



T.C.

ANKARA YILDIRIM BEYAZIT UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES

FEDERALISM IN SOMALIA: DEBATES ON THE CULTURE AND THE POWER DISTRIBUTION

MASTER THESIS

Abdikarin Ahmed OMAR

DEPARTMENT OF POLITICAL SCIENCE
AND PUBLIC ADMINISTRATION

ANKARA, 2021

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Supervisor
Dr. Öğr. Üyesi Başak AKAR

ANKARA, 2021

THESIS ACCEPTANCE APPROVAL PAGE

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DECLARATION

I hereby declare and confirm that I have written this thesis in accordance with the rules, guidelines and ethical conducts which set by the institute of social science at Ankara Yıldırım Beyazıt University. I would like also to proclaim here that I have cited and referenced fully all the information that I have obtained from secondary sources. Throughout the study, I kept in mind to produce desirable outcome, therefore I followed all the necessary steps for doing such useful work. Lastly I accept all legal responsibility related to my thesis's academic procedure.

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Signature :

DEDICATION

I want to dedicate this thesis to my hard-working mother, Zeinab Ali Mursal, and my big brother Mohamed Ahmed Omar and the rest of my family.



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First, I want thank Allah, who gave me the opportunity and strength to finish my thesis, as well as, I want thank Ankara Yildirim Beyazit University, for allowing me to be their student and pursue my Master academic studies of Political Science and Public Administration.

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ABSTRACT

Federalism in Somalia: Debates on the Culture and The Power Distribution

This thesis examines whether Somalia is federal state or not, as well if the Somali government allows division of power to its member states. This thesis problematizes whether clan-based Somalia society with ethnic diversity appropriate federalism, departing from the concepts of division of power, between the central government and federal states. Therefore, this study looks at how the institutions function politically, by recalling all previously written literatures and the necessary sources, such as, articles, books.

Somalia embraced federalism officially in 2012, but had practiced since 2000 by different transitional governments. The objective of this research is to question to what limits federalism is operated in Somalia, then study and discuss how culture and society in Somalia find a place in federalism, so the main questions of this thesis are. Is Somalia a federal state? Is Somalia adopting division of power?

Finally, the research will also bring up the discussion on federalism with a society with tribal and ethnic diversity in the continent of Africa. Numerous countries operate federalism such as Nigeria, Senegal, Uganda, Ethiopia in Africa. These countries achieved to practice federalism to some extent, for instance division of power, giving some power to member states, provided social compatibility, functioned with their institutional organization.

This study aims at giving an insight to the upcoming researchers, policy makers, political science scholars, and international organizations specially those put efforts in understanding the experience of federalism in the whole Horn of Africa.

Keywords: Somali, division of power, ethnicity, federalism, culture.

ÖZET

Somali'de Federalizm: K lt r ve G   Dağılımı  zerine Tartışmalar

Bu tez, Somali'nin federal bir devlet olup olmadığını ve ayrıca Somali h k metinin  ye devletlere yetki b l nmesine izin verip vermediğini incelemektedir. Bu tez, etnik  eşitliliğe sahip kabile temelli Somali toplumunun, merkezi h k met ve federal devletler arasındaki g   ayrılığı kavramlarından yola  ıkararak federalizme uygun olup olmadığını sorunsallaştırmaktadır. Bu nedenle, bu  alışma, daha  nce yazılmış t m literat rleri ve makaleler, kitaplar gibi gerekli kaynakları hatırlatarak kurumların siyasi olarak nasıl işlediğine bakmaktadır.

Somali 2012'de federalizmi resmen benimsedi, ancak 2000'den beri farklı ge iş h k metleri tarafından uygulandı. Bu araştırmanın amacı, Somali'de federalizmin hangi sınırlar i inde işletildiğini sorgulamak, ardından Somali'de k lt r ve toplumun federalizmde nasıl bir yer bulunduğunu incelemek ve tartışmaktır, bu nedenle bu tezin ana soruları. Somali federal bir devlet mi? Somali g   ayrılığını benimsiyor mu?

Son olarak araştırma, Afrika kıtasında kabile ve etnik  eşitliliğe sahip bir toplumla federalizm tartışmasını da g ndeme getirecektir. Afrika'da Nijerya, Senegal, Uganda, Etiyopya gibi  ok sayıda  lke federalizmi işletiyor. Bu  lkeler bir dereceye kadar federalizmi uygulamayı başardılar,  rneğin g   ayrılığı,  ye devletlere bir miktar yetki vererek, sosyal uyumluluęu saęladılar, kurumsal  rg tlenmeleri ile işlev g rd ler.

Bu  alışma,  zellikle t m Afrika Boynuzu'ndaki federalizm deneyimini anlamak i in  aba sarf eden gelecek araştırmacılara, politika yapıcılara, siyaset bilimi uzmanlarına ve uluslararası kuruluřlara bir fikir vermeyi ama lamaktadır.

Anahtar Kelimeler: Somali, g  ler ayrılığı, etnisite, federalizm, k lt r.

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LIST OF ABBREVIATIONS

AMISOM	: African Union Mission in Somalia
ASWJ	: Ahlu Suna Wal-Jama
BoP	: Public Investments Program and Balance of Payments
CBS	: Central Bank of Somalia
EU	: European Union
FGOS	: Federal Government of Somalia
FMS	: Federal Member States
HIPC	: The High Indebted Poor Countries
HIPS	: Heritage Institute of Policy studies
IGAD	: Intergovernmental Authority on Development
MPs	: Member of Parliaments
NGOs	: Non-Governmental Organization
NIEC	: National Independent Elections Commission
NSC	: National Salvation Council
SNA	: Somali National Army
SNM	: Somali National Movement
SSDF	: Somali Salvation Democratic Front
TFG	: Transitional Federal Government
UNC	: United Somali Congress
UNISOM	: United Nation Operation in Somalia
UNPOS	: UN Political Office for Somalia
UPD	: Union for Peace and Development Party

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1. INTRODUCTION

1.1. Background

Somalia was divided by five regions by the British, Italy and French colonizers, Southern Somalia and Northern Somalia which later united and became Federal Republic of Somalia, Djibouti, Ogaden under Ethiopia and lastly Northern Frontier District (NFD) under Kenya.

After Britain regained control of British Somaliland and conquered Italian Somaliland, the United Nations granted Italy trusteeship of Italian Somaliland in November 1945, during the Potsdam Conference, on the condition that Somalia achieve independency. This condition was first proposed by the Somali Youth League (SYL) and other Somali political organizations, such as the Somali National League (SNL), and later adopted by the United Nations.

During the period in which Italy was in possession of the region under UN mandate, the trusteeship regulations provided Somalis with the chance to receive practical experience in political education and self-government. British Somaliland, which was to be absorbed into the new Somali state, did not have these benefits.

Somalia was one of the early countries in Africa got independence from colonizers, first, the Northern Somalia took independence from Britain 26 June 1960, after five days the Southern part of Somalia, without any delay both polities decided to unite and became Somali Republic. The coalition government was formed by both Northern Somali and Southern Somalia, they proceeded to build the first democratic state of Somalia, on the other hand a referendum was held for northern Somalia about constitution which legitimizes the unity of Somalia, recognizes the President as the Head of the state, and an executive Prime Minister as well as council of Ministers. (Lewis, The Somali Republic since Independence, 1963).

The Somali society structure was always clan-based Society, they are homogeneous people and they share almost everything, religion, culture, ethnic, and language apart from clan differences. So, every clan has its own portion of land, and collectively the rest of the clan lives there, in order to help each other, in every situation, and share grazing and watering

resources. However, Somalia consists of two parts, the southern and northern part, so people allocate themselves according or near their clan, and relatives. They used to tackle disputes Xeer (traditional customary law) which they resolve almost every dispute happen between the clan themselves or with other neighbor clans, or Sharia law. There are slight differences between these two systems, the Xeer (traditional customary law) holds accountable the offender's family, and both the victim and offender's family.

gather and negotiate the incident, at the end, offender's family may pay to the victim's family Diyo (compensation), while the Sharia law system, only holds accountable the offender himself. (Eno, 2009)

As I will explain Xeer (traditional customary law) later in details, but briefly, the Xeer functions through lineage or council groups which is called "Guurti", they meet occasionally to sort out clan and family disputes, on the other hand participating or witnessing the Guurti meeting is normal, and it depends on the condition of the gathering. (Lewis, 1961).

The "Guurti" council are elder people that represent various clans, and most of them are chosen by their clans, they have good behavior then other people, well respected and honest. The Guurti council have the authority same with modern state nations, they can declare war or ceasefire, as well as punish anybody they find guilty and sent prison. (Lewis, 1961).

Federalism has been an important model for many countries, which some of them applied the way it supposed to be, by giving into some extent of autonomy to the member states. Briefly when federalism is defined, it reflects a central state which controls a certain area of geography at the same time allows some member states to exercise certain amount of autonomy. The important key issue of federalism is the good willing of cooperation between the member states and central government, as well as to be included the member states the national security interest decisions to clear such suspicions of dictating power by the central state (Feeley, 2009).

The National Assembly appointed the first president as Adan Abdulla Osman, on the other hand they asked Dr Abdirashid Ali Shirmarke who was a premier since the independence to form his Ministers which he did, though the first face of his Ministers was disapproved by the National Assembly, later on he did some reforms to his 12 Cabinet members by taking them from coalition parties(the Somali Youth League, Somali National

League, and United Somali Party) and it was accepted by the National Assembly, it was also welcomed by the international donor governments that paid around £25 million (Lewis, The Somali Republic since Independence, 1963).

After a successful building of Somali Republic that gathered and united all political parties that existed both south and north polities, as the second President of Somali Republic Abdirashid Ali Shirmarke was elected, after serving two years as a President he paid a visit to Lissanoud where he was assassinated by member of Somali Police Force in October 15, 1969, after the assassination incident the Somali Parliament gathered to discuss the future President of the country but they didn't come up with any result. (Lyons, 2010)

A Major General Mohamed Siad Barre stepped in and began to organize a bloodless takeover of Somali's government in October 21, 1969. After days of the former President's assassination, the Coup was successful and bloodless, General Siad Barre suspended the national constitution, as well as abolished the Multi-Party System, on the other side he jailed some politicians that may come against his coup, also General Siad Barre introduced the Socialism ideology, and began to have a good close relation with Soviet Union and other socialist allies. (Payton, 1980)

The Siad Barre's regime came to an end in 1991 after 21 years of administering the country, because of the oppression and undemocratic system that he applied over the Somali society, different insurgent Militia groups emerged from the various regions of the country, the Somali Salvation Democratic Front (SSDF) emerged from northeast, the Somali National Movement (SNM) from northwest and the United Somali Congress (UNC) from the South, with the help of neighbor states like Ethiopia, Kenya who had territorial and political disputes with Barre's regime helped the insurgent militia groups to overthrow his regime. (Lyons, 2010)

After the fall of Siad Barre's regime, civil war broke up and all governmental institutions were shutdown, clans get stronger and began to rule the regions that they number as majority, so when the Somali intellectuals and politicians gathered to discuss how to rebuild the nation again, they come to the conclusion that federalism suits Somalia, after they put to the table the different aspects of the civil war and how clans are eager to control their territories, later on federalism was legally approved between 2002 and 2004 at Mbegatti Conference in Eldoret, Kenya. (Hammond, L.2013).

After many years the Transitional Federal Governments (TFG) succeeded to take the country into the direction of federal state in 2012, along the way there were many obstacles against building or transitioning the country into federal state. Also, there were other movements that stood for the rebuilding of the Somali nation alongside the Transitional Federal Governments (TFG), such as Islamic Courts Union. (Barnes, 2007)

The Islamic Courts Union's mission was to control the country under Islamic Law, which means the Qur'an will be the constitution, guide map of the country, and everything will be referenced, instead the Transitional Federal Government's plan of administering the country was to make a referendum for constitution that stakeholder agree on each other. The Islamic Courts Union and other Islamist groups that emerged such as Al-Shabab are against any constitution apart the Qur'an, when this movement emerged, they succeeded to Somali people's heart after opening of police stations and courts back, ensuring security and the stability of the cities under their control. (Barnes, 2007)

After almost 6 months of full control over the capital city Mogadishu, the Transitional Federal Government (TFG) supported by Ethiopian and other neighbor country's army took over the control capital city Mogadishu. The power of the Islamic Courts Union, weakened with in time because of ideological differences lead the movement split into many small groups, Al-Shabab was one the groups that emerged from Islamic Courts Union, and joined Al-Qaeda in 2012. Al-Shabab are against the agenda of the Somali Federal State, and see as threat anyone who is affiliated. (Anzalone, 2016)

The support of neighbor country's military forces like Ethiopia, Kenya, Uganda, Burundi, the Transitional Federal Government (TFG) attained much power, and weakened Al-Shabab, after taking control of the cities that dominated by the terror group. However, the Transitional Federal Government with the help of African Union Mission to Somalia (AMISOM) did a lot of progress and was committed to rebuild and bring back peace to the country.

When the Transitional Federal Government's (TFG) mandate ended in 2012, the stakeholders agreed on permanent Somali Federal State, with mandate of four years, creating member states, as well as adopting a constitution through referendum. The decision of establishing a permanent Somali Federal State directed to the country into level of engaging with international community, earning back the country's pride once again, after almost 21

years of war conflict. Three regimes have served including the current regime, under federal system, each regime has faced many obstacles regarding federal member states. But these regimes successfully and democratically passed the power to the next regimes, through elections. (Menkhaus K. , Somalia at the Tipping Point?, 2012)

1.2. Problem Statement

The problem that this thesis tries to understand and look over is, the federalism system in Somalia, while Somalia is a nation, which has tribe differences, that deeply effects the power sharing and elections of federal state as well as the member states, the 4.5 system, which violates the rights of minority Somalis, and clearly allows to the tribes to divide the governmental seats unequally , which many Somali scholars believe is injustice system against the Somali minority clans (Qaas, 2021), though the Somali nation shares common values as society, such as the language which is the only language that the Somali nation has, on the other hand the same faith (Islam) which is an important tool for a society to live together, and homogenous society that have same ethnic background, but has various tribes. (Ssereo, 2003)

After almost three decades of non-central government, the Somali tribes went to their regions during the civil war and began to guard their territory and livestock from other tribes, this let the tribes get stronger and became an obstacle while transitioning into federal state, because the society was divided and separated already by civil war.

1.3. Objectives of the Study

The main objective of this study is, to overview the recent federal transitioning of Somalia, After almost three decades of non-central government, the Transitional Federal government (TFG) took a huge step toward building Somali federal state with International donors, Puntland, Galmudug and Ahlu Sunna Wal Jama'a (a Sufi militia allied with the TFG), they gathered at Garowe to end the transitional government, though many Somalis believed that there were a heavy influence from the International donors, the gathering ended with agreement that signed by all sides, with plan of using 4.5 as formula for dividing the seats of the government, The formula supports discrimination against the Somali minority people, which only allows them to get half representation, for instance the total number of

the parliament seats are 275, major clans get 61 seats each clan while the minority clans are given 32 seats (Hammond, 2013).

Nigeria and Ethiopia, the two most populous African nations, federalism is used as a form of government. Federalism was established on Nigeria by the British during colonial authority to protect their national interests and to maintain their neocolonial ties, according to certain authors in Nigeria (Afigbo 1991). Nigeria's federalism, according to Obafemi Awolowo, was the result of delegates' decision between 1949 and 1950 (Uche 1967).

1.4. Research Questions

This thesis, will try to find an answer or enlighten these questions.

What are the features of Somali federalism? Federalism in Somalia? To understand the basic features of it, I also tried to find for answer these sub questions. How does the division of power characterize in Somalia? How does the clan-based society play a role in federalism?

1.5. Methodology

This thesis, uses, single case study (Neuman, 2014), interpretive and descriptive, the methods rely heavily on literature review and secondary data, by including notes of the Somali institutions, Websites who concern the issue, the surveys that have been done.

This study achieves its goals while framing a very significant discussion on federalism in Somalia, and contribute to the scope on making a future for the country.

The reason I chose Somalia as a case, the country itself is new to federal system and has been struggling for a decade to operate this system to the country, the disputes of federal state and member states are inevitable most the time, its worthy to look over and study as a case. On the other hand, less scholars have engaged about Somalia cases, and it's hard to find answers questions that relate with federal system in Somalia, However, the issue that makes Somalia important as a case, is she has been in civil war over two decade, so to end the conflicts between the Somali clans, a small group of Somali intellectuals met and decided to apply federalism to the country to satisfy the fighting clans, as most of the countries in the world, whenever the state wants to pursue a new system, their society decides, through

referendum, and which ever they pick the country will be applied that system. But what happened in Somalia is the direct opposite, federalism was chosen to satisfy the fighting sides, in order to stop the prolonged conflicts.

As (Zoppi, M., 2018) argues federalism system is being used by fragmented societies and Somalia is one of those states, the clan structure of Somalia itself dominates the socio-political environment. The major clans the Darod, the Isaaq, the Dir and the Hawiye, the Rahanwein, and the Digil, (Ssereo, F., 2003), with being said the state is clan based with 4.5 formula, politicians strive for welfare of the extended family rather than the welfare of the entire Somali nation, with this mentality of putting forward the interest or agenda of the extended family, it's very hard to find anybody who quietly cares the interests of the state. (Zoppi, M., 2018)

Though many countries around the world, pursue federalism as a system, there are always a portion of the society which are minority to that specific country, they of course, face many issues, for instance inequality when it comes power division, or distribution of political positions, and this leads more corruption into the federalism system, federalism works better when ethnically diversity societies are given the same right, no matter how portion of the inhabitants are ethnically small or minority, everything shall be divided equally, in order to reduce the level of corruption and inequality (Van der Beken, 2015).

1.6. Data types and sources

Data type and sources are essential element in any research, it guides to the researcher which issue to concentrate or not, and helps the readers to trace back the data and its origin sources, for this thesis, the researcher will use secondary data, which composes of the existing literatures written about the topic and it includes, articles, journals, newspapers, independent institutions, governmental institutions, civil society organizations, and other sources relate to our main topic federalism in Somalia; debates on culture and division of power, as well as sources that may provide an answer to the research question, the researcher uses, single case study, interpretive and descriptive, heavily the researcher pursues secondary data, by comparing the related articles that have been written before

The data and literature circulate around the context of Somalia's transitional period of federalism, after two decades of civil war, the researcher covers, the civil war period, the

transitional period, which was almost a decade, and the constitutional act in 2012, which Somalia declared to become a federal republic. However, this study achieves its goals while framing a very significant discussion on federalism and the transitional period of Somalia, and contribute to the scope on making a future for the country (Murgan, 2015).

1.7. Scope of the study and limitations

This study will be limited on certain fields, the area of Somalia transitioning to Federalism as well as debates on the culture and the power division. The study will also reflect how the different regimes applied federalism through the years, the current regime's policies toward the elections, with the obstacles they encounter with federal state members.

1.8. Organization of the study

This thesis will be five chapters with conclusion, the first chapter will give a historical background which includes Somali Precolonial and colonial past, ethnic and traditional structure, state collapse, civil war, and problem statement, research questions, objectives of the study, scope of the study and limitation, as well as research methodology. The second chapter is being discussed the conceptual framework, the chapter will briefly talk about political systems and its types whether its monarchy or democracy, the chapter continues elaborating the conceptual debates on democratic regimes, division of power, federalism, and its origin, relationship between federalism and ethnic diversity, forms of state. The third chapter will cover the literature on federalism in Somalia. The chapter also cover the suggestions that is being made by Somali and non-Somali scholars toward which system the Somali government will pursue, whether its federal, or consociationalism or decentralized unitary system, Chapter four will be the case study and chapter five will be discussions and conclusion.

2. CONCEPTUAL FRAMEWORK

2.1. History of federalism

The term federal originally was derived from Latin word (foedus), while in the Hebrew is (brit), these terms carry the meaning of covenant and peace respectively, some scholars and theologians believe the term federal was used to refer theologically the relationship between men and god, later on, the covenant system emerged between the families, which gives same equal right to family individuals, then the concept of covenant system guided to establish polities, and then from polities to unite and become federal states, federalism emerged from the need of the societies and polities, with the purpose of integrating one another, and sharing certain common end interests. (Elazar, 1987) .

The first manifestations of federalism date back to antiquity and took the form of coalitions between sovereign entities. The Archaic League, the Aetolic League, the Peloponnesian League, and the Delian League were only a few of the leagues that existed between the seventh and second centuries B.C. While the Greek city states of Classical Greece insisted on maintaining total autonomy, changing situations throughout the Hellenistic era compelled many city states to join together, even if it meant sacrificing some of their sovereignty, subsequent unions of states included the first and second Swiss Confederations (1291-1798 and 1815-48), the United Provinces of the Netherlands (1579-1795), the German Bund (1815-66), the first American union known as the Confederation of the United States of America (1781-89), and second American union formed as the United States of America (1789-1865). (Law, 2012)

(Daniel J. Elazar 1994) explains, how federalism emerged and the origin of the polity, he mentions that polities emerge in three forms, first one, polities emerge by conquest (force, in the word of federalist) second by organic development (for the federalist, accident) and lastly by covenant (choice), and briefly explains these three factors, first the polities that were founded by conquering, end up authoritarian administration regime, which keeps hierarchical system through the society and the aim is to control the top of the pyramid, the second which is organic development, the framework of political life begins at the bottom, at home families, tribes, and villages, to the point the society come up with constitution and institutions, from past precedents and altering conditions so the point is to control the center of power, and lastly the third one covenantal, is equality based system, which maintains

equal participation to establish polities, each polity have capacity to exercise certain basic rights, when we look over covenantal system, it has confederation structure, though it's different from it (Elazar, 1987).

2.2. Theoretical background of Federalism

Essentially, the classical approach attempts to define what federalism is. Dicey, Harrison Moore, Jethrow Brown, Bryce, Robert Garran, and K.C. Wheare were among the most prominent exponents of classical theory in the twentieth century. As stated by Robert Garan, a famous Australian scholar: "A system of government in which sovereignty or political authority is shared between the central government and local governments, so that each of them within its own area is independent of the other " (Benz, 2013).

Wheare explained federalism in a traditional way, to determine if a constitution is federal or not, one must look at its structure, "Then, the standard for federal government, he uses is simply this," he says. " It is possible to have a system of government where the general and regional authorities each have their own sphere of influence over the other, but they are both coordinated with one other and independent of each other. It's federal if that's the case (Benz, 2013)

In the contemporary world, federalism as a political idea has become increasingly important as a way of peacefully reconciling unity and diversity within a political system.

