clans was apparently played out in the allocation of number of elders to each clan by the ministry of interior and federal affairs. Some clan elders and politicians complained about poor representation and marginalization against their clans. Some clan may reject the outcome of the ongoing state-building processes should inter/intra clan power-sharing arrangements are not meticulously and responsibly handled.

In Middle Shabelle region, clan conflict and competition over power and resources are also evident. Although Abgal sub-clan of Hawiye. In the recent past, the conflict between Abgal and Shide over farmland claimed many innocent lives. Although many efforts were made by local administration to peacefully resolve conflict, the historical injustice, marginalization and abuses experienced by some of the groups like the Somali Bantu will definitely emerge should corrective steps are not taken. This means that the process of new state formation can easily trigger past conflictual memories that may lead to disastrous armed conflict. According to Brahm (2003) differential power, resources, differing interests or values all have the potential to spark conflict if a triggering event occurs. Brahm further argues that latent conflict is often rooted in longstanding economic inequality, or in groups' unequal access to political power. The conflict issues will certainly emerge when the process of state formation in this region takeoff. Without proper dialogue and consensus building that give preference to interest of all the contending groups, the formation of new state will certainly spark more clan conflicts.

2.5. *Mogadisho/Banaadir Region*

Since 1991 when the central government of Somalia collapsed, Mogadishu has become bone of contentious as the clan conflict forcefully evicted some communities mainly from Darod clan while others mainly from Hawiye clan occupied it. The clan conflict had turned hitherto peaceful city in Africa into one of the most insecure characterized by the mass killing and other inhumane treatment against civilians. The city was severely destroyed and deformed by clan and political armed conflict coupled with senseless vandalization and looting. Many people fled from the city to hitherto neglected and underdeveloped ancestral areas. The prolonged armed conflict created push factors that compelled many residents of the city to desperately migrate from their homes in search of secure and liveable areas. As a result, many people from the city died Indian Ocean, the Red sea or Mediterranean as they were trying to escape from the conflict and resultant deprivations while others are now languishing poverty in the protracted internal displaced camps in the country or live undignified in refugee camps in the neighbouring countries. The conflict has drastically changed the face of Mogadishu from one of the most cosmopolitan city in country to clan dominated one. As a result, people view Mogadishu in very divergent lenses. Those who currently dominate the city mostly from Hawiye clan view the Mogadishu as their power base while other clans affected by the forcefully eviction and other sort of victimization always raise questions over the neutrality and viability of Mogadishu remaining the seat of the federal government and national capital city. Of late the federal system and clan based power-sharing has adversely affected image of the city.

The provisional constitution unequivocally stipulates that the Federal Parliament shall enact a special law with regards to the status of the capital city of Somalia. On the contrary some politicians and elites openly advocate partition of the city into Mogadishu (few districts around the centre) and Banadir which encompasses all other districts of the town. According this view, Mogadishu should be

limited in the districts like Bondhere, Wardhigley, Hawar-Weyne, Hamar Jajab and Waberi are federal government zone while other remaining 11 districts is considered as Banadir where local clan have the right join the federation system of the country more specifically the impending federal member state consisting Banadir, Middle Shabelle and Hiran regions.

Another perspective hold by non-hawiye clans is relocation of the national capital city from Mogadishu to other regions in the country. The promoters of this idea, claim that because the Mogadishu has become the epicentre of clan and political conflict and as a result lost its charm, appeal and respect, the national capital city must be relocated to other less politically significant but more stable and manageable in terms security and city development location. For instance, Muse, (2007) believes that the city needs time for healing, time to allow communities to reconcile, and one way of making that possible is depoliticisation of the city and he argued that that there is need to accept the reality for no more Mogadishu as the capital city but just one of the cities in Somalia. There is a third opinion which considers Mogadishu as not only national capital city but also a symbol of national unity and any attempt to relocate the capital to another town is tantamount as more fragmentation of the nation state. However, this analysis indicates that the conflict and destruction in the country has not spared the national capital city, where people's differing opinions and interpretations about Mogadishu is increasing. Therefore, it is worthy for one to note that Mogadishu has become a centre of marginalization and clan contestation of politico-economic power. Hence it can't treat the wounds of others while unable to heal her own gangrenous injuries. This means that Mogadishu has been degenerated into more of clan city rather than nation-state city, which makes the capital part of the clan conflicts in the country.

