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Enhancing federal inter-governmental relations and state building in Somalia

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Federalism is regarded as the ideal strategy for Somalia in forming a power-sharing agreement among Somali clans and a workable solution to the national unity, peace and security. Despite the adoption of federalism in Somalia, the reality on the ground is different as Somalia has continued to be in a state of political quandary. Available literature says little about the Inter-Governmental Relations (IGR) and civic state building as a possible cause of political quandary. This study explores Somalia's Federal-state Inter-Governmental Relations and civic state building. It seeks to answer the question, how and to what extent have the intergovernmental relations between the federal government and federal member states affect civic state building in Somalia? Utilizing a qualitative approach specifically, synthesis of literature, in-depth interviews and guided questionnaire, the study suggests that despite the existence of a federal structure, intergovernmental relations between the federal government and the member states have been characterized by tensions and conflicts; the federal and state apparatuses lack appropriate provisions in the constitution and that the minimal federal-state IGR laws that are now in place are not honored and applied by both levels of the federal government. This study also suggests that there is no effective, agreed-upon model of IGRs and power sharing in Somalia between the federal government and member states, thus constraining any kind of progression in the federal institutions. This study also shows how dangerous it is to neglect indigenous approaches of state building that take into account Somali culture, religion, and customs. The findings of this study contributes to the scholarly discourse on civic state-building, federalism, and IGRs in post-conflict settings. This study recommends a review of the federal-state intergovernmental relations laws paying attention to cultural and religious significance, to strengthen federal-state IGRs.

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Introduction

Political developments in numerous regions of the world during the past 10 years have reignited interest in the benefits and drawbacks of federal solutions as a means of addressing political issues. As a result, there is a large body of scholarly work that attempts to understand the nature of federalism and to investigate issues like its theory and application, the creation and operation of numerous federal systems, and the processes of political integration and disintegration (Yimenu 2023; Watts 1998). Political power-sharing between the center and peripheries has become the norm for settling civil wars since the end of the Cold War thus, adapting methods of power sharing to political and historical context (Ahmed 2019).

Many scholars agree that Inter-governmental relationship is the interaction, relationships and coordination between governmental entities of all types and levels within a political system (Watts 2001; Meekison 2000; Mitullah and Nguri 2012). Federalism is the process of partitioning powers so that the national and local governments are each coordinated and independent within a specific area (Wheare 1946). Federalism is regarded as the ideal strategy for Somalia in forming a power-sharing agreement among Somali clans and a workable solution to the nation's political quandary (Negussie 2023; HIPS 2015; Waldo 2010). However, when the concept is implemented in authoritarian and undemocratic administration context, it can have the exact opposite impact, of fostering racial rivalries and disagreements as well as the breakdown of national unity (Taye 2016). Apparently, excessive emphasis on self-rule, together with an inadequate level of representation and clout in federal institutions for certain ethnic communities, lead to socio-political fragmentation (Watts 1998). Although the African leaders during the decolonization era opted for centralization thus rejecting federalism as a divisive arrangement that leads to secession, the development of a centralized unitary state has demonstrated little success (Mengisteab 2008).

While the study of federalism and decentralization in Africa has advanced significantly, various researches have revealed contradictory results (Nurshaikhova et al. 2023; Teshome and Záhok 2008; Dickovick 2014; Hale 2004). Some of the researches have demonstrated that the current federal system of Somalia has failed, thus recommending increased political inclusiveness, a review of the constitution to foster political rivalry, and redefining clear exercise of authority between the federal government and the regional states (Abubakar 2016). Even though there hasn't been much research on federalism in Somalia, the few studies that have been done so far have produced a variety of conflicting results; there are a few first-hand academic studies on Somalia in general and Somalia federalism in particular since the overthrow of the Siad Barre dictatorship in 1991 (Mohamed 2023; Hersi 2004; Mohamoud 2015; Böckenförde 2012; and Zoppi 2013). Before the contemporary Somalia state was created, clan, rather than national citizenship was used as a political tool by the Somalia leadership (Tripodi 1999). This instrumentality of clan has persisted throughout Somalia's political history and only gained prominence after the country attained independence. Progress on all other matters of national importance, such as security, stabilization, institution building, reconciliation, service provision, peace building, international relations, and resource mobilization, have been hampered by the inability to agree on a power-sharing model for the Somalia federal system.

Therefore, the main objective of this study is to assess how federal-state intergovernmental relations affect civic state building in Somalia. It specifically (1) evaluates conflicts between federal government and federal member states in intergovernmental relations; (2) seeks to find the most suitable model that can be used by federal and member states institutions to eliminate these

tensions; (3) assesses to what extent civic state building has been hindered by the ineffective intergovernmental relations. The main research question this study seeks to explore is, how has federal-state intergovernmental relation hampered civic state building in Somalia? This study enhances the research on federalism by Teshome and Záhok (2008) and Zoppi (2018) by focusing on Somalia federalism and its impact on federal-state political power-sharing. This is critical for two reasons. First, federal-state political power-sharing is essential for creating a functional state in Somalia, where federalism is a prominent feature. Second, the extent to which contemporary constitutions should recognize and regulate intergovernmental interaction is a crucial question facing many federations given the significance of IGR in a federal system for facilitating cooperation, maintaining non-hierarchical information exchange, and enhancing negotiation (Griffith and Nerenberg 2002).