The changing character of the globe has led to parallel pressures on both big and small governments, which is why this is the case. Transportation, communication, technology, industrial organization, globalization and knowledge-based society have all played a role in this trend.

As a result, two strong, interdependent, and at times even conflicting goals have emerged: the drive to establish dynamic and efficient contemporary nations, and the quest for separate identities, it is a common yearning for development, a rising quality of living, social fairness, influence in the public arena, involvement in the global economic network, and a growing understanding of worldwide interconnectedness in an age that allows both mass devastation and mass building to occur (Benz, 2013).

The latter is motivated by a desire for smaller, more responsible, self-governing governmental entities that are more responsive to the individual citizen, as well as by a desire to express main group attachments, linguistic and cultural ties, religious affiliations. A community's sense of identity and desire for self-determination are based on the different historical traditions and social practices that have developed through time in that group.

Federal solutions have become more popular around the world because of these two things: the need for larger political units that can help with economic growth and security, and the need for smaller political units that can be more responsive to their constituents and show their uniqueness (Gamper, 2005).

2.3. Types of Federalism

Federalism is a political system based on the idea that each state operating under a central authority may have its own laws and traditions while yet having a common set of laws, customs, and currency. A joint governing authority exists between the central or federal government and regional governments (including provincial, state, and other sub-unit administrations) (Aroney N. , 2016).

2.4. Contemporary Federalism

As a consequence, the federal concept's potential reach is rather vast. "Intersectionality" refers to forms of human communication that are typically viewed as belonging to quite different domains, such as social and political, religious and secular, personal and territorial. Nonetheless, in the domains of political science and law, the term "federal" is often employed in a restricted sense, describing a certain kind of state structure distinguished primarily by politics, religion, and territoriality (Aroney N. , 2016).

A substantial part of this may be attributed to the establishment of the Westphalian system of nation-states beginning in the seventeenth century and the attribution of sovereignty to such governments as a matter of both international and national law (Aroney N. , 2016).

According to historical evidence, the thirteen American states' political leaders seemed to agree on this when they convened in the late eighteenth century to discuss the conditions

of a "federal" union, first under the Articles of Confederation in 1781 and then under the Constitution in 1788. Despite the fact that the federal notion was still alive and well in its social, religious, and personal connotations at the time, the constitutional debate was dominated by legal and political considerations (Aroney N. , 2016).

Federations were initially supposed to be created on the basis of agreements between sovereign states. ' A true federation is formed by the 'unanimous consent of the many states that are party to it,' as James Madison put it (Madison 1788, 243-4), with each state recognized as 'a sovereign entity, independent of all others, and bound entirely by its own free act,' as each state is understood to be (Aroney N. , 2016).

Additionally, (Madison 1788, 244-6) asserts that a really federal arrangement between states would safeguard the essential concept of their sovereign equality. While states may agree to convene in order to develop common policies for the conduct of their internal and external affairs, each state will typically insist on equal representation in the federal council or assembly, will retain a critical role in the implementation of federal policies, and will retain an individual veto over any proposed change to the federal arrangement (Aroney N. , 2016).

According to Nicholas Aroney (2016) there are 5 classificatory criteria of federalism;

a) Federation and Confederation; Developing a new phrase to describe the new political structure, which Ellsworth and Madison had somewhat clumsily labeled as "partially national, partly federal," was necessitated by the new type of federal union exhibited by nations such as the United States, Switzerland, Australia, and Germany. Three new classifications have been developed. The phrases 'confederation,' 'federation,' and 'unitary state' were the most commonly used in English, but the similar terms in German were Staatenbund, Bundesstaat, and Staat (Aroney N. , 2016).

For more than a century, the divide between these three types of government has dominated political and legal categorization. Though their differences are distinct, there has been debate on the nature of the distinction between the two.

According to one point of view, the most crucial issue is where sovereignty should be established. According to this view, the most fundamental category theoretically is that of the 'state' simpliciter, and the distinguishing characteristic of a state is its possession of

sovereignty (Aroney N. , 2016). Thus, the typical requirement of a state is to be a "unitary" political community, reliant on a single center of authority, both domestically and internationally, as defined by the United Nations Charter (Aroney N. , 2016). The difference between a federation and a confederation, according to this view, is that in the former, sovereignty is vested in the state itself (conceived as a singular 'federal-state' or Bundesstaat), whereas in the latter, sovereignty is retained by each of the several constituent states (conceived as a plural 'confederation of states' or Staatenbund) (Aroney N. , 2016). As seen from this perspective, the United States of America constitutes a peculiar sort of state in which governing functions are dispersed amongst tiers of government, but where sovereignty is concentrated in a single locus of constituent authority (Aroney N. , 2016).

b) Aggregation and Devolution; The distinction between federations and confederations is more nuanced and nuanced than just locating sovereignty. Confederations and federations are both established on an agreement or what Riker (1964) termed a 'bargain' among component nations (Aroney N. , 2016).

It's is essential to note that the way decentralized federations are formed is very different from how aggregative systems are formed at certain points in their history. Because each country has its own national constitution, powers and procedures that allow for federalization or devolution can be used in each country. In Belgium, Spain, and the United Kingdom, for example, the formal process of federalization or devolution took place through the use of these powers and procedures (Aroney N. , 2016).

Formerly unitary state government functions have been dispersed among political entities. The contrast between aggregation and devolution should not be overstated. In Belgium, Spain, and the UK, although federalisation followed the nation-constitutional state's legislation, the true political impetus came from emerging sub-state political groupings.

c) Symmetry and Asymmetry; The difference between symmetrical and asymmetrical federations is a crucial one to understand and remember. It seems that, as the instances considered thus far indicate, there is an inverse connection between officially devolutionary aspects in the building of federations and asymmetries in the handling of the component political entities, and vice versa in the case of aggregative federation (Aroney N. , 2016).

Consequently, when states are aggregated, constitutive equality among them is presumed, and when the constituent states negotiate the terms of a federal constitution, they tend to insist on being treated equally in the negotiations and under the federal constitution being negotiated, regardless of their size, population, economic or military power (eg, Australia, Switzerland, United States) (Aroney N. , 2016).

d) Uninational and Multinational; Federal systems may be composed of states that are homogeneous in terms of race, language, culture, or religion, but that are diverse in terms of other characteristics (Stepan 2001, 323-8). People of different nationality or cultural identity may practice self-governance while remaining under the jurisdiction of a single overarching federal government if these types of diversity are manifested geographically or territorially

The Swiss government framework, for case, developed in measure over a few centuries through the slow accumulation of unused constituent cantons which contrasted impressively in religion (Catholic and Protestant) and dialect (at first German, but afterward French, Italian and Romansch), empowering the unmistakable social characters of the individuals of each canton to be protected inside an advancing government framework of government (Aroney N. , 2016).

e) Coordination and Cooperation; Federations may be structured in two ways: either as "coordinate" or "cooperative" organizations that share responsibility for determining and enacting government policy, depending on how they are seen by the component states and how they are represented in the federal government (Aroney N. , 2016).

In this way, models of coordinate or dual' federalism envision the federation and the states as each exercising legislative, executive, and judiciary authority, in a relatively independent fashion, in separate fields, whereas cooperative or administrative' federalism envisions them as performing different governmental functions within shared fields of operation: the federal institutions enacting the relevant legislation, and the state institutions administering that legislation (Aroney N. , 2016).

While there is a federation and individual states in the United States, each of these institutions has its own unique set of legislative, executive, and judicial institutions that are still in charge of enacting, administering, and enforcing its own set of laws. German

legislators, on the other hand, have maintained their independence despite recent changes in the allocation of legislative authorities. In Germany,

“Federal System may consist of states whose ethnicity, language, culture or religion tends to be either homogeneous or heterogenous” (Stepan, 2001, 323-8)

2.5. Principles of Federalism

fundamental features that every federal government must have, a) Power Distribution system: in a Federalism-practicing nation, authority is divided between the central government and regional or state governments. In certain nations, such as Nigeria, the powers and responsibilities of the government are divided into three categories: the Exclusive list, the Concurrent list, and the Residual list. Each level of government is clearly defined by these lists, which clearly identify the extent, powers, and restrictions of each level of government. b) Independent Judiciary: In a federal form of government, the judiciary must have the ability to make judgments on its own initiative. It is important that their decisions and interpretations of the law are not affected by those in other branches of government. As stated in the Constitution and relevant legislation, the primary responsibility of the judiciary is to deliberate over legal matters and questions in accordance with the law and the constitution (Dahl R. A., 1983, pp. 95-108). The genuine essence of Federalism can only be preserved if the Judiciary is given the freedom to carry out its responsibilities independently. c) Constitution: There are various elements to the constitutions utilized in each of the states that practice Federalism. First and first, the constitution must be written; on the other hand, it must also be rigorous, rather than being flexible. Because of this, it is impossible to modify laws that incorporate provisions of the constitution, and indeed the constitution as a whole. It must go through a sequence of predetermined procedures that are especially designed to allow for constitutional modification (Dahl R. A., 1983, pp. 95-108). The constitution may also only be altered via this method if all three levels of government agree on the changes. The constitutional change will not be implemented if they do not agree, or if one of them does not agree. d) Legislature: the legislative branch of a nation that practices Federalism is bicameral in nature. This implies that a nation with two legislative bodies, often the upper and lower chambers, should be established. The concept of bicameralism, according to some researchers, is implemented in federalist states because the two chambers of Congress would complement each other while also serving as checks and balances on one another in an

attempt to ensure accountability. f) Revenue: All three levels of government should have their own money sources, and never completely rely on each other under a Federalism-based system (Dahl R. A., 1983, pp. 95-108).

i. Definition of division of Power: separation of powers refers to the division of government's legislative, executive, and judicial duties among different and independent entities. It has been suggested that such a split reduces the likelihood of arbitrary government excesses since the approval of all three branches is necessary for the writing, executing, and administration of legislation (Dahl R. A., 1983, pp. 95-108).

The purpose of establishing a system with divided powers is to avoid the concentration of power by establishing checks and balances between the various branches of government.

ii. History of division of power: the idea derives from ancient and medieval notions of mixed government, which maintained that political processes should include the interests of all segments of society, including monarchical, aristocratic, and democratic aspects.

Montesquieu's *De l'esprit des lois* (1748; *The Spirit of Laws*) was the first contemporary expression of the theory, although John Locke had previously argued that legislative authority should be split between the monarch and Parliament.

iii. Check and Balances: Checks and balances are a concept of governance that, according to U.S. founding father Alexander Hamilton, means that different parts should be authorized to prohibit one another from acting, and be encouraged to share authority. Constitutional governments heavily depend on checks and balances. In governments that split authority into several parts, such as the United States government, the branches are essential for maintaining separation of powers (Persson, 1996).

In other word according to the concept of checks and balances, each department of government should have the authority to restrict or check the powers of the other two, thus achieving a balance between the three distinct authorities of the state in question. It is the efforts of each branch to prevent either of the other branches from becoming supreme that constitute part of a perpetual struggle, which protects the people against abuses by the government.

Immanuel Kant believed that, with the right constitution, even a country of demons could build up a state, "The issue of setting up a state may be solved even by a nation of

devils," Kant said, "if they had an adequate constitution." Checks and balances serve the purpose of maintaining each branch in its place, since the division of powers necessitates each branch having the ability to defend its own authority and capabilities against invasion by the other branches. To ensure that the branches of power are balanced, they are guaranteeing that they have the same levels of power (co-equal), so that they may restrict each other's authority, preventing the misuse of power (Rose-Ackerman, 2011).

iv. Democracy: is a system of political institutions in which the people are allowed to openly express their political views, where the authority of the executive is limited, and where individual civil rights are guaranteed, political views cannot be freely stated under an autocrat, and people do not have civil rights guaranteed to them (Lijphart 2012),

Every qualified citizen should be able to participate in the legislative process, regardless of gender, age, income, race, ethnicity, or religion. An example of this is in a representative democracy, every vote is treated equally, and people who seek to become representatives cannot be prevented from doing so if they meet eligibility requirements, at the same time, people in this democracy are granted a legitimate and legally protected set of rights and liberties that is found in the democratic tradition (Lijphart, 1994).

A state's government is divided into branches, each with its own set of powers and duties that are distinct from those of the other branches, in order to prevent the powers of one branch from clashing with those of the other branches (Lijphart, 1994). The trias-political model divides the government into three branches: a legislative branch, an executive branch, and a judiciary, which is the standard division of powers. Consider, for example, how the fusion of powers happens in parliamentary and semi-presidential systems, when the executive and legislative branches of government are brought together (Lijphart, 1994).

Democracy has both positive and negative characteristics, and although alternative systems are less ideal, it is essential to understand democracy's shortcomings. Starting with the positive aspects of democracy and describing what democracy is, we will move on to the negative aspects of democracy (Ackerman, 2000).

Living in a democracy is essential because people in a democracy have a voice and have the freedom to express themselves. However, to live in a democracy means having the right to govern rather than just to be governed, to rule rather than simply to be controlled, and to be heard, the ability to select our leaders, as well as the ability to choose what we

want, is what distinguishes democracy from other systems, it is this freedom of choice that makes democratic systems superior to their alternatives. the freedom of choice, the freedom of choice in terms of selecting our political leaders.

However, one of the shortcomings of democracy is that it is very inefficient. As a result, democracy loses a great deal of efficiency in the way they make choices because, in order to make a decision, things must come to a vote; a bill must be presented, and then it must be voted on in order to become a law; this can be an extremely lengthy and time-consuming procedure. An example of this would be the comparison between democratic and authoritarian regimes, authoritarian has the final say and can choose to pass legislation immediately, skipping over all other considerations. However, this is also the flaw in a dictatorship, as it does not take into consideration what the people want (Ackerman, 2000).

Socrates has another side, and it is an essential concept for him to explain why he dislikes democracy, he explains why the ordinary individual who may not be able to determine who should govern or who should lead a nation should be competent to judge, to make it extremely irresponsible to allow a person to vote who is a leader without the education on the issue, he believed that only those capable of logical and in-depth thinking should be permitted to vote, in other words, those educated enough to determine who is the greatest leader, it is a choice between an intellectual democracy and, in this instance, a democracy by birthright in the United States, the United States has granted the right to vote to everyone without equating it with intelligence. This is another weakness in the American system of democracy (Hansen, 1981).

Yet another manner in which democracy may be detrimental is via the concept of mob rule, in which one of the most serious dangers of democracy is the tyranny of the majority. The passage of anti-Semitic legislation would not be surprising if a large majority of the people were to have anti-Semitic views. Although, thankfully, most political systems contain fundamental human rights to protect against situations like this from occurring, but a large enough majority may override these rights if the majority is strong enough.

Certain democratic governments, like in the case of Iran, were probably better than dictatorships, the leader of Iran was occidentalizing the nation before becoming a democracy, and he implemented new laws on gender equality. The concept of turning Iran into a global power was modernized, but we don't like it to the Iranian people, we are not

ready and he has been ousted and replaced by religious extremists, in terms of equality and economic success, religious extremists' time and power have proven to be a complete failure. In this sense, certain dictatorships are simply superior than some democracies in terms of political power.

There are some positive aspects of democracy for instance, elections may bring about changes in government or power transfers without the need of violence, since power is passed from one political party to another via elections, democracy is a stable type of governance because citizens choose their governing authority, and the government operates on popular support, allowing democracy to be a stable form of government. Elections are subject to terms, and when the term is up, the presently governing party will be forced to compete with other parties in order to maintain their authority in the next election, this obstructs the present governing Authority's ability to maintain its monopoly, however, when democracy is functioning properly, it promotes equality as well as the preservation of human rights.

2.6. Majoritarian versus Consensus

i. The contrast between consensus and majoritarian political systems is a critical dividing line in the institutionalization of democracies (Lijphart 2012), Unlike the former, which distributes power among many groups, the latter concentrates power in the hands of the majority (Lijphart 2012).

ii. Decisions are acceptable in consensus democracies because they are made by collegial decision-making, negotiation, and compromise, rather than through unilateral action.

iii. Decisions made under majoritarian systems, on the other hand, are legal since they represent the desire of the majority and those who made them can be easily recognized.

iv. Consensual systems value diversity of viewpoints and perspectives, whereas majoritarian systems value government mandate and responsibility (Powell, 2000).

2.7. Centralization versus Decentralization

A country's political and administrative organization may be characterized as either centrally planned or decentralized. Power and authority in a centralized state are concentrated in the central government, which makes decisions and conducts the majority of the duties (Hutchcroft, 2001)

Federal systems are distinguished by the simultaneous presence of significant reasons for component units to be joined (for certain common objectives) and their deep-rooted ambitions for self-government. This is a characteristic of federal systems (for other purposes). As a result, the division of constitutional powers among the several levels of government is a significant element of all federal systems.

Despite the fact that federations are frequently referred to as decentralized political systems, what distinguishes them from decentralized unitary systems is not only the scope of decentralized responsibilities, but also the constitutional guarantee of autonomy for the constituent governments in the responsibilities they undertake (Elazar, 1987),

Instead of using the term "decentralized," which implies a hierarchical power structure with the top or center wielding ultimate control, Osaghe (1990) preferred the term "noncentralization," which suggests a constitutionally structured distribution of power, more accurately reflecting the essential characteristics of federations.

In a centralized nation, power and authority are concentrated in the central government, whereas regional and local governments have little or no jurisdiction. A centralized government is sometimes associated with the notion of an authoritarian state that prohibits public and democratic engagement.

The unitary decentralized system provides not only regional/local capacitation but it's also more pragmatic and cost-effective (Elazar, 1987).

The notion of a centralized government is often associated with an authoritarian system that excludes involvement by the general population and democracy. In other cases, though, this isn't the case, several democratic and well-functioning nations, such as Denmark and Norway, adopt a centralized model whereas military and authoritarian governments strive to consolidate power in the hands of a few, there are several benefits to centralization: It is a really effective method, rapidity and effectiveness characterize the decision-making process,

the bureaucratic system is better working since there are fewer duplications; as a result, there is less waste (Hutchcroft, 2001).

Decentralization is frequently viewed as a solution to the challenges associated with a centralized government structure (i.e. lack of public participation, excessive control, economic decline, etc.). In reality, this approach has a number of advantages, including the following: It reduces (or eliminates) the dangers associated with excessive concentration of power, it has the potential to spur economic progress, it guarantees that a larger number of people participate in politics, it serves as a catalyst for political innovation (Elazar, 1987).

There is no one point of authority or accountability in an apolitical decentralized state. In contrast to the homogeneity of centralized administrations, no two decentralized states are the same. However, the decentralization process may vary from nation to another, and be conducted through a variety of various approaches, as an example, the level of autonomy of regions and local governments varies greatly, a decentralized method is used by both the United States and China, but the results are vastly different, there is far more freedom for individuals in the United States than there is in China's regions (Elazar, 1987).

Under a decentralized system power, functions, and authority are divided among local authorities and entities, rather than being concentrated in the hands of the central government. It is possible to split authority among regions, provinces, or even cities - every country and every decentralized system has its own set of characteristics, and the degree of autonomy enjoyed by the various areas might range significantly (Elazar, 1987).

2.8. Federalism and Ethnic Autonomy

In an ethnic federation, some or all of the federated units are created in a manner that is as close to ethnic boundaries as feasible, allowing ethnic communities to exercise a certain degree of autonomy. In contrast to outright division, the federation maintains a single entity, which distinguishes it from the former. A system like this may be explored in countries where ethnic groups are concentrated in certain geographical areas (Merry, 2000).

Almost every nation that had various ethnic societies and began to pursue federalism as way of governmental principle faced such obstacles, because the federal system was new to them, and when you look back their early political system was totally different, like Latin America was under European colonization, Africa was also village society which means, the

elders were the head of the village, and solve any disputes between village inhabitants (Adebanwi, W, 2019).

Hughes argues that, most of the states that chose federalism as a system of government in mid-twentieth century didn't put much thought the consequences that may face, what I mean by this, the primary objectives of these countries was to achieve independence, and fighting against the colonial, on the other hand such minor ethnic disputes used to happen between them, but focused on their fight with the colonial, so it was problem to established a unitary and unified state, because the society was divided already by the colonial or by the society itself to protect their territory and fight with the invaders (Adebanwi, W, 2019).

Any multi-ethnic country that has managed to maintain its unity faces ethnic challenges as part of its broader societal problems. The stability of multi-ethnic countries depends on the harmony of ethnic relations as well as on the unity and stability of the various ethnic groups within those countries (Merry, 2000).

Ethnic federal systems were developed to address ethnic autonomy and inter-ethnic problems within a state. Inherent issues in building and maintaining an ethnic federation have led to certain states or sub-divisions of states breaking apart, reverting to authoritarian repression, or even ethnic cleansing and assaults and pogroms based on race.

China has implemented a system of regional ethnic autonomy, autonomous organs of self-government are developed in areas where national minorities dwell in compact communities under the united authority of the state in these locations, individuals belonging to minorities have the right to exercise autonomy, to be rulers of their own lands, and to run their own internal affairs.

China now maintains 30 autonomous prefectures and 120 autonomous counties (called, in certain circumstances, as "banners"), in addition to more than 1,300 ethnic townships, all of which are self-governing, people's congresses and people's governments of autonomous regions, autonomous prefectures, and autonomous counties are the means of self-governance in ethnic autonomous zones (banners) (Baogang., 2009)

In federal systems, political power is split between two independent sets of administrations, one at the national level and the other at the subnational level, both of which

have direct control over the people. An established constitutional division of power is usually formed between the national government, which exercises authority over the whole national territory, and the province governments, which exercise autonomous authority within their respective jurisdictions (Wechsler, 2013).

Seven of the world's eight biggest nations by land area Russia, Canada, the United States, Brazil, Australia, India, and Argentina—are structured on a federal system, with the other two being states. (China, the world's third-largest economy, has a unitary government.) Austria, Belgium, Ethiopia, Germany, Malaysia, Mexico, Nigeria, Pakistan, Switzerland, the United Arab Emirates, and Venezuela are just a few of the nations that fall under the federal jurisdiction umbrella (Baogang., 2009)

A significant deal of variation is evident in the governmental structures and political processes present in various federal systems. First, there are a handful of systems in which federal structures reflect quite clear-cut cultural distinctions, such as the United Kingdom and the United States. Switzerland is a great example of this sort of situation, where the people speak four different languages German, French, Italian, and Romansh and the federal system combines 26 historically and culturally distinct units, known as cantons and demicantons, under a single government (Elazar, 1987).