2.6. South-west and Jubbaland states

The formation of these two states was problematic and surrounded political controversy and clan conflicts. The presidents of these states were elected in very dubious manner by quasi-delegates. As a result, the administrations in these states still remain interim. In the south west state, the formation faced many hazards as the majority of political elites and traditional elders from Digil-Mifile were supporting formation a new state consisting six regions namely Bay, Bakool, Gedo Middle Jubba, Lower and Lower shabelle. The speaker of federal national parliament honourable Mohamed Sheikh Osman Jawari was emphatically support the idea of forming six regions state while his predecessor and political antagonist honourable Sharif Hassan Sheikh Adan was pushing for establishment of a state comprising three regions namely Bay, Bakool and Lower-Shabelle. Additionally, there was another group dominated by Hawiye clan agitating for the formation of Shabelle State which consists of Lower shabelle and Middle Shabelle regions. As a result, political frictions and tensions among various actors and stakeholders at national and sub-national shadowed in the federal member state building process in Baydhabo. On 3rd March 2014, the delegates and traditional elders elected Mr Madobe Nunow as a president of south-west state comprising the disputed six regions. Additionally, on 10th March, 2014, delegates from Lower and Middle Shabelle regions elected Mr Abukar Abdi Osman aka Mardadi from Digil-Mirifle clan and Mr Muhudin Hassan Afrah from Abgal sub-clan of Hawiye as the president and deputy president of shabelle state respectively.

The choices of the pro- six regions and shabelle delegates were faulted by the federal government which claimed will it will neither recognize six region proposal nor it support two shabelle's arrangement. The minister of interior and federal affairs said the federal government will only recognize a new state comprising of three regions of Bay, Bakool and Lower-shabelle as the other three are in Jubbaland state where the federal government has already recognized the interim administration of Jubbaland state. This had increased clan based political tensions while triggering cracks within the political elites and traditional clan elders of Digil-Mirifle. Ironically, the federal government, AMISOM, IGAD and the UN were supporting one side of the conflict and specifically the sponsors of three regions state and support ignored the wish of the majority. Finally, quasi-delegates elected Sharif Hassan Sheikh Adan as the president of South-West state without any prior reconciliation and dialogue between the supporters of the six and the three region regions federation.

Conflict is also very entrenched in the south-west federal member state, where different clans fought over the control of some areas this rich state. One of the hotspot of clan conflict in west-west state is lower-Shabelle region. Hawiye sub clans mainly the Habar-Gider and Biyomal clan fiercely fought in Lower- Shabelle. The conflict between Biyomal and Habar-Gider or Hawiye is about the control of productive land and economic sources of Lower-shabelle. Biyomal, other Digil clans (Shanta-Alen, Geledi, Begedi, Tunni, Jiddo and Garre) and the marginalized Jareer (Bantu) consider themselves as indigenous or Deegaan while Habar-Gedir is regarded as immigrants or Galti in Somali language. The conflict over land resource ownership caused many bloody conflicts in these clans. The power struggle between these clans largely influenced their decisions to either support the federal government or the insurgency. Majority of the Biyomal, Jareer and Gigil clans had supported Alshabab to help them repossess their land occupied by Hawiye sub-clans. Additionally, they lost faith of the federal government's ability to address and justly the land resource disputes in Lower shabelle because they perceived that their rival clan (Habar-Gider) has joined the federal government to dominate them. The port town of Merka iyo kilometre 50 airstrip were some of the conflict hotspots where lives of many innocent lives were lost and invaluable properties were also destroyed.

Despite the invariable trial of Federal government to pacify the clan conflict in Lower-shabelle, the viable solution was not reached. However, the new president of the south-west state managed to settle the tension. But the absence of genuine dialogue and social reconciliation is yet to be materialized. This means that the cause of the conflict and thorny issues remain unaddressed which can easily trigger another bloody clan confrontation should transformative step are not taken. However, the president of south-west state failed to address the grievance of Awlyahan of Ogaden sub-clan of Darood in Elbarde and Yeed districts in Bakool region. They complained that the dominance of Rahanwein in South-west state where they were given unfair quota and contempt based on 'take or leave' approach. Ahmed Nur Sheikh Mohamed, Former MP and minister of resettlement and diaspora affairs of the south-west state elected as a president of a new upper Bakool administration in El-barde and Yeed districts of Bakool region. Ironically, Puntland had

recognized the same administration as a separate state, a move that blatantly contradicts the federal provisional constitution of which Puntland used claim protecting the same. Puntland were constantly saying that they cannot treat Galmudug as a fully-fledged state because it comprises one region and half and hence falls below threshold set by the constitution which is two regions or more. Other politicians from federal government some of them hailed from regions openly supported the new upper Bakool administration simply because of clan centric emotions and competition for power.

