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Weaknesses of Federalism in Somalia and Required Reforms

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This study critically examines the federal governance system in Somalia, identifying significant areas of weakness that undermine its efficiency and effectiveness. These include an unclear definition of the type of federalism practiced, ineffective dispute resolution mechanisms between the federal government and member states, limited federal capacity and resources, lack of consensus on key issues prior to federalism's adoption, and poor coordination between the federal government and member states. The lack of clarity regarding the federal system, exacerbated by constitutional contradictions, ambiguous processes, and incomplete definitions, poses substantial challenges in implementing and assessing federalism. Ineffectual mechanisms for resolving disputes have been further compromised by an "un-federalized" legal framework and a paralyzed democratization process influenced by the 4.5 clan representation system. Resource mismanagement and role duplication between federal and member states have led to resource wastage. The study suggests key areas for reform to address these issues, including enhancing political inclusion, completing constitutional review, clarifying roles and powers, establishing transparent state creation processes, and strengthening institutional capacities. Implementing these reforms is crucial for harnessing federalism's potential to contribute to Somalia's political, social, and economic development.

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INTRODUCTION

Somalia's journey towards federalism began decisively in 2004 after multiple unsuccessful attempts to establish a stable national government. Recognizing federalism as the most suitable governance system to address the nation's diverse needs, Somali leaders established the Transitional Federal Government. This pivotal move led to the incorporation of federalism into Somalia's Provisional Federal Constitution in 2012, setting the stage for significant advancements in state-building despite numerous challenges.

Federalism has been adopted globally by various nations to manage diversity and promote stability. Countries like Germany, the United States, and India have effectively utilized federal systems to accommodate regional differences and local governance needs, enhancing political stability and economic development. These countries demonstrate how federalism can balance central authority with regional autonomy, promoting both unity and diversity within a single nation-state.

In Africa, nations such as Nigeria and Ethiopia have implemented federalism to address ethnic diversity and regional disparities, with varying degrees of success. Nigeria, for instance, has used federalism to manage its complex ethnic and religious diversity, although challenges remain in terms of resource distribution and regional inequalities. Ethiopia's federal system, which is based on ethnic lines, has aimed to provide autonomy to its diverse ethnic groups, though it has faced significant challenges related to ethnic tensions and conflicts.

The formal adoption of federalism in Somalia in 2012 significantly enhanced regional autonomy and local governance. This decentralization has been crucial in a country characterized by diverse clans and communities, each with unique needs previously unmet by centralized governance. The establishment of federal member states, including Puntland, Jubaland, Southwest, Galmudug, and Hirshabelle, has enabled these regions to develop their governmental frameworks, allowing for tailored governance and development strategies. This move has not only promoted peace and

reconciliation in conflict-affected areas but has also provided local populations with a greater voice and stake in their governance.

Through these efforts, the study strives to enrich the ongoing discourse on federalism in Somalia by delivering actionable insights and strategic recommendations to facilitate its successful implementation and enhancement. It seeks to provide a thorough understanding of federalism's potential and limitations within the Somali context, aiming to inform policymakers and stakeholders about effective strategies for governance reform.

LITERATURE VIEW

Exploring the Challenges of Federalism in Somalia

Federalism in Somalia has brought necessary political engagement, governance discussions, and democratic competition, essential for democratization and peace-building (Abubakar, 2016). The adoption of federalism aims to restore trust and resolve grievances among Somali people after decades of chaos and the absence of a central government. Despite its potential benefits, federalism in Somalia faces significant challenges.

Research highlights poor understanding of federalism, viewing it as clan-based, and political corruption as major obstacles (Ali et al, 2019). Additional challenges involve the Provisional Constitution, such as power distribution, fiscal management, regional boundary disputes, and the status of Mogadishu. The existing system's overlapping roles create conflicts among political players (Ali et al, 2019). Critics argue that federalism removes decision-making power from the people, vesting it in regional authorities (Ghedi, 2015).

Federalism's implementation has been slow due to disagreements on resource and power-sharing between states and the central government (Chevreau, 2019). This has increased suspicion that the state-building process is externally driven. Internal challenges include mistrust between clans

and reluctance to transfer power to regional governments. Externally, conflicting international interests and neighboring countries' interventions complicate federalism's adoption (Ali et al, 2019).

