



POLICY BRIEF NO.2

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The Politics of Representation: 'Mogadishu Status Conundrum'

KEY POLICY MESSAGES

- The democratic rights of the Banadir region's residents to political representation should not be ignored.
- The residents of the Banadir region must be engaged politically and educated on their rights to elect political representatives.
- The constitutional status of Mogadishu must be clarified.
- The political status and self-governance of Addis Ababa should be considered as a relevant model during future debate over the fate of Mogadishu in a permanent constitution.
- Mogadishu residents should elect their representatives to the two houses of the federal parliament and the capital's other ruling officials.
- A secure and developed Mogadishu must be a priority.

A. Introduction

This policy brief examines the current political conundrum surrounding the status of the Banadir region and Mogadishu. It also reviews the history of the city, its urbanization trends, security and economic development, and finally delves into the contentious issues raised by the politics of representation for the Banadir region. The policy brief aims to contribute to the ongoing discussion of topical issues related to political representation for Mogadishu's residents. A qualitative document analysis approach was employed in collecting and analyzing data for this policy brief. As Somalia recovers from two decades of civil war and embraces the rebuilding of its political institutions, the status of Mogadishu has become a thorn in the body politic of the country. Without effective representation, the city's development will stagnate. Security conditions and access to social amenities for its residents will remain dire. However, the political sensitivity aroused by granting the Banadir region seats in the Upper House of parliament is something to be expected. Regional states like Puntland and Jubaland are not happy with the House of the People's recent vote to approve the contentious motion allocating 13 seats to the Banadir region. This brief recommends that the political representation of the Banadir region should be based on special political arrangements, which will not result in disunity that might provoke conflicts. The paper also looks at the capital cities of Addis Ababa and Washington, D.C. as case studies from which Mogadishu may derive a better understanding of self-governance principles. Finally, based on the complex political realities that Addis Ababa and Mogadishu have in common, the model of the Ethiopian capital is recommended.

B. Mogadishu: History, Urbanization Trends and Economic Development

I. Brief History

Mogadishu is one of the oldest cities along the East African coast. Its origins date back to the 10th century. The city was once under the control of the Sultanate of Zanzibar. It became the capital city of an independent Somalia in 1960 [1], and it soon became the commercial, educational, cultural and industrial hub of the fledgling country as well as the seat of its national government. The outbreak of the country's civil war in 1991 devastated the city as Mogadishu became a hot spot for fierce fighting among clan militias led by warlords.

In 2006, it came under the control of the Islamic Courts Union (ICU), a loose-knit association of Sharia courts formed by Mogadishu's religious and clan leaders who managed to oust the United States-backed union of warlords known as the Alliance for the Restoration of Peace and Counter-Terrorism. In 2007, the Transitional Federal Government (TFG) in exile, which had been established in Kenya in 2004, defeated the ICU with the support of the Ethiopian National Defence Forces following the collapse of the Khartoum peace agreement between the TFG and ICU. In the same year, the African Union Mission in Somalia (AMISOM) deployed troops to Mogadishu to support a national reconciliation peace process, which was launched in the city of Arta, Djibouti in 2001 in

response to the collapse of the Somali state.

Mogadishu hosted an indirect presidential and parliamentary election in 2012 as the country ended its transition period. The booming epicenter of Somalia's reconstruction process, Mogadishu has regained its status as the unrivalled economic and political hub of the country.

II. Urbanization Trends

Somalia is rapidly urbanizing due to the continuing internal migration of rural people displaced either by conflict or by recurring droughts and famines spurred by climate change. The city's population is currently estimated at 2,282,000, according to the investment research firm Macrotrends [2]. Most of these internally displaced persons (IDPs) have relocated to Mogadishu, which now hosts more than 800,000 IDPs dwelling in informal settlements across the Somali capital. They are crammed into makeshift shelters that afford little or no sanitation facilities and limited access to the most basic services. The residents of these IDP camps are plagued by "critical" levels of malnutrition, according to an assessment by Somalia's food security and nutrition analysis unit [3].