Methodology

A qualitative research design is used to understand how federal-state intergovernmental relations affect civic state building in Somalia. Qualitative research is especially helpful when it provides us with someone's perceptions of a situation that permits us to understand his or her behavior" (Krathwohl 1998). Qualitative data, with emphasis on people's experiences, are well suited for finding the meanings they place on events and processes. Moreover, qualitative research connects their perceptions to the social world (van Manen 1977). The data collected through an in-depth interview, interview schedule and guided questionnaire reveal the way things are or describe how things are (Bennett et al. 1996). The conversations recorded did not contain names or any other identifiers of the participants. The researchers gathered the data in a conversational manner in order to encourage participants to respond openly and honestly. At all times the researchers protected the integrity of the research by following professional ethics. During this study, the researchers protected participants by obtaining their informed consent and by providing an explanation of the nature, purpose, and implications of the study, as well as the confidentiality and security of the data. For the purpose of this study, twenty seven (27) respondents were interviewed (see Supplementary Appendix I) to secure the information needed to achieve the research objectives. The ratio of men to women was such that 7 of the interviewees were females while 20 were males. Interview settings were convenient to members participating. Policy makers, academics, top civil servants in the national ministries, regional ministerial, directorates, departmental directorates, executive agencies, traditional elders, religious scholars, women and youth groups were interviewed. The rationale for focusing on these groups is that they are immersed in the operational aspects of federal-state IGRS or are directly influenced by the federal-state IGRs and are also most suited to evaluate Somalia's federal-state IGRs. Due to their low representation in political and traditional institutions in Somalia, females were few in number. Four people were interviewed for the study in each of the five member states' major cities, and seven people were interviewed in Mogadishu, the headquarters of the federal government.

A sample that was purposefully recruited was used. The researchers carefully selected individuals who might contribute to the issue of the study and who were willing to share their personal experiences with federal-state inter-governmental relations and civic state building in Somalia. Initial contact was made by the researchers with potential volunteers that they knew. This was done by purposefully selecting Somali citizens who were either directly or indirectly involved with or affected by the federal-state

IGRs and who met the criteria for study participation. The sample size was widened by asking the participants who had already been identified to suggest other key informants. After reaching out to potential volunteers, individuals who were qualified and willing to take part in the study were interviewed. The respondents were Somali citizens, aged 25–75, young, middle-aged, or old, who lived in Somalia during the country's transition from a state of unrest and bad governance to the state-building process. Participants from a variety of socio-economic backgrounds, educational levels, gender, age profession, life experience, regions of residence, and geographic locations were selected to ensure that the sample is representative of the population under investigation.

Literature review

In this section we review the two concepts of federal-state intergovernmental relations and civic state building and their application.

Federal-state intergovernmental relations and models. There are vertical and horizontal intergovernmental interactions (Cameron 1999). In contrast to the horizontal relation, which focuses on relationships between states or local governments, the vertical relation is concerned with relationships between the federal government and constituent units or between constituent units and local governments (Wright 1974). For instance, since the commencement of regionalism in Italian state in the early 1970s, the relationship between the state and the regions in Italy has undergone significant changes. The popular perception of Italian regionalism has been fairly pessimistic. It has generally been viewed as ineffectual, having failed to decentralize the policy process, and to lessen state authority over the peripheries, especially over money and the budgetary process (Ieraci 2014). Due to the absence of a separate organization in charge of bolstering intergovernmental relations (IGR), there are limitations in the consistency, continuity, and efficacy of the relationships in Ethiopia. Except for a few constitutional clauses that mandate a non-hierarchical interaction between the federal and regional states, the Ethiopian federation is typically characterized by a top-down dynamic that might undermine the spirit of cooperation. To maximize the function of IGR in the Ethiopian federal system, argues for a suitable legal framework to be established. He emphasizes in the study that the House of Federation appears to be the best institution to manage IGR, and if the current reliance on the executive line does not change, the Prime Minister's Office should serve as the center of IGR due to its increased ability to make legally binding decisions and its capacity to oversee how those choices are carried out.

Typically, a federal system calls for the coexistence of two systems of government that are competent and autonomous in their respective domains and possess concurrent powers that can be used in concert. Here, what matters most is how different levels of government, which are equal and autonomous, work together to enhance the federal system of the nation, particularly in the area of shared functions. There are two models that address intergovernmental relations in a federal framework:

A dual or competitive model. This model primarily emphasizes the fact that there is inherently competitive behavior between the various levels of government. According to Meekison (2002), the competitive model's distinguishing feature is that it presupposes that there is a natural battle for power between the federal and state governments, and that one can only grant authority at the expense of the other. Negussie (2008), suggests that state power should be split between the two levels of government so that each

one can function freely and foster competition and rivalry between the central government and the regions.

Cooperative/executive model. In stark contrast to the dual federalism, this model can be referred to as a “shared” or “integrated” federalism and highlights not only the separate status and roles of the several levels of government but also their common responsibility in legislation, implementation, and other areas (Meekison 2002). The history of federations around the world shows that member governments of a federal polity cannot, and in certain situations, should not, use their authority completely independently of one another (Saunders 2003). This basically states that many policy areas require involvement from the federal, state, and local levels. This federal structure places restrictions on the autonomy and discretion of any one jurisdiction. It emphasises that various levels of government need to engage in more negotiation and bargaining than competition to obtain sufficient power influence to carry out programs.