The Jubbaland state which comprises three regions of Gedo, Middle Jubba and Lower jubba experienced one of the bloody protracted clan and group conflict in Somalia. The absence of wisdom and progressive agenda from political leaders turned the state into a battle ground for contending groups. The strategic port town of Kismaayo has been and still is the epicentre of armed violent conflict its resources and strategic location always attracts political marauders. Ken Menkhaus (2012) described Kismayo as a Somalia's Sarajevo -- a chronically contested city, at times half-emptied by armed conflict, at other times bloated with hundreds of thousands of internally displaced persons. He argued that rival Somali clans in Jubbaland -- the region of southern Somalia where Kismayo is located -- have never been able to agree on how to share the city and have repeatedly fought over it. Hence, Kismayo has a well-earned reputation as the most difficult and dangerous place for aid agencies to operate in all of Somalia. As a result of the prolonged armed conflict, mistrust between different communities and groups that in many times fought over the control of the town has become natural enemies. Darood is the majority clan in this state but highly polarised as sub-clans of Marehan, Absame and Harti many times fought over control of this disputed town. Ironically each group claims to be majority and the right owners of the town while other indigenous communities remain marginalized in their own land. The intra Darood has degenerated one of the beautiful towns in the country into the most insecure and ungovernable characterized by gross human right violations and perpetual clan competitions. The idea on formation of regional administration in Jubaland came in before clans were not reconciled, contentious issues and grievances are unaddressed. This made the state formation in Jubbaland a very politicized and divisive process which triggered more clan conflicts and instability. The suspicion had increased when a new state named as Azania was announced in Kenya without public consultation and fair participation. Many clans had seen Azania as a system dominated by one sub-clan which again cemented the feeling of zero-sum game amongst other communities in these regions. Despite the support it received from Kenya, Azania failed to reconcile different clans and establish capable system. The failure of Azania and idea of forming a new more legitimate state in Jubbaland triggered more debates and controversy on "HOW" the new state would be formed in terms of clan and district-based representations. The thorny issue was whether delegates from districts that existed before 1991 will be invited for the state formation process or whether those districts established during the transitional period will be included in the process. Due to such difference of opinions/views divided the already divided rival clans and sub-clans.

Additionally, federal government of Somalia was also against the immediate formation of regional state in the Jubba valley areas. The Federal Government of Somalia has come up with a national stabilization plan (NSP) which emphasised formation of interim districts and regional administrations through a consultative and participatory manner. The NSP recognized the existence of pre-1991 administrative units; the key role of clan leaders and MPs in the formation of the interim administrations. Using provisions in article 49(1) and also article 111E of the new provisional constitution, federal government of Somalia was contending that formation of regional states is unconstitutional as the parliament did not pass legislation for Boundaries and Federations Commission, which is an independent Constitutional body. This had further polarized already divided in Jubbaland as some of them supported the bottom up approach from the FGS while other agreed to the unilateral top down approach supported by Intergovernmental Authority on Development (IGAD) which is a sub-regional organization in eastern Africa. Representatives from neighbouring countries of Ethiopia and Kenya were driving the process of which the FGS was not happy about.

Despite the fact that some of the clans supported FGS position, they all preferred formation of Jubbaland region but in a credible, transparent and inclusive process. However, the reason why some clans supported FGS position was first because of historical clan conflicts which created suspicion, fear of reprisal, and mistrust over the fairness of the process for state formation. Second, they believed that the process is hijacked and dominated by rival clans (with the support of IGAD/ AMISOM) while marginalizing others. Third, they wanted FGS to lead the state formation process of which they regard as the only available means to ensure fair and inclusive process for all clans.