A considerable degree of cultural similarity may be observed in various federal systems. Foreign policy and war, as well as interstate and international commerce regulation, are vested solely in the federal government by the Constitution of the United States. Other tasks are split between the federal government and the states, while a few are reserved solely for state governments. Both the federal government and the states benefit greatly from this setup, which necessitates two different sets of political officials, two separate sets of judicial systems, and two separate sets of taxation systems.

For this reason and many others, the two branches of government must work closely together in order to carry out such responsibilities as electing representatives to Congress and appointing presidents, changing the Constitution, levying taxes, and much more (Elazar, 1987).

2.9. Consociationalism and Consensus Model of Democracy

Consociationalism is a kind of democratic power sharing, political scientists describe a Consociationalism state as one having substantial internal ethnic, religious, or linguistic divides, but no dominant group, on the other hand seeks to maintain political stability, power-sharing agreements, democracy, and prevent bloodshed (Lustick, 1979)

Arend Lijphart is widely regarded as a seminal person in the development of the notion of consociationalism and the literatures on the subject as a means of regulating power-sharing in a wide range of circumstances.

“The involvement of representatives of all key groups in political decision-making, notably at the executive level [and] group autonomy implies that these groups have the ability to conduct their own internal affairs, especially in the fields of education and culture,” says Lijphart.

He claims that the consociationalism model is comprised of four essential components: proportional representation to ensure that minorities are represented; government through grand coalitions to ensure that all groups have the ability to vote; a 'concurrent majority' to ensure that all groups have the ability to vote; and a robust judicial review process. For him, one major benefit of consociation over the federal model is that the interests of diverse groups may be served despite the fact that they may be geographically close to one another (Lustick, 1979)

The two most important aspects of consociationalism are rule by grand coalition and segmental autonomy, both of which are defined as follows: In the context of government by grand coalition, the institutional structure in which representatives of all important sectors engage in shared decision-making with regard to common problems, while decision-making remains autonomous with regard to all other matter (Lijphart, Consociational democracy, 1969).

The formation of durable democratic regimes is often seen to be hindered by profound societal cleavages such as those caused by ideology, religion, race, class, or language, there is less danger when social cleavages are cross-cutting in the sense that an individual is a member of many social segments since this scenario produces forces that act as a moderator in social disputes. However, if societal cleavages and pressures coincide, the prospects of

establishing durable democratic political systems are slim to non-existent. on the other hand, it appears that such systems did exist and have achieved stability (Andeweg, R. B.2000).

Lijphart is the world's foremost expert on consociationalism, or the mechanisms through which fragmented societies maintain democracy via power sharing. Lijphart introduced this notion in his 1968 study of the Dutch political system, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, and expanded on it in *Democracy in Plural Societies: A Comparative Exploration* (1977).

Lijphart wrote a book called "Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries" in 1984. In this book, he looked at the bigger difference between majoritarian democracy and consensus democracy. As a general rule, Lijphart thinks consensus democracy is the best way to run a country that isn't very united by ethnic, religious, ideological, or other kinds of divisions.

Multiple political parties are common in consensus democracies, as are huge cabinet coalitions and proportional election systems, as well as corporatist (hierarchical) interest group structures, bicameralism, constitutional guarantees of rigidity, and free-floating central banks.

He considers consensus democracies to be "kinder, gentler" nations, with lower imprisonment rates, less use of the death penalty, greater environmental protection, more international assistance work, and more welfare expenditures - characteristics that he believes "should appeal to all democrats."

However, although Lijphart's founding theory of consociationalism was informed by the experiences of Western European democracies in its formulation, the idea has acquired significant momentum in post-conflict state-building situations during recent decades.

A number of foreign players have stepped in to act as mediators and supporters in order to keep power-sharing accords in place in targeted countries. Specifically in Bosnia and Herzegovina, a "international regulating body" in the form of a High Representative intervened frequently in the domestic political affairs of the state at one point in order to implement legislation on which domestic elites were unable to reach an agreement was established (Bogaards, M.2019).

2.10. Federalism, unitary and consociationalism

Not all comparativists have concentrated only on the dichotomy between federalism and Unitarianism when evaluating the relative merits of different structural systems, however. Arend Lijphart has dedicated his professional life to debunking the claim made by political scientist Robert Dahl that democracy is only viable in tiny homogenous nations (Elazar, D. J. 1985).

It was this that prompted Lijphart to investigate the possibilities of stable and successful administration in societies with a diversified demographic composition. More specifically, he has worked to understand why his home country, the Netherlands, has managed to maintain democracy, stability, and prosperity while having a very diverse population. The results of his research have repeatedly shown that neither unitary nor federal systems are very efficient in serving the interests of varied persons in a heterogeneous society on their own (Toonen, T. A. (1996).

However, after doing research in the Netherlands and a few other countries, he came to the conclusion that consociationalism arrangements are very beneficial in terms of encouraging stability, public services, citizen well-being, and other factors, parliamentary systems, proportional representation, organized, disciplined, and highly ideological political parties, and rule by large coalitions, rather than small ones, are all hallmarks of consociational arrangements. Lijphart contends that grand coalitions, especially in the face of an unambiguous majority victory, maintain stability and ensure that victors do not overlook losers, despite the fact that they have a disproportionate amount of power (Toonen, T. A. (1996).

This structure, according to Lijphart, helps to political stability, to the development of competent and efficient public services, and to economic success in at least the Netherlands and Belgium and abroad in the twentieth century. However, he cautions, it too has its limitations. In contrast to a formal constitution, a consociation is more of a social arrangement. In order for it to succeed, citizens must be organized into political parties and have a social consensus that encourages them to join grand coalitions.

An increasing number of commentators have drawn a connection between Lijphart's consociationalism and the classical Medieval pillar system, in which different centers of social power – the church, military, great land owners, and merchants – would sit at the king's table and play a role in constructing policy. This organization is supposed to have functioned effectively in the past, and if one excludes unorganized interests (such as peasants and workers), it may have done so. However, the system becomes difficult at times of transition, such as when peasants suddenly demand land, labor unites and demands for collective bargaining, or when an influx of immigrants reshapes the political landscape, as in the case of Venezuela (Elazar, D. J. (1987).



3. LITERATURE REVIEW

3.1. Federalism vs Centralization and Decentralization

The link between federalism and decentralization, both conceptually and empirically, is far from straightforward and uncontroversial. The terms "decentralization" and "centralization" have various meanings and effects depending on whether they are used to refer to unitary states or federal systems, respectively (Hutchcroft, P. D. 2001).

Nonetheless, decentralization remains a nebulous concept. It has been used imprecisely to refer to a variety of degrees and forms of national government role change, including: a) devolving decision-making authority over policies and fiscal capacities to subnational authorities; b) devolving responsibility for the implementation and administration of federal policies and programs to other spheres of government; or c) devolving national government attributions to the private or non-governmental sector (Hutchcroft, P. D. 2001).

The fact that government expansion has never been a zero-sum game, in addition to the conceptual fuzziness of the centralization-decentralization debate, cannot be overstated. Instead of being mutually incompatible, centralization and decentralization have been shown to be complementary rather than mutually exclusive. Consequently, there is no reason to believe that decentralization would always lead to a diminution in the significance accorded the national government. It may result in either the development of new spheres of activity or the defining of new normative, regulatory, and re-distributive tasks that coexist with the extension of the duties of sub-national governments.

According to (William Riker 1975), the process of creating federal systems is characterized by political centralization. Individuals and/or political units that are rational agents form coalitions and agree on the establishment of a central government that would assume some of the political responsibilities that had previously been assigned to its component units (see Figure 1). Also as stated in the next paragraphs by Riker, the only relevant categorization of federations may be determined by examining how much authority over decision-making has been transferred from the governments of component parts to a centralized authority (Riker, 1975).

In turn, Daniel Elazar (1987) emphasizes the non-centralized nature of federations, highlighting their distinction from decentralized state structures: According to him, both in its original and normative definitions, federalism is defined by decentralization, or the distribution of political functions among several centers whose authority is not delegated by a central authority but is given by popular voting. In a similar spirit, (Vincent Ostrom, 1994) argued that polycentricity is the right organizational structure for a federal and democratic democracy.

Despite this, modern federations do not conform to the dual federalism model of government. Ideally, one of the two other kinds that captures the modification of the dual arrangement as a result of the universal expansion of the scope of the federal government, i.e. owing to an enhanced or diminished centralization process, would be the most appropriate description for them. State and local governments almost become administrative agents of a national government under centralized federalism, which allows for strong involvement in sub-national matters, priority in decision-making and control over financial resources. The first type of federalism is centralized federalism, under which state and local governments almost become administrative agents of a national government. Second, cooperative federalism, which is characterized by forms of coordinated action within government tiers and in which sub-national entities retain substantial decision-making autonomy as well as the ability to self-finance, is a kind of federalism. This is a fairly complicated arrangement since it may include the combination of relocation and consolidation operations (Riker, 1975).

The allocation of power between the federal and regional administrations is often spelled out in the constitution of a federation. Almost every nation provides for some degree of regional self-government; in federations, the component states' right to self-government is enshrined in the constitution. Component states sometimes also have their own constitutions, which they may modify as they see appropriate, but the federal constitution normally takes priority in the case of a controversy (Porter, D. O., & Olsen, E. A. 1976).

Certain nations' constitutions, such as Canada and India, provide that the federal government retains all powers not expressly ceded to provincial governments. Similarly, to the US system, the Australian Constitution vests the Federal government (the Commonwealth of Australia) with the authority to create laws for some defined topics deemed too complex for the States to handle, while leaving the States in charge of all other

responsibilities. The Lisbon Treaty's distribution of powers provides that powers not completely within the competence of the Union or shared between the Union and the Member States as concurrent functions are kept by the constituent states.

When it comes to amending the federal constitution, federations often have particular processes in place. It is possible that, in addition to reflecting the federal structure of the state, this will ensure that the self-governing status of the component states cannot be repealed without the assent of those states. It takes three-quarters of either state legislatures or constitutional conventions specifically elected in each of the states to ratify an amendment to the United States constitution before it can be put into action. For a proposal to be approved in a referendum to modify the constitutions of Australia and Switzerland, it must be supported not only by an overall majority of the people in the country as a whole, but also by distinct majorities in each of a majority of the states or cantons. According to Australian custom, this latter criterion is referred to as a double majority (Persson, 1996)

Additionally, several federal constitutions provide that some constitutional changes cannot be enacted without the unanimous assent of all states or of a certain number of states. The United States Constitution states that no state may be denied equal representation in the Senate without the approval of the state concerned. The referendums conducted in each of the states in Australia must be approved if a proposed modification has a particular effect on one or more of the states in which it will be implemented. Any alteration to the Canadian constitution that would alter the function of the monarchy would need the unanimous assent of all of the provinces and territories. The German Basic Law stipulates that no modification that would eliminate the federal system is permissible under any circumstances (Persson, 1996).

3.2. Federalism and Ethnic Autonomy

Ethnic federalism is a kind of federal system in which the federated regional or state divisions are determined by ethnicity rather than by geography or political affiliation. In Ethiopia, Meles Zenawi has been implementing this sort of federation since the 1990s, and it is known as the Ethiopian Federation. Ethiopia's Prime Minister, Meles Zenawi, and his administration implemented ethnic federalism with the goal of ensuring equality for all ethnic groups in the country. Other nations, like Nepal, Pakistan, South Sudan, Yugoslavia, and apartheid-era South Africa, have shown elements of ethnic federalism (Habtu, A. 2003).

Ethnic federal systems have been put in place to try to meet people's needs for ethnic autonomy and ease tensions between different groups in a state. There are problems with this: Some states have broken up, some sub-divisions have been forced to move people, and some ethnic groups have been targeted in attacks and pogroms because of their ethnicity. They have also used authoritarian repression or ethnic cleansing to try to keep their ethnic federations together (Amoretti, U. M., & Bermeo, N. G. 2004).

In an ethnic federation, some or all of the federated units are created in a manner that is as close to ethnic borders as feasible, allowing ethnic groups to exercise a certain degree of autonomy. In contrast to outright division, the federation maintains a single entity, which distinguishes it from the former. A system like this may be explored in countries where ethnic groups are concentrated in certain geographical areas (Habtu, A. 2003).

The ethnic feature of a new federal system in Nepal has been a cause of concern recently. Nepal adopted multiparty democracy in 1990 following a public movement headed by the Congress party and the United Left Front, a communist alliance. Ethnic considerations were not significant in the new constitution's formulation.

Immediately after the independence of East Pakistan in 1971, which resulted in the creation of Bangladesh, the Pakistani administration endeavored to find methods to meet the ethno-nationalist aspirations of the various ethnic groups inside what had previously been West Pakistan. The 1973 Constitution established a federal system that granted autonomy to the four major provinces, each of which had traditionally been associated with a distinct ethno-linguistic group: the Punjabis, Sindhis, Balochis, and Pakhtuns, according to the Constitution. They were granted a different legal standing from other groups as a result of the recognition of their political identities in the Constitution. Sindh was the only province in which the autonomy clauses were completely implemented, with the other provinces lagging behind (Bhattacharyya, H. 2020).

Federal system of government it was first established the constitution of the United States. followed by the experiment of Switzerland, the Dominion of Canada and the commonwealth of Australia and India. K.C., the idea has increased much attraction in 1945 that under pressure of war and economic crises.

Federalism refers to a means of governing a state that allows partial self-rule to geographically defined subdivisions of the government. this type of governance falls

between unitary state and an alliance of separate ones. In contrast a political entity that is governed by a single central government that holds all substantial decisions cannot be portrayed as federal government. Similar to this, is when group of separate political entities that have formed into a union that prevents conflict among them but leaves all other decisions under the control of the separate entities (Feeley, M., & Rubin, E. 2008).

The institutions of the developing countries tend to be short-lived and in many cases the federations have disintegrated or have become, in real terms, unitary states. This is attributed due to factors including influence of ethnic or territorial elites, whether of traditional or modern type, and the difficulty experienced by the regimen reversing anti-state norms left over from the pre independence period. This is included where federal system legitimized, as India, Malaysia and Nigeria, due to the centrally controlled approach. Similar problem of the regime's legality exists at the Quasi-federal states such as Sudan and Cameroon particularly in culturally different communities and those at the bordering areas. Federalism is adopted not for suitability but for subsistence (Mawhood, 1984).

Countries such as Malaysia in colonial times it was governed centrally, but with the traditional rulers given an honored place. Due to resistance from movements the unitary constitution that the government attempted to operate was defeated. In the early years of federation Malaysia, like Switzerland and Canada has experienced a federation that benefited from external threats (Hicks, 1978)

Nigeria which is one of the three leading examples of federalism in the developing countries, has met the most severe challenges and yet survived. Carl Friedrich argues, the survival-value of federations is either inherited from the colonial period or created now of national independence. Others including (Suberu, 1991) highlight as the pre-federation history of decentralized administration for the regions or provinces might be a favoring stability in these cases due to the imbalance of the inherited regional units which were so large at the time of independence as to create a dangerous counterforce to the national center.

Almost every nation that had various ethnic societies and began to pursue federalism as way of governmental principle faced such obstacles, because the federal system was new to them, and when you look back their early political system was totally different, like Latin America was under European colonization, Africa was also village society which means, the

elders were the head of the village, and solve any disputes between village inhabitants (Suberu, 1991).

(Hughes, 1991) argues that, most of the states that chose federalism as a system of government in mid-twentieth century didn't put much thought the consequences that may face, but they had much bigger concern which was, fighting against the colonial, and getting independence, on the other hand such minor ethnic disputes used to happen between them, but focused on their fight with the colonial, so it was problem to established a unitary and unified state, because the society was divided already by the colonial or by the society itself to protect their territory and fight with the invaders.

India is one of the main examples, it was under the British Empire, divided into many territories with various ethnic societies, after getting independence and choosing federalism as a political system, she kept full control of other subordinates as a unitary state, the central government was controlling the essential.

3.3. Division of Power and its mechanism in Federal Systems

The concept of "separation of powers" is used to describe the partition of a state's government into branches, each of which has its own distinct set of authorities and duties. The trias political model divides government into three parts: the legislative, the executive branch, and the judiciary. Parliamentary and semi-presidential systems, where executive and legislative branches share authority, might be compared to this form of government (Benz, A., & Broschek, J. 2013).

The purpose of a system with divided powers is to avoid power concentration via the use of checks and balances. Aristotle distinguished three types of state activity deliberations on common concerns, executive magistrate decisions, and judicial rulings—and said that the most fundamental distinctions between constitutions were the arrangements created for these activities. This three-tiered grouping is not identical to the present separation between legislative, executive, and judiciary (Fiseha, A., & Ayele, Z. 2017).

Aristotle's intention was to draw simply a theoretical difference between specific state tasks and to refrain from suggesting that these responsibilities be delegated to different organs of government as powers. Indeed, since Aristotle believed that all power should be

handled by a single individual who was preeminent in virtue, he never contemplated the notion of different powers (Benz, A., & Broschek, J. 2013).

3.4. Federalism In Africa

Africa perhaps has the most defunct federations. Following independence from colonial powers, and potentially inspired by Pan-Africanism, a number of African governments formed federations with their neighbors. The Mali Federation was formed in 1959 by Senegal and Sudan. The federations of Rhodesian (now Zambia) and Nyasaland (now Malawi) were formed in 1953. In 1972, Libya and Egypt joined Syria to form the Arab Federation. Eritrea joined a UN-sponsored federation in 1952. Formerly under a single German colonial government before the World War I, the Federal Republic of Cameroon was formed in 1961 (Fessha, 2012).

federalism in Africa has not been very promising. Federalism in Africa was, to put it bluntly, a misguided experiment that ended in failure. The Mali Federation was dissolved before it celebrated its second anniversary. When the Federation of Arab Republics was dismantled in 1977, it had only been in existence for five years at the time. The Federation of Rhodesian Peoples existed from 1953 to 1963. Other federations on the continent have had a similar experience to the United States. According to Osaghae (2004) "federalism has struggled to grow and establish strong roots in Africa, and on the whole, it does not seem to have significant good consequences in nations that have attempted the federal solution." (Fessha, 2012).

It seems that the federal concept, which was never given a chance to mature and was essentially "suffocated at birth," is now re-entering the political and constitutional landscape of numerous African nations, according to recent events. From a specific perspective, namely the management of ethnic variety, the purpose of this brief piece is to provide an initial balance sheet of federalism's historical accomplishments. An investigation is made into how African federations have dealt with the ethnic variety that has come to define their countries. This study specifically examines how the territorial autonomy solution given by these federations has assisted in the management of fault lines (Fessha, 2012).

In Africa, not all of the federations that were formed had as their primary goal the accommodation of ethnic variety. The formation of federations was motivated by a variety

of factors. In truth, several of the federations that were founded in the early days of post-colonial Africa were just the products of colonial powers or their extensions, rather than independent organizations. The Federation of Rhodesian was founded in part to ensure the continuation of white predominance in the region (Fessha, 2012).

Nigeria, for example, was founded as a consequence of the decision to combine "the two contiguous British protectorates of Northern and Southern Nigeria" in 1914, which resulted in the formation of a new country. Eventually, this resulted in the construction of a federal government divided into three regions in 1954. In other circumstances, the choice to federate was primarily driven by a desire to reap the benefits of a big state's resources. Federations were established for a variety of reasons, including the ease and efficiency of administration (Fessha, 2012).

In spite of this, a number of federations or semi-federations in Africa were established in order to adapt to the multi-ethnic reality that defines many of these post-colonial countries. From the earliest days of independence, the debate over whether to have centralized or decentralized governments dominated the political discourse of African republics. The contradiction that existed between the management of ethnic variety and the development of national unity was at the heart of this discussion. In order to achieve national unity, political leaders believed that a strong centralized state was required (Fessha, 2012).

Friends or Foes? was written by the historian Arthur Keppel-Jones in 1949. Racial harmony was promoted as a point of view and as part of a program in South Africa, with the notion that devolution into federalist states would create harmonious relations between the country's many ethnic groups. It was some decades later, in 1974, that the Mahlabatini Declaration of Faith was signed, which placed a strong emphasis on the federal notion. The Progressive Federal Party, which pushed for power-sharing under a federal constitution, was founded in 1977 and has been in existence ever since. The Democratic Alliance (which is the successor of the Progressive Federal Party) and the Inkatha Freedom Party are the two political parties in South Africa today that push for a federal structure for the country (Fessha, 2012).

During the drafting of South Africa's constitution in 1996, the word "federalism" was a contentious issue. Federalism is a major feature of South Africa's new form of government. Three tiers of government, or "spheres" in South African parlance, each with delegated rights

and responsibilities exercised and executed by a directly elected parliament and administration, plus a second chamber that involves the provinces in national decision-making (Fessha, 2012).

In a similar vein, the 2005 constitution of the Democratic Republic of the Congo has elements that are characteristic of a federation. There will be 25 autonomous provinces, each of which will be freely elected and whose constitutionally given powers will only be modified with their approval. More crucially, the provinces, who are included in the national decision-making process via their representation in the Senate and the Conference of Governors, have the authority to keep 40 percent of the tax money they earn. This is a significant achievement. However, the word "federalism" is nowhere to be found in the United States Constitution (Fessha, 2012).

Because of the lessons learned from the African experience, it is widely agreed that when a state fails to easily accept and accommodate its ethnic variety, whether via federalism or other similar arrangements, this results in heightened conflicts between ethnic groups. Failure to address the concerns of such groups may also have a severe effect on the state's territorial integrity, which should be avoided at all costs. The Sudanese experience exemplifies this well, as a failure to meet the concerns of unhappy groups finally resulted in the relocation of national borders. Affirming the existence of federal or similar structures, on the other hand, does not imply a successful accommodation of ethnic diversity (Fessha, 2012).

4. CASE STUDY

4.1. Introducing Federal System in Somalia

Somalia geographically locates a strategic place that connects many crucial crossroads such as Red Sea, Mediterranean, the Gulf of Aden, the Suez Canal, which facilitates trades between Africa and the rest of the world, as well as it helps the interaction between cultures, Somali people are different from other nations in many aspects, first they are ethnically from one ethnicity, which is a rare case according to many nations in the world, the population of Somalia is around 16 million, though many people fled to Europe and United States of America when the civil war broke out back in 1991 (Ssereo, 2003) .