Federal-state intergovernmental relations in Somalia. The federal state intergovernmental relations in Somalia has been conflictual (Musse 2020). The Constitution of Somalia declares Somalia as a federal state. Article 3 states that the “basic principles of power-sharing in a federal system” are the foundation of the federal republic of Somalia (3). In keeping with the cooperative federalist philosophy, Article 51 (2) emphasizes that “each Government should respect and protect the Limits of its Powers and the Powers of other Governments.” Article 48 of the Constitution specifies that there are two levels of governance in the state: the federal government and the federal member states, which comprise both state and local administrations. Foreign policy, national security, citizenship, immigration, and monetary policy are all exclusively within the purview of the federal government, according to Article 54. The Federal Government of Somalia (FGS) and its Federal Member States (FMSs) are in conflict, and the gap between them is widening, despite these clearly defined constitutional principles. Over the past three years, there has been more animosity than cooperation in the federalism debate. Local government is only mentioned once in the Constitution, (FGS, FMSs, and local government make-up Somali federalism). The federal government's third tier is not covered under the constitution. As a result, the Constitution does not precisely define the mandates and obligations of each level of government. The extent of devolution to federal states is controversial. These incidents show that, if political decentralization and federalism are not implemented with great attention to the local realities, they could lead to armed conflict and perhaps ethnic cleansing (Menkhaus 2014). In order for federalism to function, the state and its local branches must cooperate to make the people's future safer; the primary obstacle to the federalism project is converting individuals into stakeholders by re-routing choices away from short-term security arrangements given by clans and toward long-term prospects supplied by the state with federal local-level administration (Zoppi 2018).

Civic state building. According to Hart and Richardson (2011), political philosophy and political psychology both place a strong emphasis on civic identity and citizenship. The concept is best understood in terms of its subjective, ethical, and political dimensions. They also found knowledge gaps in their review of the research on civic identity. Current debates focus on how globalization affects civic identity and citizenship. However, little is known about the significance of civic identity and the proportional weight of its various components in ensuring the smooth operation of societies and communities (Hart and

Richardson 2011). The discourse on identity and nation-building is characterized by a number of dichotomous ideas, such as ethnic-civic, primitive-modern, essentialist-instrumentalist/constructivist, and collectivist-individualist (Brubaker 2002; Brubaker and Cooper 2000; Vörös 2006; Werbner 1997). Individualistic-libertarianism and collectivist-authoritarianism are two theoretical traditions that could be used to summarize these dichotomies (Gellner 1983; Greenfeld 1992; Seton-Watson 1977; Smith 1986; Smith 1998). Similarly, the individualistic-libertarian and the collectivist-authoritarian are two types of nationalism that Liah Greenfeld (1992) discusses. According to her, while the collective-authoritarian definition is founded on the ethnic sense of identity, the individualistic-libertarian conception is based on civic-identity standards. Two schools of thought: primordial and modernist have emerged from the identity discourse. According to the modernist school, civic identity standards that are secular, territorial, and political form the basis of identity (Gellner 1983; Hobsbawm 1990). Furthermore, it embraces the notion that civic identity is progressive and adaptable. According to the primordial school (Geertz 1963; van den Berghe 1978), ethnic citizenship is enduring. It is believed that ethnic citizenship is objective and natural, and as such, it serves as a key defining characteristic of human cultural organization. Primordial is 'genuine' because it is stable, unchanging, and reflects nativeness or indigeneness.

Our understanding of various forms of nationalism is greatly influenced by Hans Kohn's (1944; 1982) distinction between "liberal, civic Western" and "illiberal, ethnic Eastern" nationalisms. The Kohn's (1944) framework is criticized as idealized in a research by, who also claims that it does not accurately reflect historical reality and is out of sync with current conceptions of nationalism. Its use also disregards the 1990s-era transition of central-eastern Europe from communist to democratic states. According to, the progression from ethnic to civic state and nationhood and the degree of democratic consolidation have always been in conflict as it has also depended on the proportionality of ethnic composition and civic universal nation. Kuzio makes two claims: First, the distinction between "civic Western" and "ethnic Eastern" made by Kohn (1944, 1982) is idealized and does not hold up to historical or theoretical inspection. Second, only in theory do pure civic or ethnic states exist. Every civic state, whether in the West or East, is built on ethno-cultural foundations. The Kohn (1944, 1982) framework is fundamentally faulty. Only after the 1960s did the West and the East start to become civic states. Although several academics have critiqued this ideal typology (Smith 1991, Kymlicka 1996, Yack 1996, Brown 1999), it nevertheless has a significant impact on academic, governmental, and journalistic discourse (Hoffmann and Ignatieff, 1993, Brubaker 1995, Freedland 1998). Political philosophy and political psychology both place a strong emphasis on civic identity and citizenship. The term is best understood in terms of its subjective, ethical, and political dimensions (Hart and Richardson, 2011).

In the cases of relatively young post-colonial nations like those in Sub-Saharan Africa, the relationships between identity politics, democratization, and state formation are complex. The abundance of the auxiliary variables contributes to the complexity. Mengisteab (2008) suggests that the characteristics of historical state-identity and inter-identity relations, the nature of the state, including the caliber of its leadership and its effectiveness in promoting the well-being of its inhabitants fairly, the state's strategy for state-building, the formation of political parties, and the design of electoral systems are all elements that have an impact on these relationships. The lessons learned from Somalia show that the dynamics of state formation are the same as the dynamics of conflict resolution and peacekeeping when democratic values, human rights, and civic identity are not the

preconditions for nation-building and social cohesion (Florence 2003).