About 55 per cent of the IDPs are concentrated in two of Mogadishu's peripheral districts, and they constitute overall one of the highest IDP concentrations on the African continent. Protracted internal displacement is therefore an inherently urban phenomenon in Somalia and must be addressed

against a backdrop of increasing urbanization and growing rural-urban migration trends that have fueled one of the highest urban growth rates in the world [4]. According to a news article published by the United Nations Assistance Mission in Somalia in 2018, “these large population movements posed new challenges to Somali society, not only to the landscape and social fabric of many towns and cities, but also by putting increased pressure on host communities that themselves struggle with limited available resources.” It further noted that “areas of concern include the delivery of basic services, the creation of livelihood opportunities, the securing of housing, land and basic property rights and providing protection and access to justice for displaced people” [5].

Somalia’s population is expected to become predominantly urban after 2026, according to a United Nations report issued in September 2019. The coming years will provide the country with a critical opportunity to set a new course of well-planned and managed urbanization, which could yield economic diversification, improved social equality, stabilization and resilience, through the implementation of national and federal state-level policies “in cities by inclusive urban planning processes and inclusive, representational governance” [6]. In an article posted by The Guardian newspaper earlier this year, the Somali journalist Moulid Hailee wrote, “The city, second on Demographia’s 2015 ranking of the fastest growing cities in the world, has limited capacity to integrate such a large number of displaced people into

its urban development system.” The article quoted the Banadir Regional Administration official Hodan Ali as saying, “Mogadishu is emerging from 30 years of conflict. The infrastructure, basic services and local government capacity are extremely limited and, as such, its ability to meet the needs of the most vulnerable and impoverished members of the city is small.” Hujale further underscored that “capitalising on the gap left by a weak government and the lack of a formal camp management system, an illicit business has sprung up, with ‘gatekeepers’ soliciting land for new arrivals, linking them up with aid agencies, and in return taking a cut of what little aid they may receive.”

III. Economic Development

Somalia has managed to survive many years of civil war and state conflict. As the main engine of the country’s economic reconstruction and development, Mogadishu has to achieve more economic development and political independence to help Somalia reduce the high unemployment rate among its youth. Prosperity starts with good politics. By including representatives of Banadir region in the federal parliament’s Upper House and reaffirming its status as the capital of the Federal Republic of Somalia, the city can better tackle the need to boost economic growth and curb mass unemployment. It is important to note that economic reforms by the FGS are inarguably leading to increased revenue, investments, and economic growth. In 2019, the Somali economy grew by 2.9 percent, an upward

trend that is expected to continue. The nation’s public finance management has also consistently met or surpassed the International Monetary Fund’s reform benchmarks under the Fund’s Staff Monitored Program. As part of these reforms, Federal President Mohamed Abdullahi Mohamed Farmaajo signed an anti-corruption bill into law and established an independent Ethics and Anti-Corruption Commission, providing a framework for transparency and accountability in public finance management [7].

IV. Security

Mogadishu is one of Africa’s most violent cities. The relative lack of security in the Somali capital is a major reason why the country is not recovering as fast as it should be. Since 2006, al-Shabaab has capitalized on the weakness of the city’s security forces to carry out numerous attacks that have killed thousands of innocent civilians. The conferring of formal political representation for Mogadishu will hopefully alleviate conditions in the capital.

However, the city’s security is a national matter, and currently its residents credit the FGS for having reduced the number of attacks and assassinations, even though more action is needed. Representation breeds accountability. Therefore, the 13 senators from the Banadir region will be well placed to advocate for greater security in their respective constituencies. More importantly, Somalia, with crucial support from the United States and the African Union, has significantly weakened al-Shabaab’s ability to carry out terrorist activities across the country since 2011. Today, the terrorist force is on the run, reduced to

operating mainly in remote areas and away from Somalia’s economic and political centers [8].