The organizers of Jubbaland conference were also adamant and determined to form the state without the leadership of the federal government and in absence of genuine reconciliation among the different clans and groups in this conflict riddled region. The Jubbaland conference ended in a dubious manner and made hasty and ill-timed decision when it announced Mr. Ahmed Mohamed Islaan (Madobe) as a presidency for 'Jubbaland' state triggering reactions from other contenders including General Barre Hiraale who unilaterally declared themselves as presidents of Jubbaland state causing standoff and finally armed conflict in Kismayo town. The conflict caused gross human violations against the clans that supported FGS position. The deadlock between the FGS and new jubbaland administration ended when a negotiated agreement was signed by the two actors in Addis Abeba, Ethiopia. The agreement recognized Jubba interim administration and Mr. Ahmed Madobe as a leader of the same administration. The FGS held reconciliation meeting in Mogadshu where representatives of different clans and Jubba interim administration participated in. However, the all the efforts failed to produce tangible result as far as peace and security in Jubbaland is concern.

Recently the formation of new parliament for the state triggered more clan power contestation in the region. The parliamentarians were selected in very controversial manner that compelled some traditional clan leaders to walk out and explicitly condemn the selection process as unfair and asymmetrical. The partial role of IGAD representatives and more specifically neighbouring countries of Kenya and Ethiopia were criticized by some traditional clan elders and politicians unlike. Therefore, the selection and establishment of the new assembly in Jubbaland state caused more bickering and disagreement rather than narrowing the political difference and creating more legitimacy for the administration. As a result, the disgruntled clans met their MPs in the national federal parliament in

Mogadishu complained about skewed clan based power-sharing and selection of their representatives in Jubbaland regional assembly. The politicians and traditional elders in south-west state had also complained about the number of representatives for Digil-Mirifle clans in the Jubbaland assembly. The president of south-west state mobilized MPs in national federal parliament to set a motion of no confidence against newly established assembly in Jubbaland state. The MPs from clans that had complaints tabled the motion of no confidence which was hotly debated in the house of the national parliament. After days of deliberations the Somali national federal parliament supported the motion against the legality of the newly formed Assembly of Jubbaland state. In reaction, leaders in Jubbaland announced their withdrawal of all working relations with FGS after national assembly passed no confidence motion against regional state assembly. Puntland which is another Darood dominated regional state also supported the decision of Jubbaland to cut ties with FGS. This indicates how messy and confusing the state-building processes and clan representation is. Without genuine dialogue where people reach a consensus about power-sharing and resolution of other thorny issues, the federal state building process is likely to cause more clan and political contestation which has propensity of perpetuating instability and disintegration in Somalia.

2.7. Social Reconciliation

Reconciliation exists in various kinds and dimensions and at different levels. On the level of the individual, reconciliation relates to the restoration of interpersonal relationships after traumatic events. Collective reconciliation refers to the restoration of societies' social fabric, which can concern processes at the communal, regional or national level (Gloppen, 2005). This shows that the restoration of peace and democratic governance in Somalia cannot be achieved without dialogues and social reconciliation that promote consensus building process where people are able to debate over thorny issues that divide them and finally agree on common grounds which envision the future. According to Bloom Field (2003) a functioning democracy is a set of fair procedures for peacefully handling the issues that divide a society (the political and social structures of governance) and a set of working relationships between the groups involved. He argues that a society will not develop those working relationships if the structures are not fair and, conversely, the structures will not function properly, however fair and just they are, if there is not the minimum degree of cooperation in the interrelationships of those involved (Bloomfield et al 2003). The lack of inclusivity and the dominance of some clans at the expense of other marginalized clans has already reignited political power struggle. Without genuine dialogue and reconciliation, the clan conflict is very unlikely to end. It is noteworthy to underscore that national dialogue and reconciliation of rival clans who aggrieved each other during the period of turmoil has efficacy to address current confusion engulfed in the state-building process which arose out of failure to properly address grievances from different clans. The initiative of federating the country will not be possible without prior transparent and open dialogues for the actors and group in the area.

The reconciliation is necessary for equitable or acceptable power-sharing not only for the pronounced four and half (4.5) model but also for the unpronounced clan based power-sharing used in regional and local level which is vital for trust building between former antagonists. All-inclusive and consultative process that focus on institution building and best restorative practices are required to put the pieces together. Additionally, the reconciliation and dialogue are necessary for creating people driven process that increase ownership and public legitimacy for nation state-building processes. Both the Somali customary law known as Xeer (Heer) and Islamic sharia do encourage social reconciliation and conflict transformation through open dialogue and peaceful resolution of differences.