Resource management disputes between the central government and federal member states pose significant challenges. Differences in opinion on fiscal revenue distribution could lead to major disruptions in the fragile peace process (Ali et al, 2019). Additionally, transitional leaders' lack of confidence and the unwillingness to transfer power hinder the system's full operation.

The federalism system faces a lack of political goodwill and proper implementation mechanisms. Some view federalism as a conspiracy to divide the country and amass resources among well-connected individuals (Haji-Ibrahim, 2020). The debate on federalism is polarized among Somali political elites, with differing interpretations and fears of tribal division. Some see it as an external agenda, while others believe it addresses the needs of all Somali people, including minorities (Thomas, 2017).

Overall, federalism's challenges highlight a significant obstacle to good governance in Somalia. The rise in tribal discourse and polarization further complicates the situation, with federalism seen by some as a return to tribal fighting (Ali et al, 2019). The slow progress and lack of inclusive dialogue necessary to address these challenges underscore the complexity of implementing federalism in Somalia.

Recent studies on Somalia's federal governance system underscore the necessity for continued research to address existing deficiencies by developing valuable information, insights, best practices, and lessons. These efforts aim to craft a suitable framework for implementing the system throughout the nation. Abubakar (2016) notes that while the federal systems in place in Somalia need reform, this does not preclude their effectiveness. He advocates for ongoing enhancements and reforms to bolster their efficacy, emphasizing the importance of further research to explore federalism's influence on Somali political and

economic progress, particularly through increased public and stakeholder involvement. Similarly, Thomas (2017) highlights the importance of evaluating whether the current tools for applying federalism in Somalia are tailored to the country's unique requirements and whether there is a need to innovate or consider alternative federal governance structures.

This study aims to bridge significant research gaps in federalism in Somalia by analyzing key weaknesses, including unclear definitions, ineffective dispute resolutions, and inadequate capacities. It seeks to enhance both scholarly and practical understanding by identifying these issues and proposing specific reforms. The insights and recommendations provided are designed to improve Somalia's federal system, promoting a more stable and inclusive political environment and guiding policymakers in refining governance frameworks for greater efficacy.

MATERIALS AND METHODS

This study, spanning from 2004 to 2022, methodically examines the weaknesses of the federal system in Somalia with the aim of identifying and proposing necessary reforms to enhance its functionality. Employing a mixed-methods approach, the study involved a comprehensive review of secondary data and primary data collection through key informant interviews (KIIs), focus group discussions (FGDs), and a public survey conducted across six of Somalia's regions.

Data collection was carried out from May 2021 to April 2022, providing a comprehensive view of federal governance in Somalia. The survey targeted the capitals of the federal member states and the Banadir Regional Administration in Mogadishu and involved 384 respondents from diverse societal segments, ensuring a representative sample. This robust approach facilitated the development of strategic solutions to address the challenges identified, which are essential for strengthening Somalia's federal structure and enhancing the effectiveness and long-term resilience of its governance system.

The researcher obtained the sampling frame from the Somali National Bureau of Statistics, updated from the recent Somali Health and Demographic Survey. Initially, four sample enumeration areas (EAs) per capital were selected using probability proportional to size, based on dwelling structures. A comprehensive listing of households within each EA was created. In the second stage, individuals aged 18 and above from these households were randomly selected, ensuring 64 samples per region. The study employed simple random sampling, giving each eligible individual an equal chance of selection.

A mobile phone-based data collection tool was developed to facilitate real-time data gathering, validation, and progress tracking across six regions, along with quality assessments of the collected data.

Data from desk reviews, key informant interviews, focus group discussions, and public surveys were consolidated in a Microsoft Excel spreadsheet, enhancing data organization, processing, and analysis. This setup supported

quick integrity checks and integration of data from all sources. Data were analyzed and presented using charts, graphs, tables, and summary statistics, directly addressing the study's four core research questions and informing conclusions and recommendations.

FINDINGS AND DISCUSSION

General Overview of the Weaknesses of Federalism in Somalia

When data from all six regions was aggregated and analyzed, over 50% of respondents agreed with the identified five areas of weakness. The most significant issue noted was the lack of capacity and resources at the federal government level, which received the highest agreement rate at 79%. This was followed by the failure to secure agreement on key issues before adopting federalism, which was noted by 70% of respondents, and the absence of an effective mechanism to resolve disputes between the federal government and member states, noted by 68% of respondents.