State-building in Africa. Political scientists typically envision the state as a collection of centralized institutions with the authority to enforce decisions on behalf of the populace of a certain territory. Thus, creating a state has traditionally involved four primary processes: gaining more and more exclusive control over a territory and its inhabitants, upholding domestic law and order, extracting resources, and eventually democratizing state institutions (Ayoob 1995). In the post-colonial era, African countries have long prioritized state-building. However, the efforts of state-building in Africa do not necessarily improve political stability (Bandyopadhyay and Green 2013). The failure of state-building in Africa, according to Mengisteab (2014), is largely attributable to the nature of the state as the African state tends to be highly centralized, authoritarian, self-serving, or serving the interests of the political elite class. Even where there are nation-states, different levels of conflict are experienced including ethnic, religious, and cultural homogeneity. However, the development of a centralized unitary state has not been successful even though African leaders of the era of decolonization have argued that federalism is a divisive arrangement that would lead to secession. Similarly, a good understanding of the state-building in Africa should also pay attention to ethnicity. Ethnic identity is a fluid and dynamic phenomenon that can wax and wane from time to time (Enloe 2015). Despite having the potential for manipulation and dynamism, understanding how the state's institutions are expanded and centralized requires an analysis of the conditions that link ethnic groups to political change. Herbst (2000) examined the issues associated with state building and consolidation in Africa over the course of the last century, from the pre-colonial to the post-independence eras. He establishes the premise that "states are only viable if they are able to control the territory defined by their borders" and then creates "an analytical perspective that allows the African experience to be understood in comparative perspective." He essentially contends that "how to broadcast power over sparsely settled lands" is the central issue that African state leaders must deal with. Specifically, "African leaders throughout history and space have encountered a number of obstacles that are comparable to one another when attempting to rule, and they frequently reach similar solutions to the concerns they have encountered. In this way, the state-building experience in Africa is very different from that in Europe, where "the growth of states was closely correlated with the development of significant urban areas." (Ibid.).

Somalia's state-building process. There is a dichotomy between the dominant European-based concept of the state and the Somalia conceptions of communitarianism in which the clan is a part (Zoppi 2018). Attempts to impose a centralized governing structure have caused the central government to have less control over the people. Governmental functions should be strictly limited since Somalia calls for a new approach to state-building that tries to work from the bottom-up (Kaplan 2010). Menkhaus (2014) observed that for decades, external efforts at state-building in Somalia have failed to revive a functional central government; that Somalis prefer negotiated arrangements to formal-legal rules and they are quite good at it; and that much of the things that are considered successful by the Somali community are actually the routine and recognition of informal governance rather than anything resembling a Weberian State Bureaucracy. Nonetheless, the top-down state-building project in Somalia has faced many pressures over the past two decades and it is allegedly unjustifiable to repeat such a major shortcoming. The state-building process of Somalia is not working and needs a major overhaul

due to the absence of empirical and analytical models that could determine the short, medium, and long-term prospects for state-building in Somalia (Mohamoud 2015). According to Menkhaus (2014), there are two competing schools of thought about Somalia's state-building and international assistance, the "Marshall Plan" and the "Social Contract". The Marshall Plan approach faces an obstacle as one of the most unequivocal findings in Political Science is that institution-building takes a very long time, at least a generation, in the best of circumstances, and the circumstances in Somalia are anything but ideal. "Priming the pump" of Europe's post-war economy via the Marshall Plan worked because those governments were already strong institutions. But the social contract approach also has its weaknesses when applied to Somalia. Menkhaus proposes a third option, a transitional strategy, that includes more support to municipalities as the source of the most practical, legitimate, and effective formal governance in Somalia. This strategy has the potential to help curb terrorism and crime.

A study by Hashi and Hock (2022) that reviews the paucity of existing literature on crisis leadership in the context of civic state building and clan federalism in Somalia found that the state-building process of Somalia is dominated by imported systems with little or no compatibility with the culture, beliefs and traditions of the country. Moreover, the study found that the negative impact of international community intervention is much more than its positive contribution to Somalia state-building. However, the study suggests that the true practices of Islam and the indigenous culture of Somalia should be an integral part of the state-building process without neglecting clan diversity. The study also concluded that the major obstacle of restoring Somalia State is today's clan-based federalism as it nurtures clan tensions, revives the stigma of civil war, leads to possible secession, and poor inter-state and intra-state relations. Finally the study suggests that there is a dire need for reforming both leadership and institutions in the country to restore and inculcate a sustained sense of nationalism and co-ownership badly damaged by the current federal model.

