

Somalia's Constitutional Decomposition

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The prelude for a final battle to reverse the course, and alter the current Somali Federal Government structure sets its collision route against the federal constitution. If it prudently succeeds, it will overturn the inherited progress of the Somali roadmap, and may bring back the chicken home to roast--the return of political stifle, anarchy, warlordism, and extremism into Mogadishu. Recent developments of political change in Somalia initially had some optimism, but the warm welcome and the honeymoon had rapidly dwindled. Reflecting the roadmap's roadblocks and the current Somali political realm (the end of the transition); it is fair to say some of the antagonistic tides against the transition process gave an advantageous edge to the infamous Somali Unitarian-Centralists and to their hidden agenda—one city based governance ideology. They surely benefited from the indirect repercussion of the approved constitution, similar to the initial backlash of the health-care overhaul bill Obama passed in the US, which gave the late [Edward Kennedy's](#) senate seat to a less experienced junior Republican Senator "Scot Brown". The difference in this parallel is that the motives behind the resentments against the Somali Constitution approval process were driven by clannish-fatwa. It had invigorated the centralists' momentum or as Dr. Uluso may call it the "[the public revulsion](#)" against the Federal Republic of Somalia. It is unfortunate that their stratocracy style ideology of anti constitutional democracy and anti-federalism influences now the presidential decisions via the affinity of the so called new "Southern Somalia Sufferer Thought". It is an ill advice, and it could only delay the audacious hopes of the roadmap and scourge Somalia's political dispensation and the prospectus of post conflict reconstruction plans.

Reviewing some of the [articles](#) posted on Hiiraan Online (HOL) and [Eurasia Review](#) about Somalia's approved constitution written by many Somali centralist cyber-lords leave a bad test in the mouths of many hopeful Somali constitutionalists. The cynicism and hypocrisy intended to disrupt the Somali Provisional Constitution and the current government framework went too far with malarkey. For instance Mr. Arman's insinuation or claim of, which Somalia's borders are altered by the current constitution document is deeply absurd and fictitious. These Centralists irredentists with their phony nationalism called for the demise of Somalia, just to boost their political base mobilization script. Their typical song of "cry me a river" with the false drum-beat rhythmic of populism is in the re-mix. The hymns and choruses are also very familiar

political cliché “Somalism”. It has been orchestrated lately by non other than the clan-centric [Somali concern group](#), a. k. a. Hateful Action Group (HAG). This group has reinvented itself recently and become a mix bag of clan-centric politicians, academic-arsonists, and dormant- Islamist-headliners (Dam Al Jaded) with the common traits of anti-constitutionalism. They have recently found out a new school of thought called the Southern Somalia Sufferer (SSS) victim card, and they gained a backdoor access privilege to Villa Somalia as kinship consultants. Their ideological theme and political thought is still the same, to revive of what many Somali progressive constitutionalists characterize as [A-Will O’ Wisp of a Centralized Somalia and the Mogadishu of Yesteryears](#) .

Unfortunately, the notorious Somali Concern group, or may I say (Somalia’s version of Tea-Party), inspired by the (SSS) Thought and led by cyber-lords academic arsonists including Abucar Arman, professor Afyare, Dr. Uluso, and Junior [Aynte](#) held the constitutional obstructionist torch, and they all called for the repeal of the Somali Constitution. They use political euphemisms, which may resonate with the Mogadishu’s war-weary base, to preset their attacks. They have thrown around baseless slanders like “Cooked Constitution”; Non Kosher Government, and the Controversial Document just to thwart any chances of a constitutional federal democracy for Somalia. After the constitution has been passed, Arman grieved an eerily grim forecast for Somalia only because of the word “FEDERALISM”--government framework—has been inked in the Somali social contract.

The Somali [Federal Constitution](#) defines explicitly Somalia’s authority, unity, borders, and sovereignty. This document (constitution) was approved by the majority of 825 Somali National Constituents whom were appointed by 135 known and respected Somali Traditional Elders. They were gathered in Mogadishu for months, and on August 1, 2012 TFG President Sharif and Prime Minister Gaas signed it in a historical ceremony. Here is an excerpt of Article 7.2 3,4, and 5(a)(b)(c)(d)(e) of the Somali Constitution, declaring Somalia’s borders as recognized by the international community and registered within the records of the United Nations’ sovereign nations list .