Figure 1: Survey responses indicating level of agreement regarding weaknesses of the federal system in Somalia.

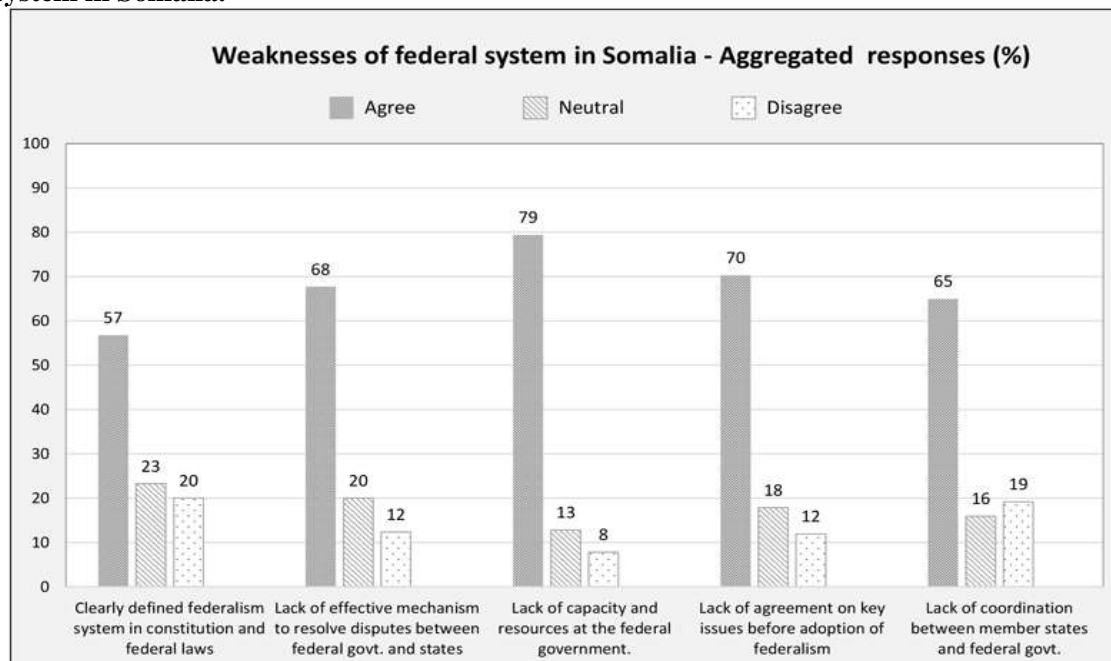


Table 2 below shows the results of the assessment in the six regions covered by the survey.

Table 1 - Regional Survey Responses Highlighting Weaknesses in Somalia's Federal Governance System

		Puntland	Galmudug	Jubaland	Southwest	Hirshabelle	Banadir	Aggreg.
The type of Federalism in Somalia is clearly defined in the provisional constitution and federal laws.	Agree	39.1	33.3	98.4	64.1	64.0	28.1	
	Neutral	42.2	12.7	1.5	21.9	31.3	46.9	
	Disagree	18.7	54.0	0.0	14.0	4.7	25.1	
There is no effective mechanism to resolve disputes between federal and state because the provisional constitution is currently undergoing review.	Agree	79.7	85.7	100.0	56.3	48.4	15.7	
	Neutral	17.2	6.3	0.0	23.4	40.6	56.3	
	Disagree	3.1	8.0	0.0	20.3	11.0	28.1	
The Federal government does not have the capacity and resources to effect its authority all over the country	Agree	92.2	87.3	100.0	64.0	67.2	34.4	
	Neutral	4.7	1.6	0.0	25.0	28.1	51.6	
	Disagree	3.2	11.1	0.0	11.0	4.7	14.1	
Key political and economic issues such as political representation and revenue and resource sharing were not agreed before Federalism was adopted in Somalia.	Agree	93.7	85.7	100.0	59.1	50.0	27.1	
	Neutral	3.1	4.8	0.0	26.2	37.9	39.0	
	Disagree	3.1	9.5	0.0	14.7	12.1	33.9	
The Federal Member States operate autonomously and do not coordinate their work with the Federal government.	Agree	51.6	73.0	98.5	61.0	65.6	26.5	
	Neutral	3.1	1.6	0.0	25.0	32.8	50.0	
	Disagree	45.3	25.4	1.5	14.1	1.6	23.4	

