Forging Jubaland

Community perspectives on federalism, governance and reconciliation

The Interim Jubaland President, Ahmed Mohamed Islan, addresses the delegates during his inauguration ceremony in in Kismayu on September 12, 2015.

Key points

- A peaceful settlement in Somalia is dependent on how a new system will be implemented, rather than which new system will be adopted.

- The establishment of Jubaland has brought improvements in security and the delivery of public services, but the concentration of both authorities and external assistance in the city of Kismayo has created tensions with the peripheral areas.

- In Jubaland, statebuilding—involving elite bargaining—has been prioritized over social reconciliation, which has marginalized less powerful clans, youth and women.

- Surveys show there is public support for federalism as a mechanism to bring decision-making and service provision closer to the people.

Participants

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Introduction

On 22 April 2016, the Rift Valley Forum hosted the launch of Saferworld's report, *Forging Jubaland, Community Perspectives on Federalism, Governance and Reconciliation*. The creation of Jubaland state in 2013 and the controversial appointment of Sheikh Ahmed Mohamed Islam ('Madobe') as President of its interim administration, supported by the Intergovernmental Authority on Development

(IGAD), precipitated tensions and divisions in Somalia. In response, the Saferworld team in partnership with the the South Central Non-State Actors forum (SOSCENSA), conducted a quantitative and qualitative study in the regions of Dollow, Garbaharray, Belet Hawo, Afmadow, Baadhaade, as well as among IDPs in Mogadishu and Kismayo. The study, funded by the European Union (EU), was conducted over a two-year period and sought to find out to what extent federalism is meeting the governance and reconciliation needs of the population.

Background

Since 2012, Somalia has undergone a turbulent process of forming federal states. The introduction of any new system of governance alone will not necessarily bring about transformational change in governance or reconciliation. This change is highly dependent on how the new system is implemented. Many of the political processes and peacebuilding efforts in Somalia have been criticized for being elite-driven and too focused on political accommodation at the expense of the population.

Jubaland state is still young compared to other regions, such as Galmudug, Puntland and Somaliland. Albeit challenging, the process has had both successes and failures. On the one hand the formation of the Jubaland administration has brought gains in security and the delivery of public services across the region, and efforts by the Jubaland administration at public consultations have served to open up space for dialogue on political reconciliation and issues of good governance. On the other hand, support for social reconciliation has been limited, and the high concentration of stabilization and development efforts in Kismayo risks fuelling tensions between the authorities in Kismayo and other parts of Jubaland.

The formation of Jubaland

The Saferworld study confirms that ninety per cent of the Jubaland population supports federalism. Most view it as a vehicle to diffuse tension, to bring decision-making closer to the citizens and to bring services that were otherwise provided by NGOs closer to the people. According to Hassan Diriye, the most prominent challenge in the formation of Jubaland has been implementation, which has been especially weak in the Gedo, middle and lower Juba regions. At the community level trust is very low and there is an overall feeling of lack of goodwill from the administration. He noted that the formation of other federal states, like Galmudug, was more organic and based on a bottom-up approach. In the case of Jubaland, the involvement of external actors has triggered tensions at both the community and political level. He stressed the importance of local ownership at all levels, and encouraged relevant bodies such as IGAD to play a more decisive role to ensure that the local political processes are conducted without external interference. He cited the recent Kismayo conference as a step in the right direction because it diffused community tensions. Joanna Crouch attributed the reduction in community tensions to the recent enactment by President Madobe of district level councils, which represent the local population.

Halima Farah reminded the audience that the process of federalism began before Madobe was installed as President of Jubaland in 2012, when the governments of Kenya and Somalia met to discuss the security situation and al-Shabaab. The landmark Conference in Limuru established the Azania Group, and agreed on the establishment of districts within Jubaland and their liberation from al-Shabaab. However, the overall criticisms of federalism have centered around opposition to the existence of the Jubaland State itself, the absence of women's voices, the marginalization of smaller clans, a lack of commitment, limited financial resources and an incorrect understanding of federalism from Mogadishu, which they interpret as devolution rather than federalism. On the absence of women, Hodan Ahmed of the National Democratic Institute argued that women need a clearer strategy to demonstrate their added value. She noted that the constitution provides an opportunity as it mandates that women have 30 per cent representation in parliament.