- [(2) The territory of the Federal Republic of Somalia is inviolable and indivisible.*
- (3) Any international boundary dispute over the territory of the Federal Republic of Somalia shall be resolved in a peaceful and cooperative manner that is in accordance with the laws of the land and international law.*
- (4) The boundaries of the Federal Republic of Somalia shall be those described in the 1960 Constitution of the Republic of Somalia.*

- (5) *The boundaries of the Federal Republic of Somalia are:*
- (a) *To the north: The Gulf of Aden;*
 - (b) *To the north west: Djibouti;*
 - (c) *To the west: Ethiopia;*
 - (d) *To the south west: Kenya;*
 - (e) *To the east: the Indian Ocean.]*

The International Community including the European Union, the United States, the UNPOS, EGAD, AU, AMISOM, the Regional Somali Government of Puntland, The Galmudug State, Ahlu Suna Waljamea Authority, Somali Women Organizations, and countless Somali Diaspora Academics who were at despair for over the past 21 years of lawless Somalia have commended the new Somali constitution with unconditional support. It is believed to be one of the most significant documents any Somali constituent assembly had ever passed for more than 45 years. Thanks to the famous roadmap for reaching its finish line, and making the dream of a new constitution, new parliament and speaker of the house, new president and prime minister become a reality for a permanent Somali Federal Republic. History will judge the pioneers of this progressive roadmap as saviors of Somalia.

On the other hand, if you have been following enough through the Somali politics' roller coaster, the southern centralists' crystal ball foresaw a peaceful centralized Somalia, at the post Islamic Courts Union (ICU) at the Djibouti reconciliatory agreement brokered by the International Community. Their convincing argument at that time had never put into account the rise of Al-Shabab insurgency at post Ethiopian troops' withdrawal in 2008. They were convinced then, that Al-Shabab extremists were their boys and they will lay down their weapons and leave Mogadishu waving olive branches as soon as Sheik Sharif became the president and supported by the centralist clan elders of Mogadishu! Well, it is all known that has not been the case.

Dr. Uluo predicted "[*end of Somalia*](#)" right after the constitution was passed; due to his disappointment with the form of government the new Somalia has accepted (Federalism). Another Centralist example is Mr. Arman who by the way his eloquence is admirable, and stated in his HOL [article](#): "*there is no dispute that what took place in Mogadishu on August 1, 2012 (constitution) is a historical milestone, or at least it has that potential; and before history renders its final judgment*". Really! Why didn't he support it? There is no better political objection than to link your pessimism to the unknown, especially, when down-playing an opponent's success. It is a brilliant and a defiant cliché in the old play book of politics. It is a fact now that there is a new

government and a constitution in place in Mogadishu, which is what Somalia needed more than anything else. It deserves to be protected from people who want to derail it, and want to use it to their own political advantage. Unfortunately, these Centralists chose to be on the wrong side of this history, and in the making of that historical document called “Somali Constitution”. They are now rumored to be compiling amendment bills, which are not permitted by the constitution. They present themselves lately as Villa Somalia advisers. It is an oxymoronic by itself to see Centralized Unitary Government advocates advising the Somali Federal Republic leadership. In the eyes of many Somali political pundits, this makes President Mahmud and his circle sort of “a wolf in charge of hen house” when it comes protecting the constitution.

Somalis are hopeful for the constitution, and they believe in it. They see it as the only tool, which can get Somalia out of the woods and change the status-quo. The Somali Constitution is a magnificent document and it protects universal human rights, children, and women rights better than many developed countries’. It is now the responsibility of the newly elected government and the parliament to protect it and not to play politics with it. Many Mogadishu based powerful centralist politicians are said to be lobbying for its reversal at any cost. Rumors have said that the newly elected President Mahamud surrounded himself with many anti-constitutionalists. His circles of advisers also include former Islamic Courts Union elements, local Centralist cronies, NGO ghost-lords’ contactors, and the New-Blood Salafist groups. Apparently this explains why the president took so long to nominate a prime minister, as he is stretched too thin in many directions to make a decision. But his televised political rhetoric speeches mostly sound vague and ambiguous toward his stand on protecting the constitution. President’s intentional nodding for the endless ill-advice from many organized political cliques in Mogadishu paints him among the same centralists picture, he seems to be staring at the rearview mirror for a quick U-turn instead of moving the country forward. Only a political pressure or incompetency could make him search panacea in a wrong strategy presented by failed leaderships and their mentors.