The population of approximately 16 million is made up of 4 major clan families the Rahanwein, the Hawiye, the Dir, and the Darod. the ethnologists and sociologists have defined as clans and tribes .in the mid-20th century (Lewis 1988) (Laitin and Samatar 1987) lived a nomadic life. The clans are bonded for common ancestral origins and they are interrelated through complex network of social relationships, which extend over clan areas of residence, sharing the clan contribution (Qaaraan) that stands as social insurance, the camels served as a medium of exchange ,including for dowry payments and as a compensation for homicide that covers from repaying the Diyo ,an important conflict resolution mechanism in a society that lacked a centralized state ,in addition to that the clan stands to support any further required support along with standing to defend any external threats

As (Mukhtar, 1989) and (Abubakar, 2016) agrees that the federal system was an existing dream of tribes and political leaders before and after independence to share power and wealth, the early advocates of federalism was included independent constitution party that was founded in 1948, to find united Somali could only be ensured in a democratic autonomy of the various Somali regions, but the vision was not been achieved during the 30 years followed independence due to the political atmosphere was in contrast .

The civil war in Somalia created a lot of mistrust between the clans and the view that each clan to manage their own affairs has increasingly become a demand (Hammond, 2013), Shows that the idea put forward in all the reconciliation conferences held between 1991 and 1998 before being formally and legally approved at Mbegatti conference in Eldoret, Kenya

between 2002 and 2004, many people see that the political will and decision-making was handed to the regional authorities and taken out of the Somali politicians once the federal adopted. (Ali, 2019).

The understanding of the type of federal system to adopt among the majority of the Somali intellectuals remains unclear which makes to emerge into mixed system that developed into clan federalism instead of the universal existing federal systems. This happens while the Somali people have been suffering from conflict and civil war while they are not still experiencing the political and social stability (Elmi A. A., 2014)

The Garowe conference was a milestone for the Somali society, after many years lack of central government, with the help of the Transitional Federal Government (TFG) and international community donors, the conference ended up such decisions, Somalia became federal state, and it was also decided to use 4.5 system for governmental positions, fiscal distributions, and anything related with government, many Somali people were against the 4.5 system and believed the system will strength discrimination against the Somali Minorities, the signatories of these decisions were regional states, Puntland, Galmudug, Ahlu Sunna Wal Jama'a, (a Sufi militia allied with the TFG) and the Transitional Federal Government (TFG) itself, the end result decision was influenced and pushed by UN Political Office for Somalia (UNPOS) as well as Western donors.

On 1 August 2012 Somalia adopted a Provisional Constitution marking the official end of transition and the establishment of the new Federal Government. A month later, on 10 September 2012, Hassan Sheikh Mohamud was appointed President of the Republic of Somalia, bringing a dramatic change to the political landscape of the country as for the first time in over 20 years the presidency had been decided within Somalia (Marangio, 2016).

The newly elected federal regime who led by H.E Hassan Sheikh Mohamud in 2012, was the first regime to apply the newly chosen federalism system, and there were many tasks to accomplish (Marangio, 2016)..

Some of the important tasks were to build state members which stakeholders agree on each other, as well as to solve the border disputes between the newly formed state members, and to finish the provisional constitution through referendum, and to take the country one man one vote, also the expectations of the society was high from the federal system and the new president himself, because he was in the country when the former central government

was thrown from the system, and the civil war began, so he had experienced with the society all the difficulties that being caused by the warlords, Islamic Courts, and AL-Shabab, people thought he was the president that would a stain the stability and prosperity to the country, but achieved less from what the Somali society expected (Marangio, 2016).

The federalization process began, the central government proceeded to build state members especially from the southern part of the country, while northern part of the country declared themselves independence with the fall of the former Somali central government in 1991, after emerging some militant groups from the northern part of Somalia (Somaliland), the communist regime which led by President Siad Barre, launched aircraft and military attacks to the northern part of the country with no exception of civil, public buildings, hospitals and schools, to defuse armed rebels and resisting militant groups, and many civilians deceased because of the attack, so when the armed rebel groups from South, such as Somali Salvation Democratic Front (SSDF), the Somali National Movement (SNM), and the United Somali Congress (USC), succeeded to overthrow the Siad Barre's regime, the country went into warlords hand, the society began to live clan based life, the division of the society get stronger within time (Ajulu, 2004).

The building of state members must be last stages as (Marangio, 2016) argues, he believes that reconciliation between the Somali clans must be given first priority, as well as completing the constitution, these two elements are essential to the federal government to move forward, before building state members, because such border disputes may emerge as it happened, some state members began to fight over territories and there is no a constitution which clarifies the territories of state members, on the other hand completing the institution will help and clarify the state member's exercising power, and opposes misunderstanding between the central government and state members.

When the Transitional Federal Government and regional states met in Garowe and decided to take the country into federal system, some conferences followed, London and Istanbul conferences that held by the international community and donors to show support the transitioning period of the Somali government into federal state (Hammond, 2013). The London conference was criticized by Somali society, there were less civil society and less women representation, AL-Shabab which is an obstacle rebuilding Somali government wasn't included or invited to the conference, and the end result wasn't enough to lead Somalis into stable and prosper nation (Hammond, 2013)

The Istanbul conference was different from the London conference in many aspects. The representation of the women and civil society as well as the Somali diaspora was convenient, more than 400 people from various sectors of the society participated the conference. The conference was organized by non-western country Turkey, and Organizations of Islamic Cooperation (Hammond, 2013).

There were an election urgency and the Transitional Federal Government's (TFG) term was ending, so a constituent assembly was appointed (elders from every clan) to choose such individuals who will represent them at the federal parliament of Somalia. Some of the MPs were uneducated, they bribed the elders of the clan to appoint them, however almost 50% of the parliament were new members, on the other hand 20% of the parliament were decided to give women representors but unfortunately it didn't happen.

The constituent Assembly didn't have much time to examine the constitution into details, whether it needed amendments or not, they had one week to look over and they approved, in order to happen the elections, it was a mistake to take the short way. Because the constitutions are essential and fundamental for building states, it's the source of commands and regulation for every nation, it has been two regimes when Somalia decided to be federal state, both regimes failed to finish the written constitution because, legitimizing the constitution itself passes through many stages, the first is that the consents of the stakeholder later on society's consent through referendum (Hammond, 2013)

A lot has of journals been written on the slow progress of Somalia institution building, below are the common explanations provided, the historical political culture of Somalia is one of the attributed factors -history of statelessness, clan lineage, and nomadism. Those contrasts with principles of building formal political institutions, the common accepted arrangements were the informal and negotiation based political system that mainly reach solutions under the trees between the elders of the two concerned parties(clans) instead of the formal arrangements of rule of law. Establishing strong western political institutions in such setting are doomed to fail. Some literature including (Bryden M. , New hope for Somalia, 1999) and (Menkhaus K. , 2006) argue that Somali preference of informal negotiated governance arrangements could produce a more organic political order that fit the mold of conventional, institutional-laden postcolonial state. This school of thought advocates that if built on this cultural setting it can be positive and have a better chance of producing good governance, though it is not the something for institutional building. Thus,

the political culture is an important factor on to succeed institution-building to be accounted as act for an effort to reshape it.

A different school of thought opposes this notion that the culture is a major challenge on institution-building in Somalia and believes that it is not a major relation on history of stateless and nomadic culture, but the rise of a new and very dysfunctional political culture prevailing among much of the countries elite that has emerged since the 1980s (Bulhan, 2008). This argument describes the current generation of political leaders behave a negative practice of politics in which clan identity is operated for slight personal gain, diminishing politics to seek of short-term profit-taking and violence. This political culture caused to fail getting proper -accountability and rule of law and good governance (Bulhan, 2008).

The inclination of clan and its reliance is due to the lack of public services provision such us health and education, where the citizen relies only for his clan members to get such support, the researcher argues that if political leaders create an environment that citizens trust government more than the clan protection it will inevitably reduce the inclination of the trust on the clan.

For many, the survival culture that emerged in the postwar, failed context works against risk-taking at the political level. This is due to the fear to the power abuse that a well-functioning government will be captured by arrival clan based on the experiences with the military regime even as they understand the benefits of a revived state (Menkhaus K. , 2006). This reminds of the importance of the trust building as part of institution-building in past conflict states.

The other factors must be considered, the youthful population of the country estimated 75% -the portion of the population under age 35- has no living memory of what functional state looks like or does. This group of youth has their interpretation and way of response to state-building initiatives. It can be seen even more risk-averse toward state building projects. (Menkhaus K. , 2014)

Over the time, conflicts between the central government and members states, is inevitable.

However, the constitution must clarify such boundaries for both the central government and member states, as most of federal state does. The member states will only

engage with what right has been given to exercise, like local issues, education, health, agriculture, technological assessments etc. while the federal government will engage with the country's local affairs, security, sovereignty and foreign policy, so the federal state's constitutions must address certain issues to avoid any disputes between the federal states and member states, for instance resource distribution, fiscal management, division of powers.

On the other hand, many African countries chose the federalism to apply, because of their ethnic, religious, and language diversity, in order to prevent conflicts between the society itself or with the central government, however they achieved to give some authority to exercise the local states, some of those states are, South Africa, Malawi, Ethiopia, Nigeria, Uganda and Senegal (Ali, 2019).

A study conducted by the Heritage Institute for Policy Studies showed, that Somali society have their differences and disagreements toward the issue of decentralization, and the study also found that there is no specific type of system that could fit Somalia, after all the challenges that Somalia had gone through after the collapse of the central government in 1991.

The federalism system is totally new to the Somali government and its people, the Somali government employed federalism in 2012. Almost two different regimes served under this system, yet there are complications that emerge from the various institutions of the government and the institution itself, for example contradictions within the constitution, not clarifying the authorities of both the federal state and state members, lack of fiscal management, problems about resource distribution, and the election model.

The provisional constitution of Somalia says "Article 48 that the state is composed of two levels of government: the federal government and the federal member states, which include both state and local governments. Article 54 designates foreign affairs, national defense, citizenship and immigration and monetary policy as the exclusive jurisdictions of the federal government. Article 52 states that "the Federal Government and Federal Member State governments shall ensure that meetings between the Presidents of the Federal Member States and high ranking officials be held regularly to discuss issues that affect their territories, including: water resources, agriculture, animal husbandry, pasture and forestry, the prevention of erosion and the protection of the environment, health, education, relations and dialogue amongst traditional leaders, and the protection and development of traditional

law, relations amongst religious scholars and youth.” However, the constitution does not indicate how the levels of government should share responsibilities. For example, would FMSs co-legislate in these areas or simply administer the decisions of the federal government, it appears that the drafters of the constitution assumed that “regular meetings between the Presidents of the Federal Member States and high-ranking officials” of the FGS would be equal to a cooperative devolution of authority" (Aman, 2019).

Both sides, the Somali federal government and state members are complaining on each other, the way each of them implements the system. Federalism system is flexible depends on the state's constitution and if the state does such amendments to its constitution, then through referendum or consent from state members and society will be pursued, but dispute between them is inevitable, on the other hand the provisional constitution of Somalia, Article 51 (2) addresses that federal state and member states should respect to each other, while exercising their power, so, there is mistrust between the federal government and state members, each of them engages such duties that is supposed to be done by the other part, in Garowe 2019, such negotiation conferences have been held to normalize the disputes between the federal state and state members,

But it was unsuccessful to tackle the issues between them (Aman, 2019).

However, the federal state achieved to establish the Independent Constitutional Review and Implementation Commission (ICRIC), the commission successfully reviewed the provisional constitution, and suggested to be followed the German model, that allows to the federal state to control or hold the parliamentary system, while the state members deal with the functional implementation.

This 4.5 system of power distribution emerged after many conferences between the Somali intellectuals and international communities failed to come up with system that satisfies all the competing stakeholders. Then the end result became to pursue, a state structure on the foundation of a clan power segregation which is 4.5 system, this literally means that, four big and majority clans, the rest is half, which also means collection minority Somali people (Eno, 2009).

This is the system, which the Somali federal government uses to distribute the various levels of the state's duty, the Parliament, the Senate and Ministers are built according to this system, even the education system in Somali and scholarships offers are applied based on

the 4.5 system (Eno, 2009). There are different theories, the intellectuals, scholars and society believe from this system, some of the scholars believe that, its way forward for the federal state and its society, like Mohamed H. Mukhtar (Eno, 2009)., he argues that, 4.5 system as an important accomplishment, and adds that the Somali society accepted each other according to their clan size, and the half was given to the Somali minority clans like, the Banadiris and the Somali Bantus.

These two clans the Banadiris and Somali Bantus complained the system and stood against it. Because they believe the system encourages discrimination or division about in the Somali society, and they protested against the system, on the other hand the Gabooye community protested this clan-based distribution of power, and wrote complaint letter to United Nation and many other European embassies. However, the 4.5 system benefits to many politicians who represent such clan like Hawiye, Daarod, which the clan favors them for many representations in the upper house and the lower house.

(Samatar A. I., 2003), argues that, the 4.5 system as continuation of injustice to the Somali minority clans. Adds there won't be any political or economic development, while applying such system which dehumanizes and encourages divisiveness on certain Somali society clans (Samatar A. I., 2003),

The dispute between the Somali intellectuals on the issue of the structure of power distribution is different from one another, but most of them are against the 4.5 system and argues as a system of injustice, inequality, and discrimination one, and they recommend to the Somali policy maker, to make amendments to the power distribution system, so the Somali society may live equally and share political positions, economic, resources fairly. (Eno, 2009).

The Heritage Institute of Policy Studies (2015), carried out, a survey in which they asked as the above Figure 1 shows, rate of the society was unsatisfied by the power distribution system, and they believed the system was injustice to the Somali minority. The majority of the Somali society believe, that all Somalis are equal no matter their clans and background, and must be treated equally. According the Figure bellow, majority of the people were against the 4.5 system, and unsatisfied (Federal Somalia: Not If but How, 2015).

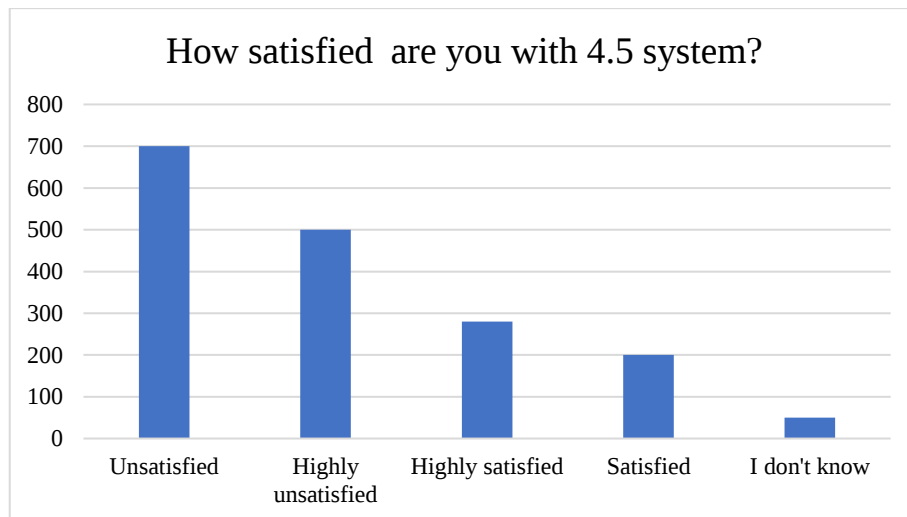


Figure 1. How satisfied are you with 4.5 system?

Source: (Federal Somalia: Not If but How, 2015)

(Zoppi, 2018), argues that federalism is a solution for the fragmented societies, that have ethnic, culture, religion, and language differences, to live together they should to prefer federalism system, Federalism would allow them decrease dispute between them, and each society would live their own way, and protect own culture and identity (Zoppi, 2018).

The understanding of the Somali society toward federalism various, one to another, majority of the people believe that, federalism in Somalia helped the economy to rise and started competition between the states to develop their states in every way possible (Ali, 2019). On the other hand, federalism facilitated and enhanced the accountability between the federal state, state members and the society itself. However, there are some other groups of scholars which having totally different perceptions from federalism. They argue that, federalism system divides the Somali society, erode national unity and causes secession (Ali, 2019).

The question that we must ask ourself is that, since the federalism system is intended for ethnically, culturally diverse society, How far the Somali people are fragmented, into what extent?, to answer this question, we have to understand the notion of clans, how crucial is the clan, for the Somali culture. The notion of clan emerged, through the necessities of the environmental scarcity, (Mansur 1995). for the sake of cooperation, assist one another and survive together through difficult season, and droughts, that is why the clans in Somalia emerged to identify who is helping who, so that they can repay when time comes as a reciprocity cycle (Zoppi, 2018)).

The Somali society have clan differences, though they are inter-related to one another, what they share in common is greater than anything. They share ethnicity, culture, religion, and language. However, clans can be used for social security, and solidarity, each individual have their own clan to identify themselves, and when the civil war broke out, Somali clans began to retaliate, when member of their own clan is harmed by another clan, later on compensation system began to tackle the disputes between Somali clans (Zoppi, 2018)).

The federealism principle is not new to the Somali society, after the independence of Somalia in 1960, both the Italian Somaliland and the British Somaliland, added their constitution to allow the sub-polity states to exercise certain power whenever it needed (Articale 86) (Zoppi, 2018).

The early years of Somalia as a nation, was a democratic state, multiparty system, free election, and the Somali society was satisfied by the unitary system. The country was divided into eight federal polities. Both the British Somaliland and Italian Somaliland were enjoying their recent reunion after the colonizers seperated them. Somalia was divided into five larger regions by the colony, the Italian Somaliland, The British Somaliland, Ogaden, Djibouti and the Nothern Frontier District (NFD) (Omar, 2021). All these regions were partitioned by European countries, and colonized by Italy, British and French respectively. Whenever the resistance against the occupiers began, the colonizers pursued their plan which is, to divide territories by givig lands to Erhiopia and Kenya, by starring a forever dispute between the Horn African countries, and gave some of the Somali territories to neighboring countries, like Ogaden to Ethiopia, and Northern Frontier District (NDF) to Kenya. On the other hadn, organized as well as influenced a refferendum whcih Djibouti is seperate from Somalia (Zoppi, 2018).

However, in 1969 a military regime led by General Mohamed Siad Barre, took over the country and divided the regions, into sixteen polities, which are more centralized than the old democratic regime, he introduced scientific Socialism, and appointed revolutionary councils, to spread the teachings of scientific Socialism, to other polities of the country. The military regime gave the revolutionary councils full power to act, also eliminate any threat to the centralized system and the regime itself, these revolutionary councils used to the extent of their power, by abusing the people, to be loyal to the scientific socialist project and spread through the country.

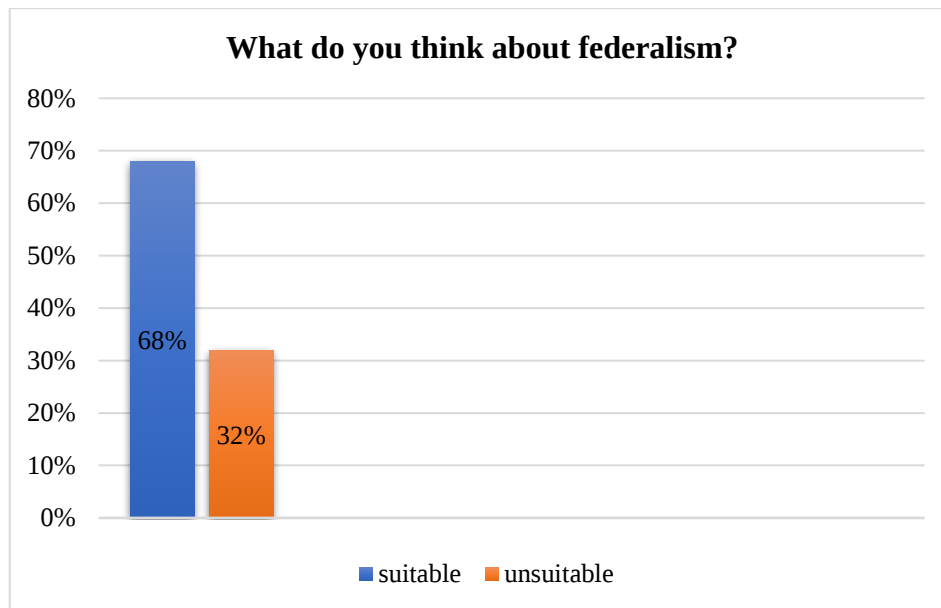


Figure 2. What do you think about federalism?

Source: (HIPS, 2015).

Figure 2 is from a result of a survey that was carried out, by The Heritage Institute of Policy Studies (HIPS), across five cities in Somali, which are more diverse than other cities, research asked what they think about Federalism? Almost 70% of the population considered federalism as an appropriate system. 32% of them believed that federalism could resolve the prolonged conflict between the Somali society, However, the other people answered unsuitable, they also believed that federalism will lead more conflict, division between the Somali society and clans, on the other hand, a potential possible secession could lead federalism to the Somali society, because of the difference clan opinion. (HIPS, 2015).

As we can observe from the Figure 2, the Somali people are interested the federalism system than any other system such as Unitary.

4.2. Features of Federal States

Federalism is a method of political organization in which distinct states or other polities are brought together within an overall political system in a way that permits each to keep its own integrity while being together. Federal systems do this by mandating those fundamental policies be developed and executed through some type of negotiation, allowing all members to participate in the process of making and implementing choices. The political ideas that underpin federal systems highlight the primacy of negotiation and negotiated

cooperation among various power centers; they also emphasize the benefits of scattered power centers as a means of protecting individual and local liberties and liberties of expression (Elazar, 1987).

This chapter will elaborate or examine Somali's federal system in terms of division of power, electoral, system, executive, legislative and judiciary power and cultural background.

4.2.1. Structure and Division of Power in federalism

Every country that practices federalism, has some common features to pursue in order to accomplish the real meaning of federalism and what it is stands for, some of the main and fundamental features that every federal government must have, a) Power Distribution system: powers are frequently shared between the federal and regional or state governments in a Federalism country. b) Independent Judiciary: a federal system of government, the judiciary must be autonomous. c) Constitution: every state's constitution is unique. First, the constitution must be written, and it must be strict rather than flexible. d) Legislature: a country that practices Federalism generally has a bicameral legislature. e) Decentralization: this includes the government delegating some of its authorities and obligations to individuals and smaller groups. f) Revenue: in a real Federalism, each level of government should be self-sufficient and never rely on the other for funding (Cameron, 2005).

Division of power or power sharing refers to the allocation of authority among the several branches of government, including the legislative, the executive, and the judiciary, power sharing aids in the achievement of political order stability by distributing power, when power is shared, it is possible for power to be shared at several levels, such as the union, the state, and the local, power sharing takes place in a wide diversity of political setups, which are typically contained in constitutional provisions. Society's primary aspects are guaranteed a role in governing, and they each get their own piece of the pie, power-sharing solutions combine democratic values with the necessity to handle conflict in highly divided communities (Binningsbø, 2013)

It is nearly impossible to envision a post-war political settlement that doesn't, or would not, provide guaranteed seats for all the major warring factions after the conflict.