Results

Features of the federal -state intergovernmental relations in Somalia. Respondents' interpretation of the federal-state intergovernmental relationships within Somalia's federal institutions is that the federal and state apparatuses lacked sufficient provisions to clearly delineate their respective spheres of authority, had conflicting constitutions (federal and state), and had incompatible councils. The respondents emphasized that even inside the federal government, the federal president and his prime minister exhibit sequential, uncooperative work conduct as a result of the constitution's weak power division rules, which compounds the situation. This is due to the fact that the President and Prime Minister come from two different clans, neither of which wants to see the president nor prime minister's authority diminished. Some of the primary sources of contention, according to some responses, are the excessive number of replacements of the constitutional committee, the absence of a constitutional court that might interpret constitutional ambiguities that all succeeding leaders failed to produce, and the lack of federal laws made prior to the foundation of the federal system. "*The primary grounds of contention are that the constitutional committees are always removed and appointed new ones, there is no constitutional court which the successive presidents have never wished to establish, and it was before forming federal system, to be established enough provisions, which did not happen,*" one respondent stated (Ministry of Commerce, Jubbaland, June 2022). On the other hand, the fact that competent and qualified individuals are under-

represented in both federal and state legislative institutions, excessive international interference, and the incompatibility and incompleteness of the federal and state constitutions are some of the factors contributing to ongoing conflict. Additionally, some respondents cited a lack of agreement on a single federalism formula, the federal member states' structure being incompatible with the nature and setting of the nation, the member states' widely distributed and competing interests, international economic dependency, a lack of political maturity at all levels of government, and a lack of federalism debates among leaders as reasons for the conflict.

Compromised upper house. Many respondents concur that the upper house, which was created to represent the federal member states and play a significant role when such contentious inter-governmental relations between the federal and states occur, has fallen short of this duty for the following reasons: The relationship between the upper and lower houses of parliament was tense, especially under the previous administration. The upper house does not actually represent the state, but the state president who nominated the members, as it is new to the country and lacks sufficient provisions; the majority of its members are inept and unqualified. According to one respondent, "*The upper house is new to the country and therefore it has insufficient provisions; they are not qualified to do this duty and there are no good relationships between the lower and upper house while the upper house doesn't really represent the state but the state president, who appoints them.*" (Wamo Media, Jubbaland, June 2022). The few already-existing rules are not followed, as many responders have noted, despite the fact that there are hardly strict enough regulations to resolve the frequent federal-state disagreements. For instance, some respondents argued why disregarding the current rules is justified due to conflicts of interest between federal and state officials, and lack of an effective institution that adjudicates between opposing factions due to a lack of independent judiciary at both the federal and state levels. Other respondents observed that some Somali leaders believe the country's constitution and other laws were not formed inclusively and that they had little voice and input in it while others had a significant share, which undermines public trust in national laws. One person who participated in the interview said, "*Some politicians believe that since they did not contribute to the formulation of the constitution, they are not responsible for upholding the laws of the nation.*" (Badbaado Youth Club, South West, July 2022). They also concurred that there is no set model of power sharing at both federal and state levels and that the relationship is one between individuals rather than institutions. This is due to the federal system's lack of trust among even the working officials at both levels, let alone the general public, despite the fact that federalism was designed to foster trust.

Regarding the role of elites in ending these disputes, many respondents repeatedly stressed how elites, who were meant to comprehend the issue and offer answers, are influenced by average people who prioritize clan over national interest. Clan chiefs reign over elites, which renders them indifferent from non-elites. Since there is no freedom of speech in the country, especially in the states, elites are also not safe and may even face threats from political leaders if they make public comments to the populace that are not favored by the leaders. "*Elites are entangled with common people because they have security difficulties and are endangered if they publicly share their opinions, especially in states since they have no freedom of speech and protection from states,*" (Daha University Senior Lecturer, Benadir, July 2022). On the other hand, these respondents claimed that many people who had previously been regarded as morally upright had unavoidably transformed after joining the government system and became

worse than anyone else. As a result, respondents have suggested, since they are unable to effect change individually, the elites, including the educated class, religious authorities, and morally upright business people, should band together to form their own political parties. Respondents, however, have lessened the impact of ethical people joining the system on an individual basis, which made no contribution. *“Many excellent people, including those who are valued by their religion, have joined the system and turned out to be worse than warlords and corrupt politicians”* (University Senior Admin, Hirshabelle, July 2022).

Suitable models and future of Somalia’s federal-state IGRs. Respondents have been in sharp disagreement regarding the ideal model of intergovernmental relations for Somalia. According to some respondents, Somalia is already split and its federal and state institutions have fallen apart due to political unrest, making the cooperative model unworkable. One of the responders stated: *“Cooperation is not appropriate because Somalia is already competitive and fractured.”* (Hanan Business Company, Hirshabelle, July 2022). However, though unhealthy rivalry is widespread and federal institutions do not cooperate, some others have indicated that a cooperative approach should be used. Others have concurred that Somalia’s federal institutions operate according to the leaders’ personal interests rather than using either a competitive or cooperative model of intergovernmental cooperation. They advocated for institutions to cooperate in political spheres while competing in the provision of services like education, health care, and development in the fact that, the main barrier to the integration and collaboration of federal institutions, according to them, is the lack of a clear model of IGR. According to one interviewee, *“I believe that Absence of a described model of IGRs is the biggest cause of conflict; thus, states have far greater authority than necessary and each politician in the federal government defends the clan or the state he/she is from, not mediators and national representatives”*. (Ministry of Water & Minerals, Jubbaland, July 2022).