This swindling Southern Somalia Sufferer (SSS) thought says: The southern Somalia populations have endured most of the suffering of the past 21 years of civil war, and had experienced the worst of both man-made and natural famine. So, they deserve to be given a preferential treatment, in government leadership, and in the creation of their Southern regional government, which secures first the southern region via a top-down approach of imposing stability. There has not been non-bias researches done academically on this thought, but it seems to be conveying a wide political perception of the south-central community elites (Unitary Centralists). It omits though some geographical and demographical facts about the real southern victim communities. It really buries under the rubble of Mogadishu some painful human rights abuses and massacres occurred in the south in the past 20 years. It does not call for a genuine reconciliation between victims vs. perpetrators based mediation as it happened in many

countries with similar conflict experiences, such as Liberia, Rwanda, Sira Leone, and South Africa. It also ignores all models such a communal acknowledgement, accountability, return of properties by the perpetrators to the real victims of the Somali civil war in the 90s. Destruction and death had surely occurred in the south, but the victims were the minority groups uprooted from cities like Mogadishu, Marka, Kismayu, Barawe, and Baydhabo. One can watch the first scene of the Blackhawk down movie to understand the motives behind the UNISOM operation and the first International Community (IC) interventions in 1993.

This thought has been presented lately in the ramification of that same argument of Somalia's Southern is a hostility-stricken region. Somali Political analysts like Abukar Hassan, and Faisal Roble both looked into this thought with a salt of grain in their recent articles on WDN. They politely framed it as a new thought of "[*From the South, by the South, For the South*](#)", which means it does not serve all of Somalia. The writings on the President Mahmud's brainstorming wall during the premiership nomination also said it all clearly; as all the populist rhetoric sound bites emanated from him are suspected to be shady torpedo to the constitution, and a backstab for the proven and promising bottom up approach of federalism. It has been speculated widely that the president intends to replace it with a top down centralist unitary government, which is yet to pass the political acidity test, of the hotly contested approach—the creation of a regional government for Jubbaland communities; resulting a divided house of parliament on this issue possibly.

Misguidedly, the new "Southern Somalia Sufferer thought" has surely turned the focus off the overall reality ball of multi-regional federalism governance in Somalia. If the alleged president's centralist views are true, it will probably limit and settle his command in between Barahley district (South of Galkaio)-to-Bala'ad (North of Mogadishu) region, which is by the way called the South-Central of Somalia. And it does not encompass all of the Southern Somalia's civil-war epic-center regions and communities. The president's leadership legitimacy could be then impacted negatively; and he could risk becoming one of many failed presidents from South Central Somalia. The new government however, could be stranded in Mogadishu's AMISOM guarded corridors functionally. Not to mention that initial symptoms reveal that the President's image has been tainted by his close ties with some locally powerful chiefs-&-mayors-from the centralist ideologue wing. Professor Mankhaus described them in one of his pieces as the relief parasitic [powerful politician](#)s of Mogadishu, who would not even allow the Police to enter their homes.

Many analysts are already doubtful on the president's capacity or intentions to build relations with many legitimate stakeholders in other parties of the country and conduct

an appropriate and authentic reconciliation and collaboration. In light of that, he is expected to do a half measure political engagement despite of the current constitutional requirements in place urging for a participatory decision making with the legitimate Federal Member States. And if that becomes the unfortunate political reality, it will not be the first time a Southern Centralist leadership attempts to revisit the imaginary-alliance based on national cleavage (South-&-North power sharing fallacy). This has been always the typical centralist's top down thought behind the appeasement for the Somaliland separatist regime, while politically alienating many federalist and unionist communities in large swaths of the country. Déjà vu for the possible return of infamous 90s tribal clashes, with zero sum game.