2.8. Social Reconciliation Models

The context of conflict, social cultural values and political willingness of the conflict actors determine the reconciliation model in post-conflict society. For instance, the Fambul Tok (family talk) in Sierra Leone is a tradition of discussion and resolving issues within the security of a family. Hoffman (2008) observes that Fambul Tok represents a way of drawing all members of Sierra Leone—whether victims, offenders, or witnesses—back into the Sierra Leonean family. Hoffman further contends that the community healing processes are designed to prevent traumatic experiences from driving people into passiveness or renewed aggression; to encourage them to reflect on the past rather than withdraw; and to empower them to deal with past, present, and future conflicts. In Rwanda the *Gacaca* court is a system of community justice inspired by Rwandan tradition where *Gacaca* can be loosely translated to "justice in the grass". The *Gacaca* system focuses on restorative justice and social reconciliation rather than the retributive systems of conventional courts. The protracted conflict in Somalia also requires unique approach relevant to social and cultural values.

Ahmed (1977) discusses the history of Somali culture pertaining to the resolution of conflicts and social reconciliation. He argues that the traditional jury were authoritatively resolving conflicts using traditional values by classifying the issues under discussion into *Curad* or known and *Ugub* or new phenomenon while addressing same by applying cultural norms or Islamic sharia law. The analysis of this scholar further indicates that Somali customary law or Xeer is shaped by the diverse needs different social groups and their local context. Ahmed (1977) discusses Jilib-Aro (literally meaning knees on the soil) jury model where Somali traditional elders sit on ground to discuss about a new phenomenon that is tough and challenging. Elders take long period of time in sitting to deliberate about the pros and cons of the phenomenon and how to resolve the same. The Jilib-Aro Model focuses on restorative justice where collective responsibility towards repairing the damage and rebuilding of the broken relationship are not overlooked. The Diagrammatical presentation below summarizes the essence of traditional Jilib-Aro reconciliation model