As long as the future of Somalia’s IGRs is concerned, responders believe that at the moment, federal and state authorities can scarcely cooperate until the notion that they own the state is dispelled. *“Given that there are no free and fair elections in the nation, federal and state leaders are unable to cooperate because they view themselves as owners rather than administrators of the state”, disputed by one respondent.* (Ministry of Health, Puntland, July 2022). According to certain politicians, they were responsible for establishing the current state and federal governments, and as such, they should be given special privileges including high-level jobs, projects, scholarships, and public property. One of the respondents made the explicit claim that *“certain Diaspora, business class, organized groups from clans and associations acquire money and political support from Arab countries and the world community, where they back the federal and state presidents and have tremendous influence in the federal system, which established a group termed owners of the state.”* (Ministry of Water and Minerals, Galmudug, July 2022). In this regard, some respondents have offered ideas for how these intergovernmental ties may be reformed. They suggested that states be granted political space to operate at the state level and that the federal government should adopt a national level, which would entail a clear power split. On the other hand, state presidents should leave matters of foreign policy to the federal government, uphold and strictly implement the few existing national laws, put a priority on issues of development, and refrain from engaging in politics at the national level. It is time to switch to rule-based politics from politics that is based on kinship, friendship, and acquaintance.

Factors hindering IGRs in Somalia. In a similar vein, all respondents agreed that the following factors made it impossible for the founders of the Somali federal system to foresee the necessity and significance of intergovernmental relations model. First, the majority of the conference attendees who formulated federalism were warlords with no prior experience with other forms of government. Second, it was common to find armed tribes, foreigners were heavily involved in the process, and creating some kind of state was prioritized over looking ahead to the future. The current federal leaders, at all levels, have, on the other hand, failed to develop a model that can work for them, according to the respondents, who concurred in that statement. The fact that the federal government is limited to the capital city of Mogadishu and the states in one city, neither level of the government decentralized the system. Leaders at all levels prioritize maintaining their position, not thinking nationally, which prevents having adequate IGR to be a priority for them. One of the respondents argued, *“Neither the two levels of the federal government decentralized the governing system as they largely think on regaining their political positions, nor leaving a legacy for our country.”* (Women Organization, August 2022).

Civic state-building. The respondents defined a “civic state” as a non-militarily occupied state whose rulers hold posts with the permission of the population, rather than through a coup, that is accountable to the society, that truly collects taxes, and that in exchange delivers the necessary services. According to their perception, the civic state is one in which the populace is given power, feels favor toward them, makes them feel a sense of ownership as well as competent, civilized, and with just institutions. All of the respondents agreed that development of all kinds flourishes when the IGR is positive, and vice versa, that development slows and things get difficult when the IGR is low. One respondent used the antagonistic IGR between the federal government and the Jubbaland state as an example, saying: *“Good example is the political conflict between the federal government and Jubbaland state, which ruined everything.”* (Ministry Director, Jubbaland, July 2022). The populace of Somalia is less nationalist, according to respondents, for a variety of reasons. They argued that the reason why there is less nationalism in Somalia is because the people did not have a good government that provides for them, hence they despise the word of government. Additionally, they claimed that revolution was taught in schools rather than nationalism during the military rule, and that people were forced to live under the influence of the state through taxes and other measures, leading them to despise the term of government. *“The state, I feel, is a burden to me since it constantly threatens me, prevents my access to the roadways, and forcibly steals money from my business under many guises because I have never encountered a good system of governance in my nation”*. (Medical Doctor, South West, June 2022).

Similar concerns about the danger of not having indigenous ways to state formation that reflect Somali culture, religion, and customs have been raised by interviewees. They agreed that the methods of state formation currently in use, including the federal system, are all imported and unnatural. They advocated for Somalis to create their own indigenous state, which they characterized as a state on which they could all agree. As they agreed, this indigenous state can only be found when Somalis invest in the process of constructing their own country rather than waiting for financial support from international communities, when civic-minded people, highly educated intellectuals with a wide range of knowledge, and affluent Somalis speak up for the country’s state development. Likewise when the Duopoly system of government (two sub clans of Hawiye and Daarod

dominating the presidency and premiership of the country) is to be removed and all eligible citizens are permitted to run for president and prime minister. *“In Somalia’s history, two families have alternated as president and prime minister, while the rest of the population has only watched. This has resulted in a system that is only open to two Royal Families, and there is no consensus within them. What’s worse is that only some lower sub-clans of these two families share these seats with one another, leaving others with limited space”.* (Religious Scholar, Puntland, August 2022).

The primary challenges to establishing a civic state in Somalia have been highlighted by the participants as follows: They contended that the biggest impediments to the development of a civic state are federalism with clan undercover, suspicion amongst clans, war criminals still operating within the system, a protracted civil war recovery, and an undue reliance on the international community. In addition, they mentioned clan politics as a significant barrier, as one respondent put it: *“In Hir-shabelle State, when the Beletweyne clan was granted the Presidency, they all backed the state, but when a president from Jowhar came to power, they switched into opposition to the state.”.* (Ministry Director, Hirshabelle, July 2022). The respondents also discussed the type of state they would like to see in their nation and said that a strong federal state with some powers delegated to member states, capable institutions, a fair judiciary, and open communication with member states is what they wanted to see in Somalia in the future.

Discussion

The main issues arising from the above findings can be summarized as constitutional limitations; impunity and contempt of the constitution; absence of elite solidarity and the formation of bad-tempered political associations; the absence of an agreed power sharing and IGRs mechanisms; lack of civic education and indigenization of state building.