The table, consistent with the aggregated data, indicates that respondents across most regions concurred with the identified weaknesses, except for Banadir, which showed lower agreement levels and a higher number of neutral responses. In contrast, the other regions displayed a more substantial consensus on three specific areas of weakness: (i) the federal government's lack of capacity and resources, (ii) the absence of agreement on key issues prior to the adoption of federalism, and (iii) insufficient coordination between member states and the federal government.

These areas of weakness are further elaborated below based on the information collected and analyzed in this study.

Lack of a Clear Definition of the Type of Federalism Practiced in Somalia

The lack of a clear definition of the type of federal governance system proposed for Somalia has been featured throughout this study and in previous studies.

Ali et al's (2019) study summarizes the key issues, which include contradictions within the constitution, ambiguities in the federalism process, lack of definition of important elements of the federal system, and omission and neglect of

essential issues; all these lead to complications and difficulties with implementation. The omitted items include the division of power and governance, revenue and resource sharing between the federal government and member states, and an electoral model. As Ali notes, the complex nature of Somalia's federal system and the lack of clarity regarding its process have made it difficult to assess its performance or the extent to which it has met the needs of the country. Furthermore, the roles and responsibilities of the federal system are mixed and overlapping; this complicates the federalism process and makes it prone to conflicts between political parties and stakeholders. One key informant agreed with this and observed that the nature and the process of Somalia's federalism remained poorly defined, leading to endless confusion and political instability.

The analysis in this study indicates that the lack of a clear definition of the federal system and of clarity on its process are closely linked to the incompleteness of the provisional constitution. Among the several challenges presented by the provisional constitution are unclear guidelines and technicalities as to how member states should be formed. These have created gaps that lead to tensions between the federal government and

aspirant member states regarding such issues as representation of federal member states in the federal judiciary system and to undefined processes, such as constitution review and finalization.

One key informant stated that many attempts have been made to establish different committees to complete the constitution review process, but these efforts have not delivered tangible results and the constitution is still incomplete. This has been a major challenge to the federalism process and remains a key barrier to substantial progress. This weakness indicates that the federal government and member states must work together to complete the review process and finalize the constitution.

Lack of an Effective Mechanism to Resolve Disputes

Strong and independent legal institutions with inbuilt mechanisms for resolving disputes are a necessary precondition for the devolution of power or the establishment of a federal governance system. In Somalia, the provisional constitution provides mechanisms for resolving disputes and conflict resolution between the federal government and member states.

As one key informant noted, Article 109 of the provisional constitution provides a mechanism for resolving disputes through the authority of the judiciary. However, disputes and disagreements between the federal government and member states as to the functions of the judiciary system and the institutionalization of its structures have affected the performance of the judiciary.

Respondents in one focus group discussion argued that the weak mechanism for conflict and dispute resolution is combined with the existing political climate, an incomplete constitution, “un-federalized” federal government laws and regulations, and a democratization process paralyzed by the 4.5 clan representative system. Together these influence the development and implementation of a federal system in the country, resulting in common conflicts and disagreements

that have weakened government institutions and increased insecurity and lawlessness.

Lack of Capacity and Resources for the Federal Government

One key informant informed the study that the federal government has inadequate capacity and resources to effectively implement and manage the federalism process. This limitation is not only in terms of human and financial resources but also in inadequate political control over some of the regions of the country. The capacity and resource limitation could be attributed to the failure of the federal government to establish an efficient mechanism for resource management and distribution across the country. Additionally, the high costs of implementation result in federal member states pursuing their own governance and service delivery systems, placing more strains on the already fragile and resource-scarce system (Chevreau, 2019).

Further, a key informant reported that day-to-day politicking at all levels of the government took most of the time, leading to inefficiencies and poor use of available resources. For example, three different groups—the Independent Constitutional and Implementation Commission, the Parliamentary Oversight Committee, and the Ministry of Constitution and its federal member-state counterparts—were engaged in the constitution review process; this led to competition and to poor use of available resources. Such situations have limited the federal government’s ability to supply enough resources to roll out important components of the federal governance system.