C. Mogadishu’s Status

The status of Mogadishu must be finalized in a constitutional manner. Article 9 of the country’s Provisional Constitution clearly states that Mogadishu’s status “shall be determined in the constitutional review process, and the two houses of the Somali Federal Parliament shall enact a special law with regards to this issue” [9]. Those agitating for the idea of granting autonomy to Mogadishu argue that it would ensure that local resources are used properly and outside the functions of the federal government. However, Mogadishu is a melting pot for all of Somalia’s clans. In other words, it is a microcosm of Somalia. How will the issues of policing, taxation, representation, residency, varying judicial and jurisdictional overlaps, and a myriad of other bodies of government regulation be handled if the city were to become a state?

Two models: Addis Ababa and Washington, D.C.

First, Somalia must borrow a leaf from a country like Ethiopia, which is also federally governed. Ethiopia is divided into nine ethno-linguistically based regional states. Addis Ababa, the country’s capital, is not a federal state, but its residents enjoy the full benefits of self-government. The Ethiopian law professor Jetu Edosa Chewaka (2019) has argued that “despite its non-statehood status, Addis Ababa City

however generally engaged in unchecked constitutional enterprise of exercising powers and functions allocated to member states. The symmetrical power relation it acquired through unchecked legislative encroachment elevated its status from self-governing City Administration to the status of de facto 'City-State' [10]. The city of Mogadishu should also be allowed to govern itself in a way that reflects its heterogeneous population drawn from many clans. The national capital belongs to all Somalis, and its self-governance should be based on that principle. At the same time, Mogadishu's political representation should be pragmatic and ensure that the residents of the city will have their say. Nonetheless, the conflict of interests should be avoided because that has the potential to send Somalia back down the dangerous path of history that the country has traveled and is now recovering from.

Washington, D.C. is another example of a national capital whose residents seek more political representation and self-governance. The District of Columbia has a population of 705,000, and its inhabitants have long pushed for self-determination owing to the frustrations they have experienced with the United States federal government [11]. The residents of Washington pay taxes like the rest of their fellow U.S. citizens, but they have not had any voting members in Congress to represent their interests since the founding of the District of Columbia in 1801, which disenfranchised its inhabitants. The people in the District of Columbia have long sought to acquire

statehood. As the American author and journalist Erin Blakemore recently wrote (2020), "Washington, D.C. residents' longstanding grievances could soon come to an end. On June 26, the U.S. House of Representatives passed a bill that set D.C. on the unprecedented road to potentially becoming the 51st state" [12].

Therefore, between the two case studies cited above, we recommend Addis Ababa as a model for finalizing Mogadishu's status in a new constitution for Somalia because Mogadishu faces a complex set of political and demographic issues similar to those found in the Ethiopian capital (i.e. that of ethnicity for Addis Ababa and clans for Mogadishu). Political realities dictate that Mogadishu cannot become a fully-fledged regional state, but special consideration should be given to its residents' legitimate claim to self-governance, and this demand should be looked at from the angle of development. The city's residents pay taxes, and they therefore should be represented by leaders who will oversee or be held accountable for how their taxes are spent. The Washington, D.C. model is given as an example to show that the United States also had to grapple with the same issue as the Federal Government of Somalia in the early years of that country's independence. But it is less suitable to the circumstances facing Mogadishu because the District of Columbia's citizens aspire to become the 51st state of the American Union, and that is not the case with Mogadishu.

D. Banadir Region: The Politics of Representation Enigma

On 27 June 2020 the House of the People of the Somali Federal Parliament (SFP) approved the Banadir Region Representation Bill, following days of heated debate. The bill, which gives the region 13 seats in the Upper House of the SFP, was approved with 142 votes in favor, while four members of parliament rejected it. President Mohamed Abdullahi Mohamed Farmaajo had asked parliament to approve the bill, and he welcomed the vote as a "historic achievement". The legislation now raises the number of senators to 67 ahead of the next parliamentary elections. The Banadir region currently has no representation in either house of the Somali parliament [13].