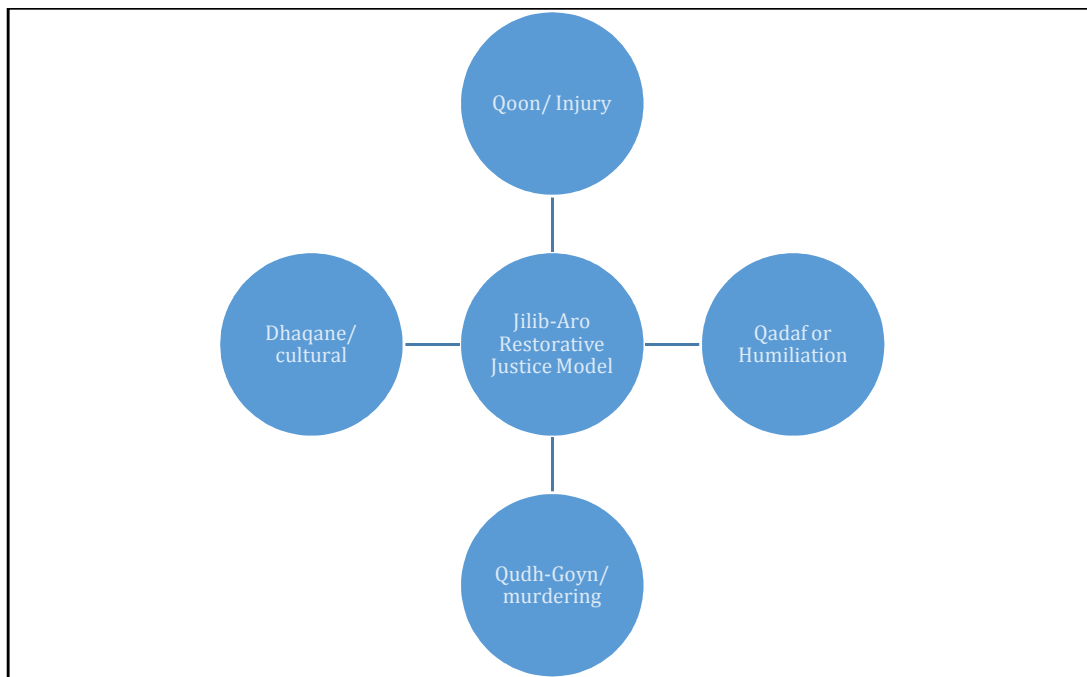


Figure 1: Jilib-Aro restorative model

Source: Hersi, 2015

2.9. Qadaf or Humiliation

In the Somali culture anything that damage the credibility and human dignity of the person is considered as *Qadaf* or humiliation. Things that are regarded as *Qadaf* or indignity include anything with exception of killing such as slapping someone in front of others, insulting, using shoe for fighting, hitting with the bottom of a spear, kicking and spitting. Cultural adjudication *Qadaf* is part of *Dhiig* or blood issue as the same act dehumanizes the person and it is always considered as very serious offense which if not immediately resolved and can cause terrible conflict at personal or communal level. In order to prevent any possible consequence, Somali cultural jurists used to address the committed *Qadaf* by confiscating of the best and highly valued asset of the offender plus an official apology to victim. The rationale of punishing the offender, showing remorse and offering apology to the victim and his group is to repair damages while restoring the relationship between the offender and the victim as well as their respective groups. According to Ahmed (1977) the group of the offender used give a lady to the humiliated man, which means repaired credibility and strengthened positive relationship between the offender and the victim.

2.10. Qoon or Injury

The *Qoon* is injury sustained by a victim. The Somali culture expects from the delinquent to treat the injury and provide care to the victim. When victim recover from the jury he/she sustained, blood or the cost of the damage is valued using either sharia law court or all accepted traditional Somali *xeer*. The expense incurred by the offender to treat and provide necessary care cannot be considered as part of compensation to the victim. The compensation is usually valued in term of number of camels depending on the level of the injury. This means that Somali culture promotes reparation and confidence building between the conflict actors. Additionally, this sends a deterrence signal other who might have committed similar crime. This also prevents possible retaliation from the person who sustained injuries.

2.11. Murdering or *Qur-goyn*

The Somali customary law or *Xeer* has many provisions towards the management of aftermath of murder. The incidence of murder is classified into two categories. The first is intentional murdering where the one person deliberately kills the other without any social or legal approval and second is an accidental or unintentional slaying of another person. When the first incidence occurs, the family and kinsmen of the offender is expected to take tough and conciliatory steps. They should detain the murderer, apologize and show their regrettable and remorseful feeling to the kinsmen of the deceased. The kinsmen of the deceased also accept the apology and propose their preference pertaining to resolution of the felonious act either through retributive and restorative means. If the decision was based on retributive model, the kinsmen of the may execute the murderer of their member and the case is eternally rested. If the family or Kinsmen of the deceased choose the restorative model, the kinsmen of murderer provide two pieces of white cloth for wrapping and burying the slayed, one camel or money in lieu of camel for burial expenses and one or two camels for apology plus the weapon used to slain the deceased. Additionally, the kinsmen/family of the murderer also immediately give tens camels out of 100 or 50 camels for compensation of man or woman respectively.

In order to end the conflict and strength relationship between the two family elders of murderer also invite one of the immediate family of the deceased to marry a lady of his choice from them. This is to resolve the problem while initiating new family ties where the deceased is replaced by a new born, so that the pain and trauma are removed. The Somali adage says that '*Xinjir la daadiyey xab baa lagu dhaqaa*' or 'the clot of bloodshed can only be washed by the umbilical fluid of a new born' which underscore the importance of intermarriage to reconcile the former rivals, end animosity and create good relationship. The same processes and rules are used for unintentional murdering.

2.12. Cultural or Dhaqan

The Somali traditional Xeer is very rich in identifying and address the conflict caused by transgression against cultural values and social mores. The traditional Somali jurists used categorize culture based grievance into two i.e. *Magan* or Asylum and *mooro* or Camp. *Magan* or asylum is regarded anything that fall under the custody of the trespassed. Attacking and persecuting any person that is under the refuge of another was regarded as big crime against the protector. Therefore, Somali traditional jurists used raised a red flag should they observed any contravention committed against the guardian of an asylum seeker who can be a member of rival community or group. Similarly, *Mooro* or the camp denotes anything within the possession of the complaint. *Mooro* can also be divided into two i.e. *Xilo* or family and *Xoolo* or asset. The issues emanating from marriage, rape and other related assault fall under family or *Xilo* mechanisms. The asset or *xoolo* was important aspect of cultural conflict mechanisms where traditional jurists investigate and make necessary resolutions.