Limitations, impunity and contempt of the constitution. The finding shows that both the federal and state apparatuses lack sufficient provisions in their respective constitutions and councils. This deficiency leads to a lack of power division regulations, resulting in sequential and uncooperative work behavior between the president and prime minister, even inside the federal government. This illustrates the ineffective intergovernmental relations that extend beyond the federal-state bureaucracy. According to the study, the upper house, which is meant to play a substantial role in settling these controversial intergovernmental relations (IGRs), has failed to do so. This failure is attributed to poor working relationships between the two houses, the upper house’s strong reliance on the state president who nominated its members, and the incompetence of the majority of its members. The absence of adequate provisions in the constitution and councils can have serious consequences for governance and the functioning of the state. The constitution is the fundamental legal framework that outlines the powers, structure, and constraints of the government. If it lacks proper provisions, it can result in ambiguities, loopholes, or insufficient instructions for decision-making and governance procedures. This can impede the effective functioning of both the federal and state apparatuses, affecting the government’s overall stability and effectiveness. The absence of power division rules in the constitution can contribute to tensions and power struggles within the federal government. Power division is essential for ensuring a system of checks and balances, preventing power concentration in a single individual or entity. When there are no clear regulations specifying the distribution of power between the president and prime minister, it can lead to

disputes, inefficiencies, and a lack of effective decision-making. This is in line with finding in Ethiopia that argued that there are gaps in the consistency, continuity, and effectiveness of the relationships as a result of the lack of a dedicated institution charged with fostering intergovernmental relations (IGR).

Similarly, this study supports the argument that the minimal federal-state IGR laws that are now in place are not honored and applied by both levels of the federal government, hence it validates the conclusions of study. This has been explained as a result of the existing leadership’s conflicts of interest, the absence of an independent judicial system at both levels, the lack of inclusive in national laws and institutions, the lack of an appropriate power-sharing formula, the reliance on personal relationships rather than institutional ones, and the lack of trust in the federal system among even the working officials at both levels, let alone the general public, in spite of the fact that federalism was intended to promote trust. This finding is consistent with study, which found that when the federalism idea is applied wrongly in a particular situation, such as one characterized by an authoritarian and undemocratic administration, it can have the exact opposite effect, encouraging racial rivalries and disagreements as well as the dissolution of national unity.

Absence of elite solidarity, formation of bad-tempered political associations and absence of an agreed IGRs mechanisms. The investigation also discovered that elites, who were expected to educate the populace about federalism, have been compromised by common people who value clan loyalty over the interests of the country. This is justified by the fact that there is no freedom of speech in the country, particularly in the states, and that elites are not safe and might even face threats from political leaders if they make public remarks to the populace that are disapproved by the leaders. According to the participants, it does not help the federal system at all if people of moral integrity join it separately since many people who were once thought of as morally upright unavoidably shifted after they joined the government system and became far worse than everyone else. As a remedy, the people acknowledge the benefits that result when morally upright business people, respected religious leaders, and ethically sound intellectuals come together to form their own political parties and take control of the nation’s government. This study has also found that there are individuals, referred to as “government owners” (Milkiilayaal) in the federal government and member states who feel that since they played a role in establishing the government and groomed its leaders, they should be granted special privileges such as high-level employment, projects, scholarships, and public property. This worsens the already fragile IGRs, and until this group is removed from the system, proper IGRs cannot be achieved. Research participants suggested that the state presidents should defer from the federal government in areas of foreign policy, and states be given political leeway to operate at the state level and that the federal government should adopt a national level. States should prioritize development issues; refrain from participating in international politics at the national level, and transition to rule-based politics from politics that is based on family, friendship, and acquisition of public resources. Both levels of the federal apparatus should uphold and strictly apply the few national laws that are already in place. This research supports argument that Somalia’s federal system needs to be reformed to make politics more inclusive, promote political free competition, and clarify the division of authority between the federal government and the regional states.

This study supports the argument that there is no effective agreed-upon model of power sharing and IGR between the

federal government and member states, which hinder any kind of advancement that may be made in the federal institutions. It also supports observation that the inability to come to an agreement on a power-sharing framework for the Somali federal system has delayed progress on all other issues of national importance, including security, stabilization, institution building, reconciliation, service provision, peace building, and resource mobilization. During this study, however, contradicting conclusions regarding the optimum model of IGRs in federal-state relations in Somalia were noted. It has been hotly disputed as to which of the IGR competitive or cooperative models is currently best suited for the federal government of Somalia. However, this study reveals that while government organizations may collaborate in the political sectors, they may compete in the delivery of services like development, health care, and education.

Civic education and indigenizing state building. This study found that Somalis viewed a “civic state” as a non-military state that is accountable to society, that actually collects taxes, and that in return for providing the necessary services, has rulers who hold office with the consent of the people rather than through a coup. A number of factors have contributed to Somalia’s population being less nationalist. During the prolonged military administration, revolution was taught in schools rather than nationalism, and Somali people lacked a good government that served the people and as a result, they hated the word government. This study has also shown how dangerous it is to neglect indigenous methods of state formation that take into account Somali culture, religion, and customs. The study supports earlier findings that suggested that methods of power sharing must be adapted to the political, historical, and local contexts and realities in the case that there is a contrast between the dominant European-based concept of the state and the Somali conceptions of communitarianism, of which the clan is a part (Hashi and Hock 2022; Zoppi 2018; Mohamoud 2015). However, the existing state formation processes including the federal system are all foreign and artificial. The results of this study are similar to those of Menkhaus (2014), who contends that external efforts at state-building in Somalia have failed for decades to restore a working central administration. According to the findings, Somalis can only achieve this indigenous state when they invest in the process of building their own country rather than waiting for financial assistance from international communities, when civic-minded people, highly educated intellectuals with a wide variety of knowledge, and wealthy Somalis speak out in favor of the nation’s state building as well as when the Duopoly style of government is to be abolished and all qualified people are allowed to compete for executive positions.