The approved legislation nearly doubles the seven seats that a joint ad hoc parliamentary committee had proposed to allocate to the Banadir region when it submitted a draft bill on 7 June to the House of the People. The Upper House comprises 54 senators who represent the country's six regional states. The joint committee also proposed the use of the clan-based 4.5 power-sharing system to allot the seats earmarked for the Banadir region while those members of parliament from the existing regional states continue to represent their regions. The proposal for the creation of additional seats in the Upper House does not address the status of the capital Mogadishu itself. Initially, many people noted that since the Banadir region is not a regional state, it was unclear how the joint parliamentary committee's members decided to

assign it seven senators. Importantly, for the Banadir region to have representation in the Upper House, article 72 of the Provisional Constitution stipulating that "the members of the Upper House of the Federal Parliament shall be elected through a direct, secret and free ballot by the people of the Federal Member States, and their number shall be no more than fifty-four members based on the eighteen regions that existed in Somalia before 1991" must be amended because the article explicitly limits membership in the Upper House to 54 seats.

Problem of seat allocation

First, it was proposed that the allocation of the seats would be based on the clan-based, 4.5 power-sharing model. Critics of that model have noted, among other issues, that the members of some clans do not all live in one area of Somalia. They also allege that this power-sharing model would create problems for a capital city that prides itself as a mother of the nation. It would become a spoil of political infighting among rival clans competing to assert their dominance over Mogadishu at a time when many young Somalis want to eliminate clannism in Somali society.

Second, who will allocate the seats? Will it be the clans or the parliament? If the parliament allocates the seats, it should be based on the population in each constituency. Third, the 4.5 system was never conceived as a permanent political power-sharing formula for Somalis. At the end of the day, the constitution is all that matters. Even now, assigning 13 Upper House seats to the Banadir region is

unconstitutional in the absence of an amendment to the constitution that clarifies its status once and for all.

E. Conclusion

There are no quick fixes for a problem rooted in Banadir's enigmatic status. The only solution lies in the form of constitutional amendments. In addition, these changes should be done in a politically conciliatory way. The incendiary political polemics surrounding the city's representation will create further problems rather than alleviate those that FGS is already grappling with. This should not, however, serve as an excuse for parliamentary inaction. Immediate steps must be taken. If the issue of the Banadir region's political representation is to be effectively addressed, the federal government and the city's administration will have to find common ground to address the problems of urbanization and develop a sustainable metropolis. Long-term political and technical support will also be needed.

F. Policy Recommendations

1. There is no doubt that the Banadir region needs political representation, and it is the democratic right of its citizens to have it. Their representatives in the Upper House will look after the affairs of Mogadishu and give its residents a say in how the city is governed. However, the model for allocating the Upper House seats should not become a recipe for fostering political disunity among the country's clans.

2. The Banadir region needs development. The tax revenues that are collected must be spent in ways that benefit the city's dwellers. Improving security conditions and the social amenities offered by the city must be a priority for the senators.

3. Residents of the city must be given priority to represent themselves. The residents of the existing regional states already have their representatives in both houses of the federal parliament.

4. There is a need to clarify Mogadishu's status under a new and permanent constitution. Will it remain a city or become a federal state? Taking the constitution as a guiding principle in its case may help to answer this question.

5. More must be done to educate and engage the city's residents about their representation in the Upper House. Some residents have already voiced their opinions. But for the sake of the city's policies and better management, more residents must be surveyed on how they want their representatives to be elected or selected.

6. The status and powers of Mogadishu should be modeled on those of Addis Ababa. The Ethiopian capital city is not a federal state, but its residents have the same benefits of self-governance as do their compatriots living in the country's regional states. It is worth noting that the case of Addis Ababa is based not on the national constitution but rather on special, ad hoc political arrangements.

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