Lack of Agreement on Key Issues during Establishment of the Federal System

Previous studies on federalism in Somalia have argued that, for a country emerging from conflict, any errors at the point of forming and introducing a federal system of governance would have negative impacts, both politically and constitutionally (Abubakar, 2016). Unfortunately, as this study highlights, the process of adopting and introducing a federalism system of

governance system has generated many difficulties, such as unclear definitions of the federal system and divisive strategies leading to early conflicts among the political groups and local stakeholders. Furthermore, during the writing and adoption of the new provisional constitution, there were disagreements on the process for creating federal member states and for reviewing the constitution.

The analysis conducted in this study identifies several key concerns raised by stakeholders regarding the implementation of federalism in Somalia. These include: (i) competing interests among regional political leaders and tribal elders; (ii) concerns about the fairness and transparency in the formation of federal member states; (iii) issues surrounding the constitution review process; (iv) disputes regarding the boundaries of regions and federal member states; (v) limited representation of certain Somali groups in the drafting and adoption of the provisional constitution; and (vi) incomplete institutionalization of the judiciary system. These concerns echo the findings of Chevreau (2019), who noted that the adoption of the federal governance system encountered significant challenges, rendering the implementation process troubled, chaotic, and occasionally violent. This context has led to negotiations over the division of powers and responsibilities between the emerging federal member states and the federal government being marked by deep suspicion and mistrust, particularly from the member states.

Lack of Coordination between the Federal Government and Member States

The poor coordination and cooperation between the federal government and the member states is a major weakness of the federalism process in Somalia. This was clearly stated in the focus group discussions and by key informants in the study. Similar observations were made by previous studies on federalism in Somalia.

The lack of coordination between the federal government and member states takes many dimensions, as identified in the focus group discussions. These dimensions include: (i) federal

government laws and regulations that are not “federated” but still aligned to a centralized governance system; (ii) continued influence of the old 4.5 clan representation system that paralyzes democratization and creates political disputes between federal government and member states; (iii) frequent disagreements between the institutions of the federal government and those of the member states leading to increased insecurity and lawlessness; (iv) limited representation of some groups in the constitution process, hence a lack of consensus on the outcomes; (v) difficulties and disputes in the demarcation of member state boundaries; (vi) regional interests and establishment of parallel administrative structure by member states that contradict those of the federal government; (vii) lack of recognition of federal laws by some members states and the issue of declarations of cutting ties with the federal government, which create uncertainty and threaten unity and national cohesion; and (viii) a lack of uniformity in the federalism process where the federal government is seen to favor to some regions or states.

One reason cited for the poor level of coordination and collaboration between the federal government and member states is the weakness in the provisional constitution, which creates ambiguity in the federalism process. Another contributing factor is the lack of genuine agreement between the federal government and member states as to equitable power sharing and to the roles and responsibilities of the different levels of government. A poor national monetary and fiscal system that limits equitable sharing of national resources also contributes to the problem.

REQUIRED REFORMS

Despite the challenges facing the Somalia federalism process, it is the preferred governance system and has the potential for peace and state building and the capacity to bring about political, social, and economic development in the country. However, this study reveals that the federalism process in Somalia needs to be reformed if it is to address its weaknesses, to become more efficient and effective, and to ensure inclusion, acceptance,

and ownership by all parties in Somalia. This section elaborates on these reforms.

Five key areas of reforms within the Somali federal system have been identified by this study. These include: (i) ensuring political inclusion and healthy competition among the different political groups; (ii) ensuring completion of the constitution review and its implementation; (iii) defining clear roles and responsibilities of federal and member state and separation of power between the executive, parliament, and judiciary; (iv) setting up a well-defined and transparent process for the creation of member states; and (v) strengthening federal and state institutions for effective delivery of services. These reforms are briefly summarized below.

Political Inclusion and Healthy Political Competition

To ensure political inclusion and healthy competition, the federal government and member states should work closely together. They should cooperate and coordinate to build plans and frameworks that have clear objectives and timelines and that are aligned with required political, peace-building, and state-building reforms. There is a need to promote healthy political competition by encouraging a multiparty system and moving toward a “one man–one vote” system of elections.