The Duopoly system is that only two Somali sub-clans (Hawiye and Darood) dominate the two highest positions of the country. The Hawiye and Darood clans are among Somalia’s biggest and most powerful clans. They have historically occupied substantial positions of authority and had a considerable presence in politics. For instance, the Hawiye clan has relations to powerful political personalities and organizations, including the United Somali Congress (USC) and its many factions. On the other hand, the Darood clan has had notable presence through political organizations including the Somali Patriotic Movement (SPM) and the Somali Salvation Democratic Front (SSDF). However, assigning the two the highest political positions of presidency and premiership has demoralized the other Somali clans and the national progress. This concern supports the earlier findings that advocated for the indigenization of the state building approaches of the country (Hashi and Hock 2022; Zoppi 2018; Mohamoud 2015). Therefore, the main obstacles to the formation of a civic

state in Somalia, as the respondents argued, include federalism with clan undercover, mistrust between clans, war criminals still active in the system, a protracted civil war recovery, an excessive reliance on the international community, and extreme clan politics. As part of its analysis, the study also learned that Somalis desire a strong federal state with some powers given to member states, competent institutions, an impartial judiciary, and open communication with member states.

Conclusion

In conclusion, this study has exposed the current legal framework that supports federalism in Somalia as weak. The country’s current legal provisions for regulating relations between the federal government and member states in the country has flaws due to notably insufficient organizational and constitutional institutions. Additionally, the regulations governing intergovernmental relations (IGRs) now in place are also not being successfully enforced by both levels of government. These flaws according to the findings, have a substantial impact on how well the federal government operates because they make it more difficult for the various tiers of government to cooperate in order to solve problems and accomplish shared objectives. For instance, they have contributed to inefficient public service delivery, duplication of effort, and conflicts over policy priorities. The study has also found that there are individuals, referred to as “government owners” (Milkilayaal in Somali) in the federal government and member states who feel that since they played a role in establishing the government and groomed its leaders, they should be granted special privileges such as high-level employment, projects, scholarships, and public property. The participants in the study suggests that there is no agreed-upon model of IGRs and power sharing in Somalia between the federal government and member states thus, hindering any kind of advancement that may be made in the federal institutions. This study has also shown how dangerous it is to neglect indigenous methods of state formation that take into account Somali culture, religion, and customs. Therefore, the main obstacles to the formation of a civic state in Somalia include, federalism with clan undercover, mistrust between clans, war criminals still active in the system, a protracted civil war recovery, an excessive reliance on the international community, and extreme clan politics. To address these shortcomings, the legal framework governing federal-state relations needs to be reviewed, the institutional capacity of the federal and member states to collaborate effectively also needs to be improved, and re-examining constitutional clauses, bolstering intergovernmental cooperation processes, and enhancing IGR legislation enforcement may all be necessary to achieve this.

This study is the first of its kind to examine the intergovernmental relationships between the federal government of Somalia and its member states, which is one of its major contributions. This study has contributed to our knowledge of Somalia’s governance dynamics and nation-building processes. Policy-makers and stakeholders can design ways to strengthen the federal system by understanding the dynamics of federal-state intergovernmental relations. These findings contribute to the broader discussion of state-building in fragile nations, providing insights into the unique challenges and opportunities that emerge in post-conflict settings. Furthermore, the research on federal-state intergovernmental relations and civic state-building in Somalia has implications beyond the country’s borders. Many other places across Africa confront similar governance issues, particularly in post-conflict and transitional scenarios. Researchers have derived useful lessons and best practices from analyzing the Somali experience, which can be used to inform efforts to solve comparable difficulties in other contexts. This research has the

potential to contribute to the global development of successful inter-governmental relations models, peace-building techniques, and inclusive state-building processes. However, peaceful nations should be tested instead of the study concentration on a nation with weak federal structures. Additionally, tests may be conducted in other non-federal states. Future researchers may look at how IGRs in Somalia federal-state apparatus have hindered the political, Economic and security developments in the country (Afesha 2016; Assefa 2006; Clapham et al. 2000; Taras 2002).

Data availability

All data generated or analyzed during this study are included in this published article (and its supplementary information files).

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Author contributions

The authors worked collaboratively to produce this article, contributing to the study conception and design. Data collection and writing of the initial data report was

performed by MBH. Data analysis and the writing of the article was performed by both authors. This final manuscript has been prepared collaboratively and proofread and edited by TB.

Competing interests

The authors declare no competing interests.

Ethical approval

This study was conducted in Somalia and according to Somalia regulations there is no requirement for ethical approval for such studies. If this were to apply then the researchers would have requested for the ethical approval from the relevant authorities.

Informed consent

Regarding informed consent, all the respondents were told in detail about what the study entails including the objectives of the study and the targeted interviewees before the interviews. All the interviewees accepted to participate in the study. This means they all gave their informed consent verbally before the interviewers could begin to interview them. Respondents were free to not participate if they desired; no respondent chose to do this.

Additional information

Supplementary information The online version contains supplementary material available at <https://doi.org/10.1057/s41599-023-02177-w>.

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