In traditional conflict resolution mechanisms of xeer, managing individual killing is not difficult task as there are well defined or *Curad* systems which is well known traditional practices that may slight vary from one geographical area to another. What is not clear in Somali traditional conflict management strategies is about issues of massacre, group murdering or killing innocents and vulnerable group, looting and. This is where significance of Jilib-Aro model is coming as it deals with new tough and difficult social-cultural phenomenon. The Jilib-Aro restorative model focuses on peacefully resolving the conflict, restoring the broken relationship and creating shared future for next generation. This is consistency with writings from Nan, *et al* (2011) who argues that Somalia needs a model for reconciliation that builds on the existing reconciliation model and expands it to include elements of socio-emotional reconciliation. They contend that Somalia is a Muslim country and reconciliation process must be designed in way that is consistent with Islamic laws and traditions of the Somalis.

Sanei (2014) observes Somalia does not only need reconciliation, but it needs a genuine reconciliation to treat its collective trauma as a nation and set on the healing process. He argues that Somalia needs such closure in order to fix its broken relationships, rebuild its damaged identity and rekindle a sense of nationhood. The dialogue and social reconciliation is very important for restoring justice and addressing many grievances caused by the protracted social conflict where different clan sub-clans engaged violent armed conflict other neighbour group. It has the efficacy of complementing local and international efforts for restoring peaceful, democratic and accountable government in Somalia. The current lopsided state-building has failed to address clan based power competition and the zero-sum conflict attitude. This shows that the destructive nature of clannism cannot be tackled through mere clan based federalism without building a governance system that promote equitable social justice not only in the political aspects but also other spheres of the society.

Bar-Tal and Bennink (1993) argued that as table and lasting peace is characterized by mutual recognition and acceptance, invested interests and goals in developing peaceful relations, fully normalized-cooperative political, economic and cultural relations based on equality and justice, non-violence, mutual trust, positive attitudes, and sensitivity and consideration of the other party's needs and interests (Bar-Tal and Bennink, 1993). The dialogues and reconciliation at grassroots level are needed to reach consensus on acceptable power-sharing arrangement while rebuilding confidence and trust between rival clans. This is in agreement with Brounéus (2007) argument that underscores that political initiatives for reconciliation include initiating judicial measures such as a truth commission, building political institutions while taking earlier conflictual ethnic divisions into account, and through constitutional restructuring and legislation. She further contends that regulation and legislation of behaviour can be used for reconciliation. For example, by criminalizing ethnic violence and discrimination, behaviour must change, and slowly with time, this will also affect attitudes and emotions. This is missing in Somalia, where neither FGS and nor regional states initiated genuine bottom up social reconciliation. Using indigenous mechanisms for conflict management and communal driven peace and state-building processes can be initiated which can help restitution of properties confiscated during the civil war

3. Conclusion

In a nutshell the importance of dialogue and social reconciliation in divided Somali society where the need salient of rule of law and legitimacy governance at national, regional and local level cannot be overestimated. This essay stresses about challenges facing the state-building process of Somalia in an absence of genuine civic dialogue, social reconciliation and trust building. Without public engagement and active participation, peace and state-building processes in Somalia will not be only become futile efforts but also relapse of conflict and fragmentation nation state. This is in agreement with Jibril (2014) argument that warned against a quick-fix, shot-gun wedding type Federalism, and any process that overlooked the importance of dialogue, public consultations and is not underpinned by a spirit of reconciliation. He advised all parties, including the Federal Government to uphold and respect all principles relevant to the formation of civil administrations including the projected federation within the framework of the Provisional Constitution (Jibril, 2014). The absence of social dialogue and reconciliation is haunting the process of rebuilding viable local and national governance where citizens are given a conducive environment for peace and economic prosperity. Without genuine social

reconciliation processes, the federating process may trigger more conflict and as a result cause more clan conflicts that perpetuate chaos and eventually disintegration.

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