In many cases, the international community works proactively to persuade parties to engage in power sharing rather than fighting war. Following the collapse of the Taliban in

Afghanistan, for example, foreign mediators worked hard at the Bonn talks in December 2001 to ensure that the transitional administration led by interim (now permanent) leader Hamid Karzai was broadly representative of the major ethnic groups (Authority, 2019)

In order to decrease the danger of civil strife, power-sharing agreements are designed to ensure that potentially fighting parties have a place in a country's administration while simultaneously lowering the stakes of political contestation. In this approach, power-sharing decreases the likelihood that spoilers may turn to violence if they are unsuccessful in their attempts to influence the democratic election contestation process, the ability of electoral losers to renege on their commitment to democracy, we suggest, is dependent on the character of the groups involved, as well as the political institutions that are selected (Hartzell, 2003)

Thus, the extent to which power-sharing agreements may foster civil peace is contingent on the relative military capabilities of the combatants, as well as the possible involvement of spoilers. When the sides are evenly balanced and the costs of conflict are relatively large, the optimal atmosphere for power sharing to shape peace exists, in comparison, when parties are less well matched and the costs of conflict are low, power sharing implies disproportional power distributions and positive incentives for spoilers, under such circumstances, power sharing may actually raise the likelihood of civil war rather than decrease it (Hartzell, 2003).

Power-sharing structures are frequently argued to foster not just civil peace but also democracy. According to its proponents, consensus democracy, which is linked with power sharing, is not only more peaceful, but also more democratic in design and benign in its consequences than majoritarian democracy. On the other hand, Presidential systems are often praised for their separation of the executive and legislative branches, which allows the two to critique each other's conduct. It is far less probable that the legislature would criticize the executive branch under a parliamentary system. When the legislative expresses its disapproval of the executive branch in writing, it is known as a "vote of no confidence". Supporters of the presidential system argue that the absence of checks and balances means that a prime minister's misbehavior may go undetected. This is due, in large part, to the fact that this type of power sharing provides not just security assurances, but also equitable outcomes. The aim is that no major group should get a compensation that is less than a

particular level of acceptability, with the emphasis on ex post reward fairness (Lijphart, 2002).

In a modern democracy, power-sharing arrangements can take many forms, horizontal distribution of power: In this, the power is shared among different organs of government such as the legislature, executive, and judiciary. This type of power sharing is prevalent in India.

Federal government (vertical distribution of power): In this, the power can be shared among governments at different levels. This type of power sharing is prevalent in the USA.

Power sharing among different social groups: Power can be shared among social groups such as linguistic and religious groups. For instance, Community government' in Belgium.

Power sharing is also seen in political parties, pressure groups and movements control or influence those in power. (McCrudden, 2013).

4.2.2. Division of Power in Somalia

Article 54 states: "The allocation of powers and resources shall be negotiated and agreed upon by the Federal Government and the Federal Member States", except in the areas of foreign affairs, national defense, citizenship and immigration, and monetary policy, which are all under the purview of the central government, based in the capital, Mogadishu.

The federal member states will be represented in parliament through the Federal State's upper house of parliament (Hussein, M. I., Khayre, A. A. M., & Siyad, A. A. 2019).

i. Executive

The head of the government is the president of the country, the current incumbent is Mohamed Abdullahi Farmajo, the parliament elects the president, and he will also elect the prime minister and the MPs will give confidence vote, if they vote no-confidence, then the president must choose another prime minister, then the prime minister elects ministers, the current prime minister is Mohamed Hussein Robleh (Oxford, 2021).

The civil war of Somalia severely damaged the country and the society. It caused division between the society, hatred between neighbor clans, so it was very hard to build back the system of government in Somalia. With the help of international community, the Transitional Federal government was built, and began to re-establish the crucial institutions, then later on the transition ended and the permanent federal government of Somalia was built in 2012.

The president of the country is the head of the state and branch represents the executive, while the parliament serves as the legislative branch, and council of minister reports issue through prime minister.

ii. Judiciary System

The judicial system of Somalia dates back before the colonials invaded the country and other parts of the continent, even when the Italian and British colonizers invaded south and north of Somalia respectively, the Somali society had an independent judiciary system called “Xeer” a customary law which they used for family matters, like inheritance, divorce (Kulow, 2018).

When Somalia got its independence, the state decided to become a democratic state, and allowed to the society basic rights and freedoms, on the other hand, the Somali state was affected by the colonizers and decided to be secular state as well (Abdile M. , 2012). So, the justice system was updated and developed like the Western countries, first, the criminal law was established, second, the customary law of Somali society “Xeer” was allowed to be used unless it opposes threat to the safety of the society. Lastly, the centrality of the Shariah law, which is very important to the Somali people, because of their Islamic religion is put in action.

The “Xeer” in Somali culture is a traditional customary law, whenever clans fight with each other, the elder clan leaders tackle issues with “Xeer” both sides gather their clanship members, to the negotiation table, there is a well-known Somali saying “My cousin and I against the clan, my brother and I against my cousin, I against my brother”, in this system of customary law, clans don’t use written agreements, but they tackle issues in a traditional way, which is strengthening the inter-clan relationship, by intermarriage (Kulow, 2018).

Most of the time, kinships and clanships agree on how to maintain their socio-economic life, but, it's possible that clanships may not agree on certain things sometimes and this culture has been there, even before Islam reached Somalia, the urban and the rural Somalis used to tackle issues in this customary method (Abdile M. , 2012).

After the independence of Somalia, the first couple of years, were began to be used, what was inherited by the British and Italian colony, for instance the northern part began to use British Common Law, aside with Islamic Shariah and the Somali Xeer, the Southern part of Somali also began to use, Italian Continental Law, aside with Islamic Shariah and the Somali customary law Xeer, not their only their laws were inherited but their languages was used as primary source of litigation English and Italian respectively (Kulow, 2018).

When the military regime, took over the country through coup, they dissolved the justice system and began to establish their own version of courts and justice system to fear the people, the regime established National Security Court (NSC), which they intended to guard the regime itself, and they also established supreme courts, which has branches almost every district in the country, under the direct orders of the military regime, on the other hand, the customary law "Xeer" and Shariah law disappeared, because the military regime introduced to the country the "Scientific Socialism", which has its own ideas and teachings, and contradicts many rules against the Shariah law and the Xeer (Abdile M. , 2012). For instance, the military regime said men and women are equal when it comes into inheritance, and Sharia clearly mentions that men and women are not equal when the issue is inheritance, many scholars protested against the issue but the military regime murdered ten of them, to put the rest of the society (Abdile M. , 2012).

The military regime was overthrown in 1991 by militia insurgents and civilians, because of the oppression and dictatorship, as many countries in the world faced, whenever the central governments fall, the justice system collapses too, so the southern part of the country, again started to solved their disputes under the customary law Xeer, other parts of the country for instance they declared themselves separate from Somalia, though they continued to use the old justice of Somalia, and left the laws that against the Sharia and religion (Menkhaus, 2002).

After many years of civil war, and no judicial system at all, a huge step was taken by president Sheikh Sharif Sheikh Ahmed, to rebuild the judicial system again, and ordered to

be established Judicial Service Commission, which will observe other branches, and courts, the president gave this responsibility to a well-respected former jurist Aidiid Abdullahi Ilkahanf, and he contributed a lot to the judicial system, he consolidated power throughout the federal judicial branch and expanded the scope of the court in ways that his predecessors could not (Menkhaus, 2002).

The current judiciary system of Somalia, faces many different challenges, first the provisional constitution is not completed, second the socio-political relation between the federal government and state members are not the level it supposed to be, and the financial issues, all these challenges are surrounded and it needs to be fixed by the federal government and state members, so that they can serve the 5 million people in the country and may have strong judiciary system (Kouroutakis, 2014).

iii. Assembly

The National Assembly of Somalia, collapsed with Said Barre's regime, after two decades, transitional government and parliament was built, in 2012 the permanent Federal Government of Somalia (FGS) was established, it has upper house (Senate) which consist of 54 senators, and lower house (house of the people) which also consists of 275 MPs (Elmi A. A., 2014).

The Somali people are homogeneous society, they share many common factors, the same ethnicity, religion, language, culture, and many other things. When it comes sharing political positions, they pursue a clan based 4.5 system, the government from top to down is built based on the 4.5 system, the four major clans (the Daarod, Digil, and Mirifle, Dir, and Hawiye), get each 61 seats, while the rest of 32 seats, is shared by minority clans. On the other hand, 30% quota of the lower house were planned to be given the Somali women, though they secured 13% seats.

The parliaments have the authority to pass or veto laws, as well as to impeach the president, on the other hand, they decide the borders between state members, the current regime's MPs period had finished on December 27, 2020 (House, 2017).

4.3. Consociationalism Debates on Somalia case

This part deals with the debates about consociationalism as a style of governance and then considers its applicability to Somalia, with a specific emphasis on the '4.5' clan sharing model that has been employed as a mechanism of political conciliation in recent years.

Consociationalism is a kind of democratic power sharing. Political scientists describe a Consociationalism state as one having substantial internal ethnic, religious, or linguistic divides, but no dominant group, on the other hand seeks to maintain political stability, power-sharing agreements, democracy, and prevent bloodshed (Lustick, 1979).

Arend Lijphart is widely regarded as a seminal person in the development of the notion of consociationalism and the literatures on the subject as a means of regulating power-sharing in a wide range of circumstances. “The involvement of representatives of all key groups in political decision-making, notably at the executive level [and] group autonomy implies that these groups have the ability to conduct their own internal affairs, especially in the fields of education and culture,” says Lijphart (Lijphart, 1969).

(Lijphart, 1969) supports that the consociationalism model is comprised of four essential components: proportional representation to ensure that minorities are represented; government through grand coalitions to ensure that all groups have the ability to vote; a 'concurrent majority' to ensure that all groups have the ability to vote; and a robust judicial review process. For him, one major benefit of consociation over the federal model is that the interests of diverse groups may be served despite the fact that they may be geographically close to one another.

The two most important aspects of consociationalism are rule by grand coalition and segmental autonomy, both of which are defined as follows: In the context of government by grand coalition, the institutional structure in which representatives of all important sectors engage in shared decision-making with regard to common problems, while decision-making remains autonomous with regard to all other matter (Lijphart, 1969).

For the establishment of long-term democratic regimes, deep social cleavages such as those induced by ideology or religion are typically considered as impediments. Individuals are more likely to avoid conflict if social cleavages are cross-cutting in the sense that they are members of many social segments. However, the chances of constructing long-lasting

democratic political systems are minimal to non-existent if social cleavages and pressures coincide. the contrary is also true: it seems that such systems have existed and have maintained their equilibrium (Lijphart, 1969).

The argument is that if social cleavages were not cross-cutting, elite groups might cooperate to avoid confrontation, Lijphart defined four features of consociationalism in the 1960s based on a number of case studies and expanding on a word used in a number of research on African political systems (Lijphart, 1969)

As a first step, a coalition government is required, as is a second element of segmental autonomy, like arrangements at the federal level that allow for policy-area autonomy in addition to the election system, proportionality must govern civil service appointments as well as the distribution of public resources, as a last point, consociationalism envisions a minority veto to safeguard important minority interests (Lijphart, 1969).

Those in power may feel so strongly about avoiding political rivalry that they are willing to extend the consociationalism principle to the electoral level, where it can keep elections from disrupting the delicate cooperative structure, they have worked so hard to build.

For the purpose of determining if consociationalism is acceptable for Somalia, it is worthwhile to investigate how Lijpharts' three requirements may be applied in the Somali context. Somalia faces several foreign and domestic dangers challenges, but history suggests that, far from creating a more conducive environment for a grand coalition, it has instead served to create a much more Hobbesian reality, as different groups seek to form fragile and quickly changing alliances in order to maximize their individual interests through a combination of clientelism, rent-seeking, and other factors (Lijphart, 1969).

The best way to balance the different sub-clans in south central Somalia has been a big concern for the region. While it may be feasible to achieve a balance in clan representation at the national level via the use of a consociationalism strategy, at the regional level, it is likely to be dominated by the most numerically populated clan, resulting in smaller clans being swiftly disenfranchised. By adopting the '4.5' system of power sharing between the four main clans and various minorities, Somalia might be said to have employed a national consociationalism model for the federal elections in 2012 and 2016, according to some observers. In the year 2000, before to the creation of the Transitional Federal Government,

reconciliation talks were conducted in Arta, and an agreement was reached. However, in this effort to assure fair and real representation, the 4.5 model has received a great deal of criticism and scorn (Mwangi, 2015)

Omar A. Eno and his brother Mohamed A. Eno write an emotionally charged article in which they claim that Section 4.5 causes "total discrimination and severe ethnic marginalization." As a result of elevating four clans to a certain status and reserving half-clan status for all other groups, they argue that not only does this discriminate against already marginalized groups, but it also reinforces the concept of clan as the dominant political unit, further diminishing the possibility of an emerging meritocracy from forming.

Another criticism is that the decision to determine who is granted full status and who is resigned to join other minorities within the 0.5 is still highly contested and is essentially an arbitrary decision made by the more powerful clans, who are once again accused of acting solely in their own interests in designing such a system of representation.

4.4. Structure of Somali Customary Law “Xeer”

The Somali customary law which is known as “Xeer”, it’s kind of mediation norms or institutions, the judges of the “Xeer” are mostly elder people what they do is that, they gather both sides families, the guilt and innocent one, and listen them, and then decide who is guilt or not, if there were deceased people, their compensation would be paid, in order to have peaceful relation in the future (Kulow, 2018).

The Xeer norms, were always part of the Somali culture, and dates back thousands of years, the Xeer works through kin, and family, most of the time the families support each other, but sometimes they can also against each other, dependents on weather everyone will benefit from it or not. However, the Xeer, facilitates for the Somali clans to live together, survive, and share resources, like watering and grazing the animals, whenever dispute happen between these clans, the elders will solve these disputes through Xeer, sometimes, in order to make strong bond and peaceful relation between the clans, intermarriage is practiced (Schlee, 2013).

The Somali society are rural people, and move town to town depend on the weather, they always move to the rainy towns, so they can afford watering and grazing for their animals, therefore, this kind of life makes necessary to have certain laws to tackle whenever

a dispute happen between the clans. So, Xeer was the only source the Somalis used to tackle any dispute or wars, before the Islamic religion reached Somalia, as well as before the nation state was built. (Kulow, 2018)

The basic principles of Xeer are same with the fundamental necessities to survive and maintain the basic social life, and it includes, to collect money from the guilty person's clan collectively to pay Mag (compensation) to the damaged clan, and this occur in the cases of rape, defamation, physical harm, theft. The Xeer as well preserves the right of the untouchable group Biri Mageydo (spared from spear), this means the women, old people, and the children won't be harmed in the war time. And lastly the Xeer, maintains the rules of the resource sharing and using, such as watering, grazing, and other natural resources (Schlee, 2013)..

As most of the countries in the world, before nation state building, had a traditional and cultural way of reconciliation whenever conflict or disputes happen between them, for instance Sierra leone had Fambul Tok (family talk), its traditional way of solving the family issues, dispute and security by gathering all the different sides, victims, offenders, or witness, argues that, these kind of traditional mediation ways, help the societies to prevent traumatic experience 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 (Hersi D. A., 2016).

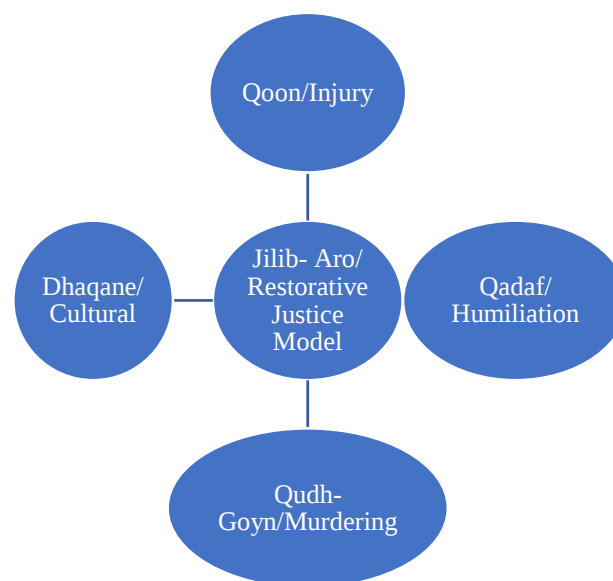


Figure 3. Jilib-Aro restorative model

Source: (Hersi D. A., 2016)

i. Qadaf/Humiliation

The term Qadaf is a Somali word which means disrespecting or damaging someone's honor or dignity, and there are many ways that the victim could feel offended, for instance kicking, spitting on them, insulting, slapping in public, and possibly many other actions, apart from killing, all these actions are considered as Qadaf or humiliation (Hersi D. A., 2016).

In the Somali culture despising someone, or his/her clan is a serious offense, and without immediate resolving the issue, it may lead to bigger problems, for instance war between clans, so to prevent any conflict to happen, the jurists deal the situation through Xeer, and the offender is asked to give his best valued thing to the victim as well as public apology, according to Ahmed (1977), the offender's clan used to give a lady to the humiliated man, implying that the offender's reputation had been restored and the victim's positive relationship had been strengthened.

ii. Qoon/Injury

The term Qoon is a Somali word which means injury, in Somali culture whenever someone hurt or injure a victim, they have to pay all the treatment expenses for the victim until he/she is recovered well, and later on judges decide through Xeer or Sharia law, the amount of compensation the offender should pay to the victim. Apart from the expenses he/she paid for the victim's treatment.

In the Somali culture camels are very precious and expensive, so the compensations are paid as camel, and it depends on how bad was the victim injured. However, this kind of mediation prevents such conflicts to happen, and gives signals to the whole society to not commit crime or retaliate (Hersi D. A., 2016).

iii. Qur-goyn/Murdering

The term Qur-goyn is a Somali word which means beheading or murdering, normally the murder is divided into two. First, murdering someone intentionally, without any legal right to do so. Second is that murdering someone unintentionally or by accident. Whenever the murdering is intentional, the offender's family or kinsmen, must detain the killer, and immediately apologize the victim's family and kinsmen, therefore the victim's family and

kinsmen have two options, the first one is that, they prefer retributive way, so the offender will be killed and the case will rest eternally. The second option is that, they choose restorative way, which the offender's family brings to the deceased family two pieces of white clothes, to bury him, later on one camel or money for the burial costs, and they add as an apology two camels, plus the weapon that is used for the deceased person to kill, as well as 100 camels or 50 camels, as compensation of man or woman respectively (Hersi D. A., 2016).

To end the dispute and strengthen the bond between the two families, the murderer's elders also invite one of the deceased's family members to marry a lady of his choice from murder's family. This is to address the issue by establishing new family relations in which the deceased is replaced by a new born, thus removing the pain and trauma. The Somali proverb 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 (Hersi D. A., 2016).

iv. Dhaqan/Cultural

The term Dhaqan is Somali word which means culture, and the Somali traditional customary law Xeer preserves and addresses cultural values. However, the conflicts that result from violating the values and culture of the society, are divided into two categories, the first one is Magan which means asylum, and second is Mooro which means Camp.

The Magan/asylum is when someone, or group of people seek asylum to others, who they think they won't be in danger if they are under their protection, so if anybody persecute or harm these asylum seekers while they are under protection, then it would be a serious crime toward the culture and tradition of the Somali society (Hersi D. A., 2016)

The Mooro/Camp is anything relate the possessions of the grievance, on the other hand, it can be divided into Xilo/family and Xoolo/asset. Marriage, rape, and other forms of sexual harassment fall under the family or Xilo/family systems. The asset xoolo/asset, was an integral part of traditional jurists' investigations and resolutions of cultural conflicts (Hersi D. A., 2016).

The customary law of Somalia “Xeer” almost covers and capable of tackling every possible crime that could happen in the society, as I mentioned above murdering someone has two possible methods to resolve, and it depends on the victim’s family, if they choose to kill the offender, then the offender is killed and the case rests eternally, or they can forgive the offender by taking full compensation, 100 camels for men, and 50 camels for women. However, what is not clear in the Somali traditional customary law “Xeer” is how to resolve massacre, killing innocent people, vulnerable group, looting, so the Jilib-Aro restorative system, helps to sort out such cases like murdering group of people, and takes tough decisions to bring back the peaceful relationship between the society (Hersi D. A., 2016).

4.5. Structure and Relations of Somali Central government and Federal States

Good relations between the central government and state members, are quite essential to maintain and practice the federalism system, it also helps to achieve the basic federalism principles. For instance, good relation and cooperation between them makes easy, to carry out local projects, such as building governmental schools, universities, hospitals, roads, and many other things that facilitates the development of the country.

In the case of Somalia, regional states were already there, because of the civil war that happened after the fall of Siad Barre’s regime, every clan claimed a portion of territory, fought and defended against other clans, after many efforts of rebuilding Somali nation again (Mudane, 2018). The Somali politicians and international community realized that the only option which the Somali clan leaders accept is the federalism system, so almost every region state was ready to be state member, the federal state of Somalia, suggested that in order to be state member, at least two regions must unite, and then they can become a state member, and that is the way the federal state-built state members.

The state member’s building period began with Somalia’s transitioning to federal state in 2012, after the Somali parliament elected as a president H.E Hassan Sheikh Mohamud, and he achieved to build some of the state members, though some of them existed already, like Puntland, Jubbaland, and Somaliland, though Somaliland announced self-independence, when the central Somali government collapsed, before they declared self-independence, the Said Barre’s regime oppressed the society of North Somalia (Somaliland), so some militia insurgents emerged to resist the oppression of the central government, the Barre’s regime used airstrikes and ground soldiers to eliminate the militia insurgents regardless civil or

public places, like hospitals, schools, civil houses. End result what happened was massacre against the Somali society in North (Somaliland). With fall of Barre's regime, they declared themselves independent state, though the United Nation and other countries in the world don't recognize them (Hersi D. A., 2016).

With the effort of the current and former federal states, the number of state members increased, now there are six regional state members plus Somaliland which declared independent themselves, here are the six-state member under the administration of the Somali federal state, Puntland, Jubbaland, Southwest, Galmudug, Hirshabeelle, and Banadir (Doornbos, 2002).