Analysts also believe President Mahmud's government could choose to take some positive steps toward the right direction in nation building, if given a time, he could show a good gesture of collaboration and good governance. But Somalia does not have that luxury; and the chances of that to happen seem slim. Somalia cannot afford more years of the same failed leadership. It has already topped #1 in the world's failed states list index in every recent years. So, any conflict with the constitution undermines Somalia's fragile political dispensation and revival opportunity. It will also pull the carpet off the feet of the stagnant and ambivalent international community's commitment to Somalia. The well known corrupted elements (remnants of previous parliament) within the current parliament whose their political ambition, greed, and ego aligns with the centralists' ideology would not tentatively hesitate to introduce bizarre bills to create constitutional conflict, and delay the county's nation building process. This could surely disappoint the international community and many legitimate stakeholders. It could possibly re-invite the donor powers' big stick, instead of the typically expected aid carrots for the new administration. President Mahmud should be careful and thoughtful about the Southern though malady the centralists are masquerading, and their short sighted political agenda intended for constitutional overhaul without a public referendum. He still has an opportunity to choose the right pathways, to bring together all Somalis in a Mediated State Model.

The president, in his alleged new found thought does not promise that, and he also disregards the fact—that all Somalia is not under one single government domain (his), which makes it harder to enforce any rule or law without inclusive federal and local police force in place. Ironically, AMISOM police is the only trustworthy police in Mogadishu, which keeps the order and insulated from extremists and clan-militia impersonators. To enforce the law in all Somali regions, not only AMISOM controlled areas; one will need the full collaboration of the federal member states of the government. It is not too early to say that President Mahmud underestimates the real stakeholders of the Somali political dispensation. Many construe his populist pledges to be a lip service, and impracticable within his competency limits. This is what Prof. [Menkhaus](#) elucidated in his analysis in Somalia's post-transition government. Prof. Menkhaus referred in this prediction for the current Somali Federal Government as a

hybrid-government, which may succeed if it only employs the *Mediated State Model* in order to fulfill its governance building responsibilities.

The current president verbally indicated his intent to bring back the long lost stability in Somalia. He pledged to follow the National Stabilization Plan drafted by his predecessors. It has been misinterpreted by many pessimists as a southern Somalia stabilization plan not for all of Somalia. Many Somalis are uncomfortable with what they see as the president's smooth pursuit of oligarchic government vision from the south by the south for the south mindset at the outset of his term; and they also suspect his membership in the Dammu-al-Jaded Salafist faction paired with his constant consultation with Mogadishu's centralist ochlocrats may create another Somali political gridlock if not hegemony. Thus far, presidents' nomination of Abdi Shirdon, a Gahayr University economist from the South Central Somalia for the Prime Minister position could have no ,or a little effect on president's decision-making process behind closed doors with his clique.

President Mahamud's video-conference statement at the mini-submit at the UN on September 28 2012, he mentioned that he will make a high priority--**Enforcing the rule of law, and good governance**. Many Somali political observers question how is he going to do that practically without a Mediated State Model? Particularly, the first part of that statement; they see it as a misplaced priority and an ambition of an army building strategy in the south central- for now; they suspect that he wants to recruit the remnants of infamous Mogadishu rag-tag militias including Islamist fighters to assert authoritative style government. It is totally different than **Protecting the Constitution** and enforcing it, by reviving and strengthening the judicial branch of the government. The second part of his statement (**Good Governance**) could be hence achieved realistically through mediation. In the long term, Somalia needs a national federal military, which is inclusive, and can enforce the federal law (constitution) and defend the sovereignty of the nation. But, it should be recruited and trained from all regions of the country voluntarily and diversely. Many believe that security can be achieved in Somalia firs through AMISOM stabilization plan, but enforced with locally recruited regional member states police force, which knows the ropes of the already existing social networks existing in all regions, excluding the extremists.

To sum it all up, while Some Somalis hailed the new president as a reformer and a change agent, Mukhtar Omar said "[he is not a hero yet](#)" in his series of political analysis of the president's leadership style and direction. The post Sharifs' elections optimism, political change euphoria, and the rebuilding enthusiasm have been hijacked by anti-constitutionalist movement in villa Somalia. The new constitution and the federal government structure seem to be at risk and prone for reversibility. The culprits are Centralist-Unitary Government sponsors who are advising the president Mahmud to embrace the new Southern Somalia Sufferer (SSS) thought. They plan to rock the boat, and surely try to decompose the constitution first.

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