Joanna Crouch contended that such issues are made worse when there is no clear delineation of roles and responsibilities of political actors or a streamlined political structure. The Jubaland members of parliament, she argued, should endeavor to build relationships with the local communities they represent and new arrivals who need training on parliamentary procedures.

What form of reconciliation?

The term social reconciliation in the Somali context is difficult to define, especially because of the long standing nature of the conflict. It is important to differentiate between social and political reconciliation, where social refers to the building of trust and addressing past injustices, and political refers to enabling political elites to advance a shared political vision in a meaningful way.

The use of clan as a primary vehicle for political engagement is problematic, and is an obstacle in the reconciliation process when communities feel that traditional leaders sometimes escalate tensions and create grievances purposefully. Interventions by elders are often guided by the mantra 'not justice but a solution', in which an immediate mitigation of the conflict is sought rather than justice and a long term solution. This has created a climate of continuous and long-standing grievances, aggravated by the absence of enforcement. The state security apparatus does not always act with neutrality. A positive shift in enforcement was witnessed when President Madobe ordered the execution twelve soldiers from his own clan who had committed a murder. Although an isolated incident, this response is touted by many citizens as an example of proper implementation of justice. There is need for a neutral state security apparatus that is accountable and monitored alongside a well-trained judiciary, whether traditional or statutory.

Service provision

The research focused on three elements: governance, service delivery and reconciliation. The study found that there is an inequality and lack of fairness in service delivery, especially in Lower Juba. This has become a driver of social grievances and has put a strain on community relations. Communities identified their priorities as education, health, access to services, ports, markets and land distribution. Many of these services are provided through a single, clan-oriented mechanism, which is vulnerable to abuse. Communities believe that through federalism these services are brought closer to them. So far they have noted some improvements since

2013, including efforts to implement a new public financial system in Kismayo.

Security

Jubaland has seen an overall improvement in security, largely attributed to the confluence of interests between the various actors in the region, including ANISOM, Kenya, Ethiopia and Jubaland itself. The relationship between security forces and the community has improved, which has helped to improve the overall security situation. Abdi Ali also noted that there is a general insecurity fatigue from communities, with people tired of fighting and war.

The presence of al-Shabaab remains a key obstacle to security and to federalism, especially because they oppose the Jubaland project of statebuilding. They attempt to mar progress by restricting access—especially in the lower Juba areas. Access beyond Kismayo has hindered the authorities work beyond Kismayo. On a political level, al-Shabaab have in a way unified both the opposition and the main parties.

A former information minister expressed concerns that the AMISOM troops showed more allegiance to their respective governments than to the AMISOM mission. He noted that there is poor trust and a lack of coordination and liaison between the battalions. He felt that the liberation of Somalia will only come about once Somalis are in charge of their own destiny.

Factors in federalism

Abdi Ali explained that federalism is not a new concept in Somalia and the discussion has been ongoing for a number of years. What is new is the current discussion over what comes first—social reconciliation or statebuilding. In his view, social reconciliation is designed to reduce tensions while statebuilding creates tensions. He felt that Somalia does not fit the classic statebuilding model. The process of ensuring the inclusion of all voices— including those from conflicting groups—in the process is difficult. The fault lines are seen clearly in the clan-based federalism in Somalia. Opponents to federalism have a picture of a united Somalia, but this is not realistic with an already fragmented country, he argued. Another key factor is the role of the federal government in Mogadishu, which understands federalism simply as a form of

devolution. This understanding, he suggested, has been detrimental to peace. Abdi explained that in the absence of a functioning state, reconciliation cannot happen. Part of the reason for this is the lack of direction as to what would come first. This is compounded by the clash of interests from various internal and external actors. He concluded that Somalis are more keen to deal with reconciliation while the international community's focus is on statebuilding.

Abdi argued that the clan system has been eroded over the years to the extent that it has become unclear who the genuine elders are. The system will stay and has positive elements but institutionalized clanism need to be rooted out. Federalism now means that leadership is drawn from people from that region, while previously someone from outside could take up a local government post. In other words, the federalism in Somalia is a strictly clan-based system. In this context the accommodation of minority and majority clans will be key to a more peaceful Somalia.