The relationship between the Somali federal government and state members, changes all the time according to the conditions that the federal government presents to them. However, it also relates, with the federal state's plan, if the federal state favors strong central government, like the current regime, president H.E Mohamed Abdullahi Farmajo, dispute over the power distribution between them is likely inevitable to occur, the other perspective. If the state favors more decentralized system, then less disputes would likely to happen (Doornbos, 2002).

Below, I will explain the federal state's relationship with the central federal government, in the context of their political, economic, and security development.

i. Puntland

Puntland is a state of Somali, and it consist of Mudug, Sanaag, Sool, Bari, and Nugaal provinces. on the other hand, Puntland is one of the earliest state members of Somali government, and almost existed 22 years, after the fall of the central government in 1991 (Johnson, 2014). The clans that based or live on these five provinces gathered and collectively stood to have a government and institutions to serve for their society, and now among other state members, they are the most developed.

Puntland's relation with current regime led by President Mohamed Abdullahi Farmajo, is not at its best, the tension between Garowe and Mogadishu gets worsen each time. President Said Abdullahi Deni of Puntland, held a three-day consultation gathering in March 2020, with participation over 1800 delegates, former two presidents of Puntland, MPs, politicians, and many other intellectuals participated the meeting, they end up a final

communiqué which they criticize a lot to the Federal government, and their intervention to the Puntland's internal affairs, or violation of the provisional constitution (Waldo, 2010).

However, Puntland's security, as most of the state members encounter, Al-Shabab is their biggest threat, because Al-Shabab totally supports to administrate the country under the Islamic Law (Sharia), while the federal government and state members pursue both constitution and (Sharia), from time to time, Al-Shabab carry out such attacks against individuals who work or have relation with the government, over the time some Puntland officials were murdered by Al-Shabab, for instance, they murdered in suicide bombing Nugaal governor Abdisalam Hassan Hersi, in March 2020, also Mudug governor Ahmed Muse Nur, same year in May 2020. Al-Shabab claimed the responsibility of many killings of governmental officials, though they are weak and control less territories, they are threat to the whole Somali society (Bryden M. , 2015).

The education system of Puntland has close relation, and works under the federal Minister of education, though it has its own Minister of education. The high school students participate yearly national exams of the federal government.

The economy of Puntland was also affected by the ongoing pandemic Corona virus, like many other countries in the world, with the inflation rising, the price of basic goods and exchange rate risen, the business owners began to refuse Somali Shillings and instead began to take US dollars, on the other hand, the civil society complained the issue, and the president of Puntland formed a high-level commission to tackle with (Abdullahi, 2016).

ii. Jubbaland

Jubbaland state member, was established in 2013 and consist of three provinces, Middle Jubba, Lower Jubba, and Gedo, though now there is ongoing dispute over Gedo province weather it will remain under Jubbaland state or not. Jubbaland's president Ahmed Mohamed Islam (Madoobe), a former Al-Shabab leader, have poor relation with the Federal government. He served two terms as a Jubbaland's president, and compete third time and won the election. The federal government believes he stole votes and corrupted the election, so the federal government sanctioned economically, and cut of Gedo region for the sake of punishing president Madoobe (Majid, 2021).

Jubbaland state, controls less territory of the region, while large portion of the region is controlled by Al-Shabab, and Al-Shabab is an imminent threat to whole the federal state and state members.

The security minister of Jubbaland Abdirashid Janan, who is felon and being accused of committing series crimes, was arrested by the federal state in Mogadishu while he was visiting the capital, the intension was to put him into trail, and face his punishment. However, he managed to escape from the prison, and fled to neighbor country Kenya, he is loyal and right hand of Jubbaland's president Madoobe (Hirad, 2013).

The Federal Government of Somalia, attempted different occasions, to remove president Madoobe, by supporting his opponents in the election, but they didn't succeed, instead he won the election third time, he began to sort out the local disputes between him and others, when the federal government didn't find way to remove him, they recognized him as "interim president" and this was welcomed by the international community, while Jubbaland's president claims he is the president won with a fair election, and disproves himself as "interim president" (Analytica, 2015).

iii. Southwest

Southwest state member, was established in 2014, and it consist of three provinces, Bakool, Lower Shabelle, and Bay, it's relation with the federal government is decent one. The current president of Southwest is president Abdulaziz Hassan Mohamed "Laftagareen", who also extended his mandate into five years to align the parliamentary and presidential election of the federal state, on the other hand, the federal government managed to put speaker of the Southwest parliament an ally of hers, Dr. Ali Said Fiqi, a former Somali ambassador to the EU, with the purpose of securing some votes from southwest, since the largest MPs of the federal government will be selected from southwest 77 MPs (Barrow, 2021).

Southwest state struggles a major security threat, when we compare with other state members, Al-Shabab has many bases and controls some small towns in Southwest, the Somali National Army (SNA), with AMISOM began to carry out missions to eliminate and dismantle Al-Shabab militia. With the Operation Badbaado 1, the SNA and AMISOM, have

achieved to eliminate and overtake some towns that Al-Shabab partially control, However the terror challenge is still there.

iv. Galmudug

Galmudug state, combines two provinces, Galgaduud and Mudug. It was established in 2015, and its current president is Ahmed Abdi Karie (Qoorqoor), it's relation with the federal government is quite decent one, it can be said an ally of the federal government (Hartkorn, 2011).

Almost over a year there were dispute between the federal government and Galmudug, that deeply concerned the electoral process, however state's new legislatures were selected but it was denied by Ahlu Suna Wal-Jama (ASWJ), an armed Sufi group that ally with federal government, therefore the federal government interrupted to solve the dispute and sent some representative of Mogadishu, thus the federal state pushed Dr. Mohamed Nur Ga'al to be the new speaker of the Galmudug's parliament (Analytica, 2015).

After Ga'al became the new speaker of the parliament, he succeeded to campaign for president that is supported and pushed by the federal government, and president Ahmed Abdi Karie (Qoorqoor) was elected with a majority vote, an ally of the federal government (Analytica, 2015).

Galmudug is at war with Al-Shabab and deals its threat, though Al-Shabab controls many cities like, El-Dheer, El-Buur. Galhareeri, and Dhuusamarreeb (Hartkorn, 2011).

v. Hirshabeelle

Hirshabeele state member, consist of two provinces, Middle Shabelle and Hiiraan, its current president is Ali Guudlaawe, who once was vice president of the state member, Hirshabeelle is the latest state member to be formed and was established in 2016, there are many clans settled there, two of them majority in the state member, so they came up with unofficial agreement between them, which says, if one of these two majority clan win the presidential position then then other clan will automatically get the governor position of the capital (RAHIM, 2021).

Hirshabeelle's relation with the federal government is quite well, its president and speaker of parliament were supported by the federal government. However, the state member struggles with security issues as other state members, Al-Shabab controls crucial territories, like huge part of Middle Shabelle, and time to time, they target officials and murder them, for instance they murdered Hirshabeel's minister of agriculture Abdulkadir Abukar, after he prayed evening prayer at the mosque, and Nur Hashi Warsame, Hirshabeel's Minister of religious (HARED).

Hirshabeelle, is gate way to the other provinces of the country, and most of the state officials use planes to cross other state, because the threat of Al-Shabab

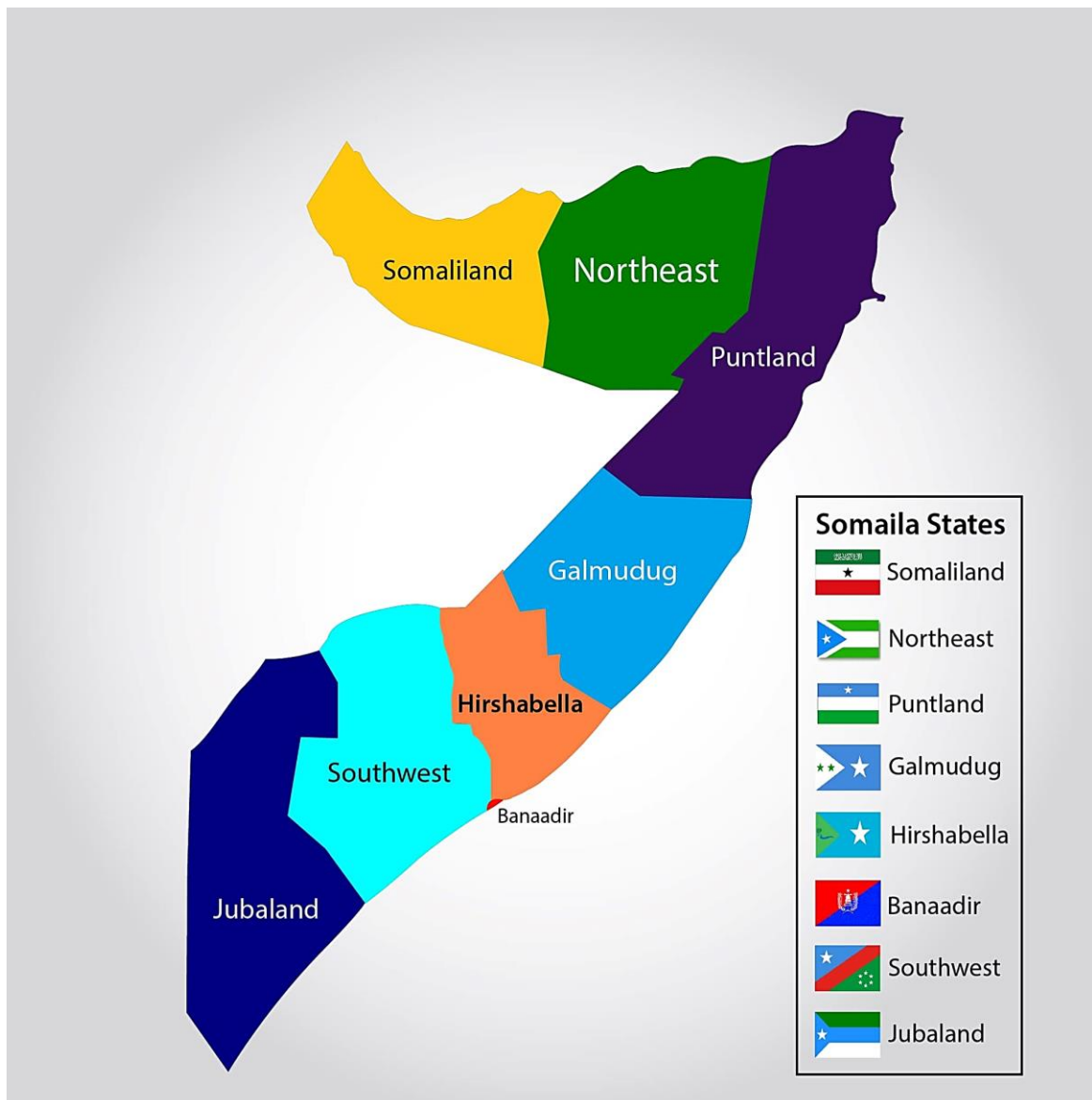
The state member encounters such difficulties during the rainy season, which causes floods and displacement of the inhabitants, in 2020 nearly 150,000 hectares of farmland was destroyed by the floods according to the UN.

vi. Benadir

Benadir is the capital city of the country, but yet has undecided status, whether it will be state member or not, but current is under the president of Somalia Mohamed Abdullahi Farmajo, he chooses mayors and deputy mayors, it consists of 17 administrative districts, which means it has many populations then the other state members (Hills, 2017).

The issue of the status of Benadir causes dispute over the time, and protests against the federal government, the major clans of Benadir want to be a state member as other regions of the country, but because of certain clans and officials will lose some interest and favors, they oppose Benadir to be state member. So, in January 2021, the president Farmajo passed a law which allows 19 senators to be added to the senate house, and with this move he violated the provisional constitution as well the 17 September agreement (Hills, 2017).

The main reason that I gave all these information separately is to demonstrate the relationship between central government with other federal states.



Map 1. Somalia Regional States

Source: (markodehaeck, n.d.)

4.6. Division of Power Through Institutions

When the central government of Somalia collapsed in 1991, the governmental institutions were destroyed by the militia insurgents and civilian protests, more than decade, there were not any institution that was serving for the Somali society, if it were, health sector, education and justice sectors, none of them existed, with the building of Transitional Federal Government, some governmental institutions were began to serve (Bryden M. , 2013)

However, when the transitioning period of the TFG began, and Somalia decided to be federal state, almost every institution came into force and were ready to serve for the Somali

people, though the society pay taxes, but the services of these institutions are with money, like health, education any other sectors.

i. Electoral System

The current Somali election system is informal one which means, the clan elders elect individuals, that will represent them, to their interest as a parliament. Under the 4.5 system the Somali parliament will be built, the number of lower house Parliaments are 275 and the upper house (Senators) are 54. vote for the candidate presidents, and the one gets the most of the votes will be the president of federal government of Somalia, so its not a popular vote that happens in other countries.

The Somali society didn't vote for parliament representatives since 1969, it's been a while, after Somalia got its independence, it has only got 9 years to experience democracy and to vote for MPs representative. In 1969 a military regime took over the government in bloodless coup d'état, and controlled the country 21 years, also suspended the constitution, dissolved the political parties, and abolished the national parliament (Elmi A. , 2021).

The current president Mohamed Abdullahi Farmajo, passed a long-awaited law, on 21 February 2020 which allows to the society to participate and elect their MPs representative, it was a dream to all-Somali people, since the clan elder leaders were choosing who will represent their clans, and with this system, the clan elders were choosing who pay them a lot, so it's possible to find unqualified MPs.

The electoral bill was intended to be implemented for the upcoming MPs elections as well as the presidential election which will happen this year 2021, therefore there were disagreements between the federal government and state members over the electoral bill, the dispute is about the seats of border constituencies, the time is too short to apply this electoral bill which leads to universal suffrage election, the federal government could passed this electoral bill long time ago, so the stakeholder may evaluate and object or prove it (Elmi A. , 2021).

There are a lot of obstacles that surrounded the universal suffrage to happen, some of the prominent obstacles are, there is no consent from all the stakeholder about the electoral vote, Jubbaland and Puntland are against, demand such amendments to be made. Time is another problem, because the current regime's term ended, as well as the funds for the

electoral equipment is not available, because the modern electoral norms demand a biometric system to be used.

President Mohamed Abdullahi Farmajo, before he was elected as the president of Somalia, he campaigned that he will take to the country on one man one vote, after he won the election, he formed a committee of experts to prepare electoral system, by choosing Closed-List Proportional Representation. The committee and the interior minister passed an electoral draft based on the (Closed-List Proportional Representation), the federal government and state members gathered various time, they couldn't agree on any electoral model, for instance the president and state member presidents with the Mayor of Mogadishu gathered in Baidoa to negotiate and discuss about the possible electoral models, and they decided to pursue Closed-List Proportional Representation model by making the country one giant electoral district, however, after several days the state members met in Kismayo and issued conflicting statement which they say, we accepted the Closed-List Proportional Representation but with multidistrict arrangements. This caused endless dispute between the federal government and state members (WASUGE, 2019). However there were attempts by the prime minister Hassan Ali Khiare to tackle the dispute between federal government and states, he met with member states in Dhuusamarreeb 1 and 2 conference, while he was on this duty, he was sacked by the president, and the majority of the MPs voted "yes" to remove him from the office, therefore the current regime and parliament's period has ended December 27, 2020, so its unclear till now, the electoral model that would be used for the upcoming MPs and presidential elections (WASUGE, 2019).

ii. Political Parties

The military regime that took over the country in 1969 with bloodless coup d'état, dissolved the political parties and suspended the national institution, Siad Barre's regime controlled the country around 21 years, within these years, there were not any democratic election or political parties. He introduced the country socialism principles, therefore, initiated close and friendly relation with Soviet Union as well as other communism allies (National Independence Electoral Commission, 2015).

After the fall of Siad Barre's regime, the civil war began in 1991, major clans began to fight over power, who will lead the country, almost two decades there were not any governmental institution that deal with elections or registering the Somali political parties.

In 22 July 2015 was established National Independent Elections Commission (NIEC) for the first time, after many years, this commission's duty is, deal anything relates with elections, polls, registering the political parties, charting the election guideline. On the other hand, in order to create the commission, a competitive recruitment process was carried out. More than 300 individuals' applications were received. After many evaluations twenty applicants made to the shortlist that was submitted to the council of ministers, at the end nine commissioners were chosen which two of them are women, then the parliament ratified them. (National Independence Electoral Commission, 2015)

The commission has been given the authority to monitor the activities of the candidates. It determines the timeframe of the election, as well as announce the last result of the election.

There are many political parties in the country, some of the prominent parties are, Union for Peace and Development Party (UPD), established by former President Hassan Sheikh Mohamud, and now it's one of the biggest opponent parties against the current governments. Himilo Qaran party, this party was established by also the former President Sheikh Sharif Sheikh Ahmed, and goal is to bring the Somali society and bring back their hope. Tayo Party, and many other parties.

iii. Central Bank

The Central Bank of Somalia (CBS), was established right after the independence in 1960, its duty was in in charge of ensuring financial stability, preserving the local currency's internal and external value, and fostering credit and exchange conditions that help the country's economy develop in a sustainable way. It also applies to the State's financial and economic policies within the framework of its powers (Central Bank of Somalia, n.d.).

The Central Bank of Somalia (CBS) fall with the military regime that led by General Mohamed Siad Barre in 1991, more than decade and half, there were not any government institution that officially worked even the CBC wasn't working, with the help of Somali businessmen and traders, the country's economy was making progress, and the Somali Shillings was circulating,

After many years of efforts, Somalia again reestablished a temporarily transitional federal government, and in 2004, the TFG reopened the CBS to manage the country's economic circulation. (Central Bank of Somalia, n.d.)

The Central Bank of Somalia (CBS) was officially reopened in Mogadishu 2009, after the prolonged civil war in Somalia, it was part of the TFG campaign to rebuild collapsed governmental institutions, as well as they open a branch of CBS in Baidoa, Yussur A.F. Abrar was appointed as the governor of the Centra Bank of Somalia, and she was the first female to be appointed for this position ever, later on she resigned, and temporarily was assigned for this position Bashir Isse, but later on with the approval of the federal cabinet in 2014, he became the permanent governor of the Central Bank of Somalia and Maryan Abdullahi Yusuf was elected as the deputy governor Central Bank of Somalia (Central Bank of Somalia, n.d.).

The Somali Central Bank is in charge of formulating monetary policy in order to accomplish and sustain market stability. Financial stability is also promoted by the Central Bank, However the Bank can perform any sort of central banking role and shall have all of the powers and privileges of a central bank, including, without limiting the generality of the foregoing, the power to issue currency, regulate the banking and credit system, and control the Republic's external reserves.

The Governor is also the Bank's Chairman of the Board and Chief Executive Officer. The Governor is a member of the Board of Directors and reports to them. The Governor is assisted by the Deputy Governor, who also serves as the Bank's Chief Operations Officer (Central Bank of Somalia, n.d.)

The new Transitional Federal Government (TFG) which later became the Federal Government of Somalia (FGS), had many challenges to get through, there has been a debt given to the old dictatorship regime in 1980 and before, which put the country into the category of Heavily Indebted Poor Country list (Ingiriis M. H., 2016).

Most of the debt has matured and the Somali government has not been able to service it or pay it back in time, most of the countries that had civil war experience, is crucial to have external financing resources, so that recovery and developments can happen, Somalia had already in debt and must pay back to have access to external potential resources (Minister of Finance Somalia, n.d.).

The High Indebted Poor Countries (HIPC), is a program that was established in 1996, for the purpose of ensuring that no poor country faces a debt burden it can't manage. Within this format they bring into the negotiation table both sides, then they negotiate to increase the debt or cancel it under HIPC monitoring.

The federal government of Somali, started to engage with debts from the former central regime through IMF series programs, and with this effort of participating the IMF series in mid-2015, Somalia got its international trust back, and got donors to support certain reform programs.

The military regime in 1980, spent the money on various sectors, mostly Public Investments Program and Balance of Payments (BoP) support, and another significant amount was used for military equipment. However, the Somali Central Bank is independent from the central government (Minister of Finance Somalia, n.d.).

4.7. Ethnicity and Diversity

Ronald L. Watts, in Comparing Federal Systems in the 1990s, defined federalism as the "combination of shared-rule and regional self-rule within a single political system so that neither is subordinate to another" (Watts, 1998).

Federalism is meant to be a solution to the nations that have inhabitants with different ethnic background, sometimes the opposite, it can be a source of division, most of the time two options are available for states to choose, first, as many states achieved the state may disregard the diversity of its society and establish a state with a single national identity, culture and language, and this means to suppress the other ethnic minorities. The second option is that, the states will embrace its ethnic diversity, and begin to have middle ground for all its inhabitants which may have different ethnic, culture, and language differences. However, there are many countries across the world that apply their governmental system as federal state, in order to sustain its multi-ethnic inhabitants and co-exist as nation state (Desmet, 2017).

After fighting with the colonizers and getting independence, many countries around the globe, Africa, Asia, or Latin America, had experienced as the issue of ethnic diversity and establishing nation state with a single identity, culture and language, they dealt differently. for instance, African nations that has been under the colony of French or British

Empire, whenever they took independence, and began to establish a nation state, because of the ethnic, culture and language diversity, they preferred to use French or English as official language. And they find middle ground for other barriers between ethnic groups. on the other hand, some countries, began to pursue a way of their own when they were establishing nation states, by choosing the majority ethnic language and culture and suppressing the other ethnic minorities (Desmet, 2017).

The Somali people are fortunate from other neighboring countries such as Ethiopia and Kenya, because these two countries experience rebellions and disputes from time to time, from their ethnic diversity, lack of trust, injustice of the system, and the way states distribute rights and jobs according to the ethnicities.

Somali people are homogeneous society, they share almost everything, from same ethnicity, language, culture, religion as well as ancestors, and this differs them from neighboring countries. On the other hand, in Somali culture clans play crucial role if not the most important thing, Somalis are nomadic people, and their lifestyle is based on agriculture and livestock, they settle according and live according to their clans and extended families, “The Somali family is the ultimate source of both personal security and identity. The family is deeply valued and serves as a safety net a sort of social welfare—for many Somalis; thus, it is important to protect family honor” (Putman, 1993).

The Islamic religion which is one of the important pillars that unites all the Somalis, reached Horn of Africa in the 7th century. Somalis are 90% Sunni Muslims of its population, and used to practice Sharia law, through their tradition of clan elders. Before the colonial era, the study of Islamic religion was widespread, scholars voluntarily travel to the countryside regions, and spread Islamic religion as well as teach freely, clan elders were the only source of solution for any dispute between clans, until the nation state was built, the state changed the old tradition of clan elders acting as body of governance and engaging the social life problems of the society, throughout history (Kulow, 2018).