Political inclusion and healthy competition require informing and educating the citizens of Somalia about the importance of federalism as well as its features and requirements. The study reveals a very high level of awareness and acceptance of federalism as the desired governance systems for Somalia but very low understanding of its requirements. Therefore, a nationwide awareness creation and civic education program is required.

Further, to support political development, the federal government, member states, development partners, and all other stakeholders should work together to develop necessary intergovernmental frameworks that support the federalism process in Somalia. Such a framework will ensure that all

Somali people, including the minority and marginalized groups, are included in the political-development process and that external support is also delivered within the agreed political framework so that the political determination of the Somali people is not compromised.

Completion and Full Implementation of the Constitution

The success of the federalism process in Somalia is directly linked to a functional constitution that provides all the necessary instruments and provisions for its efficient and effective implementation. Many of the challenges and barriers to the federalism process identified in this study are directly or indirectly related to weaknesses in the provisional constitution.

A previous study on the federalism process (Abubakar, 2016) argued that the main challenge to the federalism process was the fact that the Somali constitution was still under review, making it difficult to design concrete federal structures and processes that address fundamental issues such as power sharing and constructive political engagement between the federal government and member states. Efforts made to complete the constitution review process were highlighted, but they were noted to be slow and not strongly coordinated, especially between the federal government and the member states.

As urged by key informants, participants of the focus group discussions, and previous studies, the constitution should be the leading tool for guiding the federalism process with every requirement clearly spelled out and without any omission or contradictions. Therefore, for efficient progression of the federalism process, urgent efforts are needed to complete the review of the constitution and then to implement it.

Strengthening the Federal Governance Structure

An efficient federalism governance system in Somalia requires clearly defined roles and responsibilities for the federal government and for member states as well as clear separation of

powers. As highlighted in a focus group discussion, there is a need to ensure that the federal government laws and regulation are federated. Currently, most federal government laws and regulations are still aligned to a centralized governance system and do not reflect the current federalism process that is taking place. To support the federal governance system, it is also critical to reform and strengthen the judiciary. This includes strengthening the constitutional court and ensuring it has the capacity to effectively support the implementation of the constitution.

Strengthening Federal and State Institutions for Service Delivery

Weak institutions and poor service delivery at all levels were frequently cited as hindering the federalism process in Somalia. To strengthen institutions and service delivery, there is a need for broad financial reforms across the country, as urged by one key informant. Highlighted reforms include negotiating debt relief, introducing an improved financial management system to restore fiscal and economic stability, and improving aid and grant management and distribution. In this area there is a crucial need to fortify human resources by enhancing training programs, advancing skills development, and improving overall employee wellbeing.

Further, for federalism to progress efficiently, broad-reaching reforms are needed in the security sector. This will provide a conducive and peaceful environment for implementation of the federalism process and the constitution. These reforms need to assess and consider integration of militia into the Somalia National Army and to strengthen the capacity and efficiency of the Somali police force.

CONCLUSION

This study has meticulously evaluated the federal governance system in Somalia, unveiling significant weaknesses that hinder its effectiveness. The research reveals a profound lack of clarity in the definition of federalism, insufficient dispute resolution mechanisms, and inadequate federal resources and capacities.

Moreover, a striking absence of consensus on key issues prior to the adoption of federalism, coupled with poor coordination between the federal government and member states, has complicated the governance landscape.

By identifying these critical areas and proposing necessary reforms, this research contributes to a more nuanced understanding of federalism within Somalia and suggests practical pathways for enhancing governance. The findings highlight the urgent need for completing the constitutional review, clarifying the roles and responsibilities between the federal and member state levels, and fostering greater political inclusion and cooperation. Additionally, the establishment of transparent state creation processes and the strengthening of institutional capacities are pivotal for the effective delivery of services and the overall stability of the federal system.

In summary, while the study underscores the challenges facing federalism in Somalia, it also sheds light on the potential of a well-implemented federal system to contribute to political, social, and economic development. The recommended reforms are not merely fixes but foundational changes necessary to cultivate a more inclusive, efficient, and resilient federal governance structure that can truly meet the diverse needs of the Somali population. It is imperative for policymakers, stakeholders, and international partners to collaborate closely to realize these reforms, ensuring that federalism serves as a bridge to a more stable and prosperous Somalia.

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