Somalis were nomadic people, they settle villages according to their clans, almost every clan has a region which they number majority, though sometimes people with livestock move place to place because of the watering and grasping animals (Kulow, 2018).

With the modernization process and nation building, many traditional habits changed, and the state took full responsibility of many things, after the independence of Somalia in

1960, the state became unitary system, claim to be a democratic one. The state's aim was to integrate and eliminate clan division between the society. However the vision of integrating the Somali society didn't last when a group of military carried out a bloodless coup, which they succeeded to overthrow the civilian state, suspended the institution, and arrested some politicians, the new regime also chose to be centralized state, and later on introduced to the country communism ideology, by forcing and dictating to the society to accept the socialism principles, which later on caused many rebellions to emerge and fight back with the state, this led the fall of the central government of Somalia, which existed almost 30 years in 1991, and the civil war started, the old traditional lifestyle began, as well as the clan division, and elder clan leaders acting as a body of state which tackles any problem between neighbor clans (Prunier, 1996).

The civil war which broke out between the Somali people in 1991, initiated many things, for instance lack of trust between the Somali people as well as with the state, corruption on any level because of the clan and extended family, and the displacement of many citizens.

There are almost 202 recognized and independent states in the world, approximately 25 of them are federal states, and these states account for 40% of the world population, however each state have ethnically diverse inhabitants, in order to co-exist, cooperate, they chose to be federal state, the three leading federal states in Africa are, Ethiopia, Nigeria and South Africa, there are many ethnic groups in these nations, for instance a member state's population in Nigeria is similar with the whole population of Somalia which is around 10 Million (Elmi A. A., 2014).

Where other federal states in the world struggle with the ethnic diversity issues, Somalia's problem was with the clans and old tradition principles, in 2004 when Transitional Federal Government (TFG) was established to bring Somali society together after almost a decade of civil war, the state was decided to be federal state, the process of building state members began, though regions and territories were clear which clan's inhabitant are majority because of the civil war each clan claimed a portion of land, and this was the main reason that Somalia became federal state, to satisfy those clans that claimed such territories, and ready to defend if the state or other clans disturb them, the understanding of the type of federal system to adopt among the majority of the Somali intellectuals remains unclear which makes to emerge into mixed system that developed into clan federalism instead of the

universal existing federal systems. This happens while the Somali people have been suffering from conflict and civil war while they are not still experiencing the political and social stability (Elmi A. A., 2014).

4.8. Clan Based 4.5 System

The Somali government decided to use clan-based power-sharing system which is 4.5, this means giving many rights to certain clans, like Hawiye, Dir, Darood, Digil and Mirifle, with a number of small clans receiving collectively half representation, when it comes to the parliament representations this system is pursued (Ahmed, 2019). The total number of the parliament seats are 275, most of the seats are given to the major clans in Somalia, the four major clans get 61 seat each clan, and the rest 32 seats are given to the remaining minor clans in Somalia, and by observing how seats are distributed, we can understand the inequality of the 4.5 system. Former prime Minister and current president of Somalia, Mohamed Abdullahi Farmajo condemned how corrupt and inequality 4.5 system is, and he was criticized by many politicians that benefit from the system. On the other hand, some Somali scholars, such as Mohamed H. Mukhtar (Eno, 2009) believes that 4.5 system is way forward for the Somali society and the state itself, though he says it should be only a temporary system, which gives the Somali government a charter and system to begin with, after decades of civil war.

The 4.5 system which the Somali federal government applies to distribute political representations of each clan, was complained by the society specially the effected minority Somalis, however such amendments were suggested to be made. For instance, to change the 4.5 system to 5 clan representation system, and each clan should be treated equality. President Hassan Sheikh's term were applied 5 system, rather than 4.5 distribution system, whatever the case is, political elites will benefit from both systems. Also, the Somali women were excluded from this distribution model. Although they were given 30% quota, representation for parliamentary seats, they secured 13% of MPs seats (Elmi A. A., 2014).

The Somali government, led by President Farmaajo, has unable to develop the procedures necessary to transition away from the 4.5 power-sharing arrangement that has been in place since 1991, (Ainte, 2014), addressed the issue of the absence of a permanent constitution, which was supposed to be established in 2016 and incorporate participation from the general people, among other things.

The 4.5 model was seen as unjust and undemocratic by Somalis both at home and abroad, according to (Ainte, 2014). Somalis generally view the 4.5 power-sharing formula as basic and simple, according to the author. Minority clans and marginalized groups are particularly concerned that it has diminished their political representation and access to power.

As (Mehler, 2009) pointed out, nations that utilize power-sharing risk marginalizing minorities since they are not represented at the negotiating table and are consequently excluded from the process, as part of its power-sharing system, the Somali 4.5 formula divides up executive and legislative authority between government parliamentarians.

The 4.5 system's power sharing mechanism strengthened clan identities in politics, causing a deadlock. A legally functioning government cannot be built on the 4.5 formula notwithstanding its use for almost fifteen years and a half. The Somali administration is still struggling to establish its authority in the country.

Papagianni (2007) discusses how power-sharing places authority in the hands of people who have perpetrated conflict in the first place, therefore making them legitimate players in government. Relating this back to the Somali political scene, the establishment of legitimate players in governance was made possible by the inclusion of former warlords in the administration of the country.

Papagianni (2007) and her four aspects of political power sharing reveals that "proportional representation" and "protection of minorities" are not existent in Somalia. The 4.5 formula already places significant sections of Somalis at a disadvantage as a result of past discrimination, which results in their having less political influence, keep in mind that the other two components of the power-sharing formula, which are "mutual vetoes" on topics and "distribution of finances and positions," are not relevant to the Somali 4.5 power-sharing formula.

Former Prime Minister of Somalia between (1964-1967) Abdirizak Haji Hussein a decentralized unitary system, with guarantees of regional or local autonomy, would be more, much more, appropriate for the Third Somali Republic. 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 (Elmi A. A., 2014).

5. DISCUSSION AND CONCLUSION

5.1. Discussion

Somalia is Situated at the eastern coast of the Horn of Africa, experienced armed conflict and violence in the late 1980s, which has resulted in a long, major nation failure. several attempts to strengthen the state building of Somalia was ongoing, and a lot of peacebuilding interventions, this is included introducing the new federal government structure following the 2012 provisional constitution, accumulated societal conflicts for the three decades of weak governing system led to fail the peace progress, the conflicts of Somalia can be categorized into three interconnected layers of conflicts on the subnational or local, national and international levels, which have characterized Somalia since the early of the civil war, the different levels have interconnected triggers and drivers of conflict that varies from communal violence that frequently spilled over to the national level and was part of the outbreak of the civil war in the 1990s. access and control over natural resources, especially land, livestock, fisheries and water are the main causes of conflicts. the clan associations are often signified by the ownership of resources and to the livelihood styles. the power relations in and among the local level of the communities is defined by the access of natural resources, this type of tensions escalate to the national level, as clan identities increasingly politicized (Elmi A. A., 2006).

The Somali society has six major clans, the rest are sub-clans, the Dir, the Hawiye, the Darod, the Isaaq, the Rahanwein and The Digil, in the Somali culture clans have crucial role to play, it differentiates who is who, on the other hand when it comes into marriage, to introduce each other well both sides the boy and girl's elder and family gather ask each other their clans, as well as when two clans fight over territory, livestock, or anything, both side's clan elders gather and tackle the disputes with peace. However, the Somali clans are interrelated one another, they share a common ancestral, and every Somali individual must now his forefather's names, Western societies have the cultures of using Surnames, instead the Somalis use forefather's name (Ssereo, 2003).

As I mentioned above clans play an important role in the Somali culture, traditionally clans used to act as an organization which deals with its own people (the extended family) if they harm other clans or being harmed by other neighbor clans, elders gather and tackle the incidents, if there are deceased clan members from both sides, they pay compensation on

each other, so they can live peacefully, on the other hand, small clans that can't defend themselves is being assimilated with bigger clan that they share same genealogy, so this means they unite and protect each other from other clans, the Somali women also had an important role to play, they cared and treated the injured ones, But with the modernization process and post-independence, the state interfered the existing tradition of elders acting as an organization and solving the disputes between clans, the state began to establish various systems and institutions which took over such responsibilities according to the institution and Law, as well as police and military which defends the country's sovereignty.

The old tradition of peace conferences that elder clan leader used to have, whenever clans harm each other, the clan elders gather under the tree and negotiate the possible solutions. At the end both clans will pursue the conference's decision, this path of gathering elders goes back many centuries, and even now this kind of gathering happens to tackle disputes between clans.

When Somalia got its independence, the state interrupted the existing clan traditions, changed the clan territories into districts, provinces, and give the chief authority to officers that was appointed by the central government (Abdile M. , 2012). The state began to abolish clan related terms, 'uncle', 'aunt' and 'cousin' so the Somali society may integrate and there were many reasons that Somali society unites, they are homogeneous people, share same ethnicity, language, religion, ancestors, they are inter-related, as many African countries Somalia share the process to modernization and independence, colonial administration, decolonization and independence, one-party and multiparty politics, civilian and military governments and dramatic social, political and economic transformations (Abdile M. , 2012).

The reason that is attributed for the lack centralized states of Somalia had been either in nomadic north or the sedentary south of Somalia that could have provided strong enough incentives for an ethnic assimilation (Abdile M. , 2012). To be sure in the Middle Ages up to the 1700s, the highly centralized, irrigation-based sultanate of Ajuran in the southern interior had dominated and incorporated the surrounding tribes as well as the coastal cities populated by Indian and Arab traders. It soon disappeared, however, and a sort of political devolution followed, in the nomadic north the segmentary lineage system prevailed well into the colonial period and beyond (Abdile M. , 2012).

The core political institution of the nomadic groups was the ad hoc councils that gathered to resolve a specific conflict, while all members of the assembly have the right to speak, powerful or prestigious men de facto dominated the proceedings, however there were no kings or other institutionalized centers of political authority. disputes were resolved through informal contracts, called Heers, rather than by royal decree. The councils elected 'sultans' and were given advice by religious notables, but neither of these held any power (Lewis, Blood and bone: The call of kinship in Somali society, 1994) and cannot be considered as formal political offices. Religious sheiks, mainly the Sufi orders, lived in a small building where they used to teach the holy Koran and cured the sick and cared by those displaced by clan conflicts, they were generally respected by the nomadic clans but had no political authority over them

The famous Somali poets was also another group of power brokers, they used to compose and recite humiliating, mocking or admiring political or religious leaders and were often supported by them. Through the facilitation of memorizers, the poems used to reach quickly around the entire Somali territory, it means that "cultural impositions" took place to gain support by mocking of the religious leaders. They too wielded moral but no institutionalized political power (Laitin, 1987)

In the agricultural south, some of the landowning clans held more real authority over their communities. but even the most powerful sultan of Somalia, the head of the Geledi clan in the south, had no private body of followers, owned no land personally, and had to rule via.

Somalia experienced different regimes after its dependence. Regimes that served for the civilians and elected by the civilians, and regimes that came with coup d'état and seized the power, within time these regimes applied to the country various political ideologies, like democracy and socialism respectively, later regime which seized the power through coup d'état administered the country approximately 22 years and achieved many things, they seized the power when the Somali society wanted political change and was assassinated the president of that time Abdirashid Ali Sharmarke, the coup was bloodless and lead by 25 officers from different institutions of the government especially defense branches, General Mohamed Siad Barre, was the commander of the Somali Military, and he was the head of the coup mission, they suspended the institution and arrested many politicians that

potentially may stand against their mission, on the other hand the regime banned all the existing political parties (Samatar A. , 2016).

The fundamental reasons that helped the regime overthrow the government and seize the power, was to improve the socio-economic, and condition of the country. The nation state was established almost 9 years earlier, and still suffer the clan tradition, and corruption (Payton, 1980). Their aim was to eliminate all these obstacles, so the country may develop and take its position in international community. The Siad Barre's regime began to make some amendments to the system, and successfully achieved to increase the social life of the society and the economy itself. On the other hand, the regime achieved to gather linguistic Somali intellectuals to write down the Somali alphabet, and began the mission to teach the people live in the countryside, the literacy rate increased, the regime also industrialized the country by building various state-owned factories, the regime also successfully eliminated the corruption level of the country, developed the state's military capacity (Samatar A. , 2016).

The Siad Barre's regime began to have a close relation with Soviet Union and changed its position of pro-western, and applied socialism principles to the country. While allying with communist countries, a part from the success they have achieved, within the country and outside, the socio-economic, politically and militarily. There were some important factors that caused the fall of the regime, one of them was, the equality of men and women when it comes to inheritance (Stremlau, 2018). The state said men and women are equal, which was considered incompatible with Islamic law. The Somali theologist and scholars stood against the state's decision and demonstrated, the state arrested 10 Islamic scholars and sentenced to death (Muhammad, 2017). The regime also engaged war with Ethiopia in 1977 to take back the Somali Ogaden territories that the colonial gave to Ethiopia. The war was lost and many rebel insurgents emerged and began to fight against the state and succeeded to overthrow (Ali, 2019). The main reasons those rebels begun fight against the government was, the state started to dictate and eliminate every individual that it sees as potential threat, all the higher officer positions were given to the president's tribe, the religion intervention of men and women equality, all these actors contributed the fall of the Siad Barre's regime (Ali, 2019).

With the fall of the central government in Somalia 1991, the clannism became more popular. The governmental institutions were destroyed, the society went back to their clan

root regions and begun to guard their territories and livestock from other clans. The old traditional cycle which was based on clan, kinship begun again, the elders of each clan began to act as organization on behalf of their clan, when dispute happens between clans, however the international communities began to interfere the Somali people and bring back the order and stability (Muhammad, 2017). United Nation sent many troops to support the temporarily governments, unfortunately the United Nation didn't succeed the mission and withdrew from Somalia, the civil war continued and Transitional Federal government were built.

The Somali society was divided and harmed themselves, many people deceased from every clan because of protecting and defending their portion of land, honor of the clan and extended clan family, the only option that available for Somalia was federalism, because almost provinces and regions were there, because of the civil war, every clan went back their own territory, the other essential point was the concern of most of the clans that they were excluded and didn't get their rights from the previous government and led the emergence of rebels to fight for their rights and at end these rebels succeeded to overthrow the regime, in 2004 Somalia adopted federalism in order to satisfy clans, bring back the Somali society together, they lost to trust central system of governance, because this system prioritized and favored for specific clans, some clans were gaining more than others, so federalism was chosen to meet concerns of all the complaining clans (Kefale, 2013).

Federalism represents many characteristics. Division of power is the most essential one. It is a system which shares power and involves everyone, the federalism in Somalia appears from outside, a federal system which shares power with member states, and involves everybody, at the national level but it's hard to say the same thing when it comes to sub-level.

What does inclusion in Somalia mean? The definition is tricky in Somalia. In our language, we don't have the word 'Representation'. We have an interpretation of the word. There are five main clan groupings at the national level. If you ask people if they are included in political institutions, they will look to see whether their clan is present, because the clan is one of the, if not the, most important structures that guides people's everyday lives (Keating, 2019).

This survey (Ali, 2019) drew 1,073 responses from people all around the country, the following important factors were investigated: perception of federalism adoption; legislative

executive judicial, according to the study results, the most problematic impediments to federalism acceptance in Somalia include a lack of awareness about federalism, seeing federalism as a clan-based system, and political corruption. Other problems to the temporary Somali constitution include power allocation, regional border conflicts, and Mogadishu's position (Ali, 2019).

The establishment of an honest and dependable judicial system, the establishment of constitutional courts, and the completion of constitutional changes are the most suitable remedies.

One of the most significant federal issues in Somalia is the public's lack of comprehension of the concept of federalism as a whole. As part of the effective implementation of federalism in Somalia, the Federal Government of Somalia and its member states must offer enough civic education and public awareness.

The federalization of governance should be facilitated by the federal government delegating considerable decision-making authority to state administrations in areas such as socioeconomic growth and the establishment of democratic mechanisms, among other things. Decentralization of political and budgetary power should be accelerated by establishing village-level administration and securing the involvement of local populations (Ali, 2019).

Specifically, poor governance (defined as widespread corruption and nepotism in public institutions) has been identified as a major impediment to Somalia's federalization goal and recovery process, according to this report. Somali authorities should adopt a tough stance against corruption by instituting and enforcing anti-corruption measures in order to restore the country's reputation in the eyes and thoughts of its citizens while also bolstering their hopes and ambitions for a better future (Ali, 2019).

Somalia's federal government structure was implemented as a means of restoring the country's unity and geographical integrity. As a result of this, the Federal Government of Somalia should re-start the discussions with Somaliland in good faith.

5.2. Revise a decade of federal system of Somalia

Somalia was under civil war, more than 30 years, its central government collapsed in 1991, after administering the country more than 21 years in row, the main reason the state collapsed was, the resistance of the society, toward the state's oppression, after the fall of Said barre's regime in 1991, civil war started and people begun hating each other according certain clans, the clan divided the Somali Society, and this continued for many years. However, the international community put tremendous efforts to interfere Somalia and bring peace but has failed (Hammond, 2013).

After many years of chaos in Somali, with the help of international community, Transitional Federal Government was established in 2004. Though the society was still divided, and each clan wants to dominate and become the president of the country, therefore the transitional parliament were spending most of their time to uplift their clan representative, to be the president of the country.

The Transitional Federal Government (TFG), served almost six years, and prepared the country to permanent Federal Government of Somalia (FGS), in 2011 after a lot of efforts from the TFG and international community, Garowe conference was held to discuss about the country's future, which system the country would get? How the power should be distributed? And many other important issues. Various members of the society participated the conference, Somali intellectuals and scholars participated. On the other hand, the stakeholders the TFG, Puntland, Galmudug, UN, EU, and other international community donors participated (Hammond, L. 2013).

The transitioning was decided in Garowe conference and Somalia became federal state, with 4.5 power distribution system, However, some of the Somali people believe, 4.5 system was pushed by the international donors and EU to divide the Somali society, and start endless dispute between them.

It was a turning point and political progress for Somalia to rebuilt Federal Somali Government in Garowe conference 2012, though there were many challenges ahead for the elected regime, the expectation was high, there were different from other earlier regimes in some ways. First, the elected president Hassan Sheikh Mohamud, was educated, and lived most of his life in Somalia, and experienced the civil war as most of the Somali citizens does, on the other hand, he didn't participate or supported any clan violence between the Somali

clans, while other earlier regime participated the civil war. However, the new era of Somali federal Government in 2012 began with new president, new prime minister, new speaker of the people's house, and smaller cabinet (Hammond, L. 2013).

The Federal Government of Somalia, began to establish state members in order to realize the federalism principle, and put the condition of two and above regions can become state members, with this guideline was built the state members, Puntland, Jubbaland, Southwest, Galmudug, Hirshabelle, and Benadir, through the years many challenges had faced the FGS, for instance security was a major problem because of Al-Shabab which carries out deadly suicides and attacks regardless of civil or political officials (Hammond, L. 2013).

Former President Hassan Sheikh Mohamud stayed at the office four years, and most of his time was spent to rebuild governmental institutions. However, there were efforts to complete the provisional constitution but the stakeholders couldn't agree on something. On the other hand, state members began to fight over territories and borders. Though the federal government, promised to finish the provisional constitution, and count the Somali society in order to reach the country one person one vote, unfortunately the President Hassan's regime couldn't deliver what they promised. But they achieved to make democratically informal election, which he lost to the current president Mohamed Abdullahi Farmajo, who also couldn't deliver what he promised, one person one vote, or any other form of election, his term ended December 2020 but still on the office.

5.3. Somalia and Somaliland

After the atrocities and massacre happened to the northern people of Somali (Somaliland) in 1988 onward, by the old central regime led by Siad Barre, they unilaterally decided to separate themselves from Somalia, and become independent state. Over the years Somaliland has maintained its stability, economy and governmental system, though the state has no any international recognition (Bradbury, 2008).

The main reasons that caused Somaliland to declare themselves an independent state, is Siad Barre's general oppression toward the whole Somali society, specifically the northern Somalia, the regime had bad impression from the northern side of the country, insurgents emerged and started their mission to overthrow the central government. However, the central

government started to carry out military missions to eliminate the militia insurgent, regardless of public buildings, or civilians, many civilian lives were lost (Hagmann, 2009).

Eventually many other insurgents emerged from the various regions of the country, especially the southern and northern part of the country, the main ones are, the Somali Salvation Democratic Front (SSDF) emerged from northeast, the Somali National Movement (SNM) from northwest and the United Somali Congress (UNC) from the South, and at the end they succeeded to overthrow the Said Barre's regime, and the northern part of the country (Somaliland) declared themselves independent state (Ingiriis M. H., 2017).

Through the years, there were many attempts to reunite Hargeisa, with Mogadishu, from the Transitional Federal Government (TFG), to the current Federal Government of Somalia (FGS), unfortunately almost every attempt was unsuccessful.

The current presidents of both sides, Mohamed Abdullahi Farmajo, and president Muse Bihi of Somaliland met in Ethiopia in February 2020, after they attended the African Union summit, their meeting was organized by the Ethiopian president Abiy Ahmed, who recently won Nobel Peace Prize, after he resolved and made peace with Eretria, both president met for the first time face to face, after several days, president Mohamed Abdullah Farmajo, officially apologized the people of northern Somalia (Somaliland), for what they had experienced from Siad Barre's regime (Ingiriis M. H., 2017).

President Muse Bihi of Somaliland, accepted the apology and said its good start, on the other hand president Farmajo planned to visit Hargeisa, to carry on his plan of reunion, unfortunately the civilians were angry against his goal, and demonstrated to visit him the northern region (Somaliland), President Bihi asked his cabinet to weigh in on the matter, and, on 17 February, it unanimously rejected a visit by Farmajo, this ended the prospect of transformative change in a frozen conflict, and dashed the hopes of President Farmajo whose re-election would have been almost certainly secured had he pulled off that visit (Berland, 2021).

6. CONCLUSION

This thesis I have tried to find for answer these questions. What are the features of Somali federalism? Federalism in Somalia? To understand the basic features of it, I also tried to find for answer these sub questions. How does the division of power characterize in Somalia? How does the clan-based society play a role in federalism?

Somalia, has been in a civil war for many years, almost thirty years, and before the old central regime collapsed in 1991, it experienced twenty-one years of oppression and dictatorship in unitary system, which left Somalis not to trust each other, especially living together under unitary system. Therefore, the society became divided according to their clans, However, there were attempts and efforts to build Somali government for many years, and couldn't be succeeded because of the mistrust between the Somali society themselves, as well as the concept of clannism became stronger and stronger within the society, everyone was struggling or fighting for their family first, and then for their kinsmen, So, it was hard rebuilding the government through unitary system.

In order to rebuild the country and satisfy the clans, for their desperate domination of power, federalism was chosen to adopt as system of government, with less knowledge of the system and how it operates, However, legally was approved at Mbagati conference in Eldoret, Kenya between 2002 and 2004.

Somalia is nominally split into six federal member states, one of which is Somaliland, which is claimed but not governed by the federal government of Somalia.

Somalia's constitution, which was adopted in 2012, establishes a parliamentary form of government, with the president serving as the head of state and the prime minister serving as the head of government. Also included in the constitution is the establishment of a bicameral legislature, comprised of the Senate and the National Assembly of Somalia, which would eventually become the Federal Parliament of Somalia.

Few of the Somali people still believe that, could be only rebuild the government of Somalia, through unitary system, which most of the people are against, and supporting the concept of decentralization system because of the mistrust between the society. However,

there is still debate on which type of federalism should be applied to the country, though the provisional constitution is written that Somalia is “Federal State”.

As mentioned above few people were against applying federalism to the country, for some quite reasons, they believed this system will lead, more division between the society, possible secession, it also doesn't contribute more inclusiveness to end the dispute, division, and conflicts between the Somali clans.

While adopting federalism, there were major challenges that faced both the state and the Somalia society, first, the society misunderstood the federalism concept, and thought clan-based system, the Somali state itself began to use 4.5 system (which is clan-based power distribution system), instead they could use another way which is more suitable, for instance a power sharing system through regions, the other challenges were, the society's less knowledge about federalism, as well as the inexplicit of the provisional Somali constitution, for instance power distribution system, regional boundary disputes, fiscal management, and the status of Mogadishu.

The journey of Somali Federal government to rebuild the country after many years of civil war, and choosing federalism as system, wasn't easy, though the state didn't start with reconciliation between the whole Somali society, of course the federal state and with its stakeholders (state members) had reconciliation meetings, but the reconciliation must begin from the bottom, the society and end with the stakeholders. However, the Federal Government of Somalia (FGS), was formed in Garow 2012, with the participation of other region's stakeholder, the Transitional Federal Government (TFG) and international community, the FGS achieved many things, first they begin to build state members with a condition of, two states and above can become regional state members, it also re-established almost every institution that could help the society or state to develop.

It has been a decade now, after Somalia officially become federal state in 2012, over the years, the federal government and state members had disputes from time to time, about how power is exercised by the federal government or state member, on the other hand the provisional constitution of the country didn't clarify, or put limit into what extend both the federal government and state members may exercise power.

The current regime which lead by president Mohamed Abdullahi Farmajo, though the system is federal system, but it favors and treats with state members as unitary system, on

the other hand, some of the state members, united against the federal government specially Jubbaland and Puntland, they occasionally complained many times, so these state members begin to engage the duties that was supposed to be done by the federal government, but with the help and intervention of the international donors and communities, there were reconciliations for both, the federal government and state members.

For the last six months, the federal government and state members had dispute over the 2021 election process, which was supposed to happen in February 2021, but because of the dispute, it couldn't happen, the state members and presidential candidates are complaining.

The parliament of Somalia, with president Mohamed Abdullahi Farmajo, attempted to extend two additional years for their term, but the state members and presidential candidates with a military that loyal to them were against the extension period, fought against the current regime, to give up their intension of extending their term.

After almost five months of negotiations and disputes over the 2021 election process, the main question which was troubling everyone was that, how transparence election could be hold? which satisfies all the stakeholders as well as the candidates, the president Mohamed Abdullahi Farmajo abandoned his extension plan, because of the society's reaction toward the extension, after he announced the two years extension, demonstration and chaos began in Mogadishu. However, President Farmaajo indicated that Mohamed Hussein Roble, his prime minister, would lead the FGS' electoral discussions. Farmaajo has charged the PM with overseeing the voting process' security, which is a major demand among opposition factions unified under the banner of the National Salvation Council (NSC). Both the opposition and the international community applauded the move and poured their support behind the Prime Minister. Suddenly, the Prime Minister, who was previously seen as far less powerful than President Farmaajo, found himself at the center of national attention and in possession of significant political capital.

A constitutional crisis had erupted when President Mohamed Abdullahi Mohamed, also known as Farmajo, and the leaders of Somalia's five states, couldn't agree on the parameters of a referendum before his term had expired in February, on the other hand, discussions broke down in April and the lower house of parliament extended the president's term by two years, the political deadlock erupted in bloodshed, resulting in gun fights in the

streets of Mogadishu, as a result of public pressure, the president revoked the mandate extension and instructed his prime minister to call a new summit of state leaders to plan out a new path towards fresh presidential polls.

The last direct one-person-one-vote election in Somalia was in 1969, when Siad Barre staged a coup and ruled for twenty years. Barre's military government crumbled in 1991, and Somalia descended into instability. The forthcoming election, like previous ones, is indirect. Senators are chosen by state presidents and subsequently supported by local legislatures, while special delegates are chosen by clan elders, this election intended to be more inclusive than the last one in 2017, with double the polling sites and almost double the delegates voting. Women will pay less to register, Roble said, to increase female voter turnout.

There is no question that Somali people ought to vote in a national election with universal suffrage, their leaders, on the other hand, have squandered so much time over the previous three years that the ground has not been prepared for elections, the inability of the FGS to reach a political agreement, on the other hand, should not be used as a reason to postpone the elections, having said that, the Somali people understand that elections are not a one-time event, but rather a process that requires extensive deliberation and thorough planning.

The goal of universal suffrage should continue to be pursued by all stakeholders, a political consensus among key stakeholders (FGS, member states, and registered political parties) is needed to develop a suitable electoral mechanism for the next elections.

To conclude this thesis finds out that, Somalia's democratic transition is an ongoing process with ups and downs, Universal suffrage is a matter of debate. Somalia is trying to establish a Federalism that would fit her cultural background at a cost of democratization and stability.

REFERENCES

- Abdile, M. (2012). Customary dispute resolution in Somalia. *African Conflict and Peacebuilding Review*.
- Abdile, M. (2012). Customary dispute resolution in Somalia. *African Conflict and Peacebuilding Review*.
- Abdullahi, M. H. (2016). Effect of internal control systems on financial performance of higher education institutions in Puntland. *International Journal of Economics, Commerce and Management*.
- Abubakar, A. M. (2016). The patterns of state rebuilding and federalism in Somalia. *African Journal of Political Science and International Relations*, 89-95.
- Ackerman, B. (2000). The new separation of powers. *Harvard law review*.
- Adebanwi, W. (2019). *University of California Press*, 167-190.
- Ahmed, N. M. (2019). Somalia's Struggle to Integrate Traditional and Modern Governance Systems: The 4.5 Formula and the 2012 Provisional Constitution. *Journal of Somali Studies*.
- Ainte, A. (2014). Somalia: Legitimacy of the Provisional Constitution. . *Conciliation Resources*.
- Ali, A. Y. (2019). Federalism in post-conflict states: Assessing Somalia's challenges and the way forward. *ResearchGate*.
- Almond, G. A. (1969). The Political System. In *Comparative Government*. *Palgrave*, 10-14.
- Analytica, O. (2015). Somalia's fast-tracked state creation carries risks. *Emerald Expert Briefings*.
- Anzalone, C. (2016). The Resilience of al-Shabaab. . *CTC Sentine*.
- Aroney, N. (2016). Types of federalism. *Max Planck Encyclopedia of Comparative Constitutional Law, Forthcoming*.
- Authority, A. A. (2019). BONN AGREEMENT 2001.
- Aydin, A. (2013). Judicial independence across democratic regimes: Understanding the varying impact of political competition. *Law & Society Review*,.
- Barbier, R. &. (2011). Environmental Democracy and Territorial Democracy: A Progress Report. *Participations*.
- Barnes, C. &. (2007). The rise and fall of Mogadishu's Islamic Courts. *Journal of Eastern African Studies*.

- Barrow, I. H. (2021). REFORMING PUBLIC SERVICE DELIVERY OF MUNICIPALITIES IN SOUTHWEST STATE OF SOMALIA (A CASE STUDY OF BAIDOA DISTRICT). *African Journal of Emerging Issues*.
- Bayat, A. &. (2009). Cities of extremes. Development and Change.
- Benz, A. &. (2013). Federal dynamics: Continuity, change, and the varieties of federalism. *OUP Oxford*.
- Berland, K. (2021). Examining Emirati Foreign Policy Influence in the Horn of Africa.
- Binningsbø, H. M. (2013). Power sharing, peace and democracy: Any obvious relationships? *International Area Studies Review*, 89-112.
- Bogdanor, V. (1996). the monarchy and the constitution. *Parliamentary Affairs*.
- Bradbury, M. (2008). Becoming Somaliland. *Progressio*.
- Breton, A. (2000). Federalism and decentralization: Ownership rights and the superiority of federalism. *The Journal of Federalism*.
- Bryden, M. (1999). New hope for Somalia. *The building block approach*.
- Bryden, M. (2013). Somalia Redux?: Assessing the New Somali Federal Government. Rowman & Littlefield.
- Bryden, M. (2015). The Decline and Fall of Al Shabaab, Think Again. *SAHAN*.
- Bulhan, H. (2008). The politics of Cain: One hundred years of crises in Somali politics. *Potomac, MD: Tayosan Publishing*.
- Bulpitt, J. (1983). Territory and power in the United Kingdom: An interpretation. *Manchester University Press*.
- Burgess, M. (2009). Federalism. *Oxford University Press*.
- Cameron, M. A. (2005). Federalism and the subnational separation of powers. *The Journal of Federalism*,.
- Campbell, P. R. (2012). Absolute monarchy. *The Oxford Handbook of the Ancien Régime*.
- Castoriadis, C. (1997). Democracy as procedure and democracy as regime. *Constellations*,.
- Central Bank of Somalia. (n.d.). CBS. Retrieved from Central Bank of Somalia: <https://centralbank.gov.so/>
- Dahl, R. A. (1983). ederalism and the democratic process. *NOMOS. m. Soc'y Pol. Legal Phil*.
- Dahl, R. A. (2008). *Yale University Press*.
- Dahl, R. A. (2020). On democracy. *Yale university press*.

- Dalton, R. J. (2001). Public opinion and direct democracy. *Journal of Democracy*.
- Desmet, K. O.-O. (2017). Culture, ethnicity, and diversity. *American Economic Review*.
- Doornbos, M. (2002). Somalia: alternative scenarios for political reconstruction. *African Affairs*.
- Elazar, D. J. (1987). *Exploring federalism*. University of Alabama Press.
- Elmi, A. (2021). The Politics of the Electoral System in Somalia: An Assessment. *Bildhaan. An International Journal of Somali Studies*.
- Elmi, A. A. (2006). The Somali Conflict: Root causes, obstacles, and peace-building strategies. *African Security Studies*, 32-54.
- Elmi, A. A. (2014). Decentralization options for Somalia. *The Heritage Institute for Policy Studies*.
- Eno, M. A. (2009). Intellectualism amid ethnocentrism: Mukhtar and the 4.5 factor. *Bildhaan: An International Journal of Somali Studies*, 137-145.
- Ezrow, N. M. (2011). *Dictators and dictatorships: Understanding authoritarian regimes and their leaders*. Bloomsbury Publishing USA.
- Federal Somalia: Not If but How. (2015). *The Heritage Institute for Policy Studies*.
- Feeley, M. M. (2009). *Federalism: Political identity and tragic compromise*. University of Michigan Press,.
- Fukuyama, F. (2013). *Governance*.
- Gamper, A. (2005). A “global theory of federalism”: The nature and challenges of a federal state. *German Law Journal*.
- Ghai, Y. &. (2006). *Unitary state, devolution, autonomy, secession: State building and nation building in Bougainville, Papua New Guinea*. The Round Table.
- Goldsworthy, J. (2012). Constitutional cultures, democracy, and unwritten principles. *U. Ill. L. Rev.*
- Graves, J. B. (2010). Cultural democracy: The arts, community, and the public purpose. *University of Illinois Press*.
- Hagmann, T. &. (2009). Failures of the state failure debate: evidence from the Somali territories. *Journal of International Development: The Journal of the Development Studies Association*.
- Hammond, L. (2013). Somalia rising: things are starting to change for the world's longest failed state. *Journal of Eastern African Studies*, 183-193.
- Hansen, M. H. (1981). Initiative and decision: the separation of powers in fourth-century Athens. *Greek, Roman, and Byzantine Studies*.

- HARED, A. A. (n.d.). SOMALIA: The Forgotten Minorities.
- Hartkorn, S. (2011). Community-led stabilisation in Somalia. *Forced Migration Review*.
- Hartzell, C. &. (2003). Institutionalizing peace: power sharing and post-civil war conflict management. *American Journal of Political Science*, 318-332.
- He, B. G. (2009). Federalism in Asia. *Edward Elgar Publishing*.
- Hersi, A. (2004). Democratic Devolution of Powers in Somalia: Administrative Decentralization or Federalism for Self-Destruction. *Somalia Online*.
- Hersi, D. A. (2016). he Politics of Clan Hegemonic States in Somalia: A Contestation without Reconciliation. *THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES*.
- Hills, A. (2017). Policing Mogadishu. *Whitehall Papers*.
- HIPS. (2015). Federal Somalia: Not If but How. *HIPS*.
- Hirad, A. (2013). Jubaland State of Somalia: a model state to Somalia. *Wardheer News*.
- House, F. (2017). Freedom in the World 2017-Somalia. *Civil Liberties*.
- Hutchcroft, P. D. (2001). Centralization and decentralization in administration and politics: assessing territorial dimensions of authority and power. *Governance*.
- Ingiriis, M. H. (2016). The suicidal state in Somalia: The rise and fall of the Siad Barre regime.
- Ingiriis, M. H. (2017). Between the devil and the deep blue sea: The birth and breakdown of Somali Armed movements, 1976–99." . *Routledge*, 233-248.
- Johnson, M. C. (2014). State building in de facto states: Somaliland and Puntland compared. *Africa Today*.
- Keating, M. &. (2019). War and peace in Somalia: national grievances, local conflict and Al-Shabaab. *Oxford University Press*.
- Kefale, A. (2013). Federalism and ethnic conflict in Ethiopia: A comparative regional study. *Routledge*.
- Kendle, J. (2002). Federal Britain: a history. *Routledge*.
- Kincaid, J. (1999). Confederal federalism and citizen representation in the European Union. *West European Politics*, 34-58.
- Kouroutakis, A. (2014). The provisional constitution of the federal republic of Somalia: Process, architecture, and perspectives. *Cambridge International Law Journal*.
- Kramer, L. (1994). Understanding federalism. *Vand. L.*
- Krygier, M. (2014). Rule of law (and Rechtsstaat). *Springer, Cham*.

- Kulow, M. M. (2018). SILENT CRY OF SOMALI CUSTOMARY LAW 'XEER.
- Laitin, D. D. (1987). Somalia. *Nation in Search of a State*. Boulder.
- Law, J. (2012). Sense on federalism. *The Political Quarterly*.
- Lewis, I. M. (1963). The Somali Republic since Independence. *The World Today* , 167-174.
- Lewis, I. M. (1994). Blood and bone: The call of kinship in Somali society. *The Red Sea Press*.
- Lijphart. (1969). Consociational democracy. *World politics*.
- Lijphart. (2002). 37-54.
- Lijphart, A. (1994). Democracies: Forms, performance, and constitutional engineering. *European Journal of Political Research*, 1-17.
- Lustick, I. S. (1979). Stability in deeply divided societies: Consociationalism versus control. *World politics*.
- Lyons, T. &. (2010). *Somalia: State collapse, multilateral intervention, and strategies for political reconstruction*. Brookings Institution Press.
- Majid, N. &. (2021). The Jubbaland project and the transborder Ogadeen: identity politics and regional reconfigurations in the Ethiopia-Kenya-Somalia borderlands.
- Marangio, R. (2016). Somalia: A Long Road Ahead. *Istituto Affari Internazionali (IAI)*.
- markodehaeck. (n.d.). *markodehaeck*. Retrieved from <http://markodehaeck.free.fr/SO.htm>
- Mawhood, P. (1984). The Politics of Survival: Federal States in the Third World. *International Political Science Review*, 521-531.
- McCrudden, C. &. (2013). Courts and consociations: Human rights versus power-sharing. *Oxford University Press*.
- Mehler, A. (2009). Peace and power sharing in Africa: a not so obvious relationship. *African Affairs*.
- Menkhaus. (2002). Political Islam in Somalia. *Middle East Policy*.
- Menkhaus, K. (2006). Governance without government in Somalia: Spoilers, state building, and the politics of coping. *International security*, 74-106.
- Menkhaus, K. (2012). Somalia at the Tipping Point? *Current History*.
- Menkhaus, K. (2014). State failure, state-building, and prospects for a “functional failed state” in Somalia. *The Annals of the American Academy of Political and Social Science*, 154-172.

- Merry, S. E. (2000). *Autonomy and ethnicity: negotiating competing claims in multi-ethnic states*. Cambridge. *University Press*.
- Minister of Finance Somalia. (n.d.). Retrieved from <http://mof.gov.so/cgi-sys/suspendedpage.cgi>
- Mudane, H. (2018). Siad Barre's regime: From repressive to civil war. *Istanbul Ticaret University: Thesis*.
- Muhammad, H. S. (2017). Before things fall apart: The role of the Soviet Union in Somalia's troubled past. *Intellectual Discourse*.
- Mukhtar, M. H. (1989). The Emergence and Role of Political Parties in the Inter-River Region of Somalia From 1947-1960. *A Journal of African Studies*.
- Murgan, M. G. (2015). A critical analysis of the techniques for data gathering in legal research. *Journal of social sciences and humanities*,.
- Mwangi, D. K. (2015). Institutionalizing peace: consociationalism as a roadmap to statebuilding in somalia. *Doctoral dissertation*.
- National Independence Electoral Commission. (2015). *National Independence Electoral Commission*. Retrieved from <https://niec.so/en/about/history>
- Neuman, W. L. (2014). Basics of social research. Toronto. *Pearson Canada*.
- Ocalan, A. (2015). Democratic confederalism. *Lulu Press*.
- Oxford, A. (2021). New deal breathes life into Somalia's election process. *Emerald Expert Briefings*.
- Papagianni, K. (2007). Power-sharing: A conflict resolution tool. *Africa mediators*, 23-33.
- Patrick, J. J. (2006). Understanding Democracy: A Hip Pocket Guide. *Oxford University Press*.
- Payton, G. D. (1980). The Somali Coup of 1969: The Case for Soviet Complicity. *The Journal of Modern African Studies*, 493-508.
- Persson, T. R. (1996). Separation of powers and accountability: Towards a formal approach to comparative politics. *IIES*.
- Popper, K. (2013). The lesson of this century: with two talks on freedom and the democratic state. *Routledge*.
- Prunier, G. (1996). Somalia: civil war, intervention and withdrawal. *Refugee Survey Quarterly*.
- Putman, D. B. (1993). The Somalis: Their history and culture. *Center for Applied Linguistics*.
- Qaas, S. &. (2021). Power-sharing mechanism in post conflict countries: A comparative case study of Iraq and Somalia.

- RAHIM, K. A. (2021). Challenges of Federalism in Somalia: The Perspectives and Opportunities.
- Rai, D. (2013). Monarchy and democracy in sikkim and the contribution of kazi lhendup dorjee khangsherpa. *International Journal of Scientific and Research Publications*.
- Rose-Ackerman, S. &. (2011). Hyper-presidentialism: Separation of powers without checks and balances in Argentina and Philippines. *Berkeley J. Int'l L*.
- Rubin, E. L., & Feeley, M. M. (2008). *he Journal of Federalism*, 167-191.
- Samatar, A. (2016). Africa's First Democrats: Somalia's Aden A. Osman and Abdirazak H. Hussen. *Indiana University Press*.
- Samatar, A. I. (2008). Somalis as Africa's First Democrats: Premier Abdirazak H. Hussein and President Aden A. Osman. Bildhaan. *An International Journal of Somali Studies*,.
- Schlee, G. (2013). Customary law and the joys of statelessness: Idealised traditions versus Somali realities. *Journal of Eastern African Studies*.
- Schmitter, P. C. (1991). What democracy is... and is not. *Journal of democracy*.
- Smith, D. G. (1997). An Analysis of Two Federal Structures: The Articles of Confederation and the Constitution. *San Diego L*.
- Ssereo, F. (2003). Clanpolitics, clan-democracy and conflict regulation in Africa: The experience of Somalia. *The Global Review of Ethnopolitics*, 25-40.
- Stremlau, N. (2018). Governance without government in the Somali territories. *Journal of International Affairs*.
- Suberu, R. T. (1991). The struggle for new states in Nigeria, 1976-1990. *African Affairs*, 499-522.
- Syzdykov, A. S.-M. (2016). Towards the Concept of the Political System. *International Electronic Journal of Mathematics Education*, 2187-2193.
- Urbinati, N. (2000). Representation as advocacy: a study of democratic deliberation. *Political theory*.
- Van der Beken, C. (2015). Federalism, local Government and minority protection in Ethiopia: Opportunities and challenges. *Journal of African Law*.
- Volden, C. (2004). Origin, operation, and significance: The federalism of William H. Riker. *The Journal of Federalism*, 89-108. Retrieved from <https://d1wqtxts1xzle7.cloudfront.net/74257/3jn150cmk23ln28kcyk-with-cover-page-v2.pdf?Expires=1625051713&Signature=Bj5-emAyRkUxomgPWcuyDuAM4FsNpGut1OX0kGKu0BjCQa8e5uzVhP7Skl89n-pUkIleUWhpeDBcYJ72BG2d2G4AHEPOtZ-obLid3mMzArl~YZ4z3AIvTBg2Ecl2Dp81xsZMr6bmi2u>

Waldo, M. (2010). Federalism In Somalia: birth of Puntland State and the lessons learned. *Horseed Media*.

WASUGE, M. &. (2019). Review of Somalia's draft national election bill.

Watts, R. L. (1998). Federalism, federal political systems, and federations. *Annual Review of political science*, 117-137.

Zoppi, M. (2018). Somalia: federating citizens or clans? Dilemmas in the quest for stability. *Journal of Contemporary African Studies*, 54-70.

