BUILDING FROM THE BOTTOM:
Political accommodation in Somalia at the regional and local levels
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EXECUTIVE SUMMARY

1. Introduction

For the first time in 20 years, the Somali people have the opportunity to rebuild governance arrangements across their country, which if done in a way that takes into account the perspectives of all stakeholders, can contribute to sustainable peace and development.

This Briefing Note aims to assist policy makers, local leaders, and community groups in developing and implementing regional and local governance arrangements that can effectively reconcile competing political interests and perspectives. The Briefing Note provides tools, frameworks, and examples relevant to interactions between federal member states and the federal government, much of which remain undefined under the Provisional Constitution of the Federal Republic of Somalia (“the Provisional Constitution”).

2. Political accommodation

The term political accommodation encompasses the objectives, arrangements, processes, and outcomes of mutual conciliation around people’s competing political interests and perspectives. Accommodation does not imply placation, appeasement, or buy-off among actors with different interests. Its objective is to reduce the potential for disputes and conflict through the development and implementation of effective and sustainable governance arrangements that reconcile the spectrum of concerns and views involved.¹

The political accommodation methodology consists of a typology of six interrelated governance areas – or “Strands” – and a series of steps to apply this framework. The six Strands shown in section 2.1 are:

1. Political structure and decentralization  
2. Electoral system  
3. Executive  
4. Legislative branch  
5. Public participation  
6. Traditional and customary arrangements

The importance of regional and local governance

Decentralized governance competencies can enable regional and local governments to maintain closer connections to their constituencies, allowing for increased local participation in governance, decision making, use of resources, etc. At the same time, multiple-level governance arrangements can create inefficiencies, regional cleavages, corruption, etc. It is thus important to carefully plan and implement political accommodation at regional and local levels to facilitate greater inclusion and representation of all views and voices.

3. The frameworks created by the Provisional Constitution (2012)

Section 3 examines the frameworks created in the Provisional Constitution. As communities begin consolidating and integrating into federal structures, a better understanding of the existing legal frameworks and arrangements will help to identify areas for cooperation, collaboration, and political accommodation. This section uses the six Strands to highlight provisions of the Provisional Constitution related to political accommodation at the regional and local governance levels.

¹ The definition of political accommodation provided here is adapted from that presented in: Brian Barry, “Political Accommodation and Consociational Democracy,” British Journal of Political Science 5, no. 4 (Oct. 1975): 477 – 505.
POLITICAL STRUCTURE AND DECENTRALIZATION: The Provisional Constitution establishes the preliminary framework for a federal system, but leaves for future negotiations the fundamental aspects of how the federal system will work, including how the federal government and the federal member states will divide competencies and resources.

ELECTORAL SYSTEM: The Provisional Constitution provides that the House of the People and the Upper House are to be elected directly by the people, and that the president is to be elected by the Houses of Parliament. The Provisional Constitution does not select any particular electoral model and it does not address elections within federal member states or at regional and local levels.

EXECUTIVE: The Provisional Constitution establishes areas of cooperation between the federal executive and the executives of the federal member states. The Provisional Constitution does not set out executive structures or arrangements at the federal member state level.

LEGISLATIVE BRANCH: The Provisional Constitution establishes a bicameral legislature, with an Upper House that represents federal member states. It does not set out provisions on the composition, arrangements, or status of federal member state legislatures.

PUBLIC PARTICIPATION: The Provisional Constitution primarily provides for public participation through electoral representation. It does not set out particular public participation provisions at regional and local levels.

TRADITIONAL AND CUSTOMARY ARRANGEMENTS: The Provisional Constitution includes traditional elders in the Truth and Reconciliation Commission and provides that “dialogue amongst traditional leaders, and the protection and development of traditional law” are matters that will require cooperation among the federal member states.


Puntland is an example of an established federal member state within Somalia. Section 4 examines the provisions of the Puntland Constitution (2009) and Puntland’s law, in order to examine how a federal member state could be established, and develop opportunity areas for political accommodation between the federal government and federal member states. Observations within Section 4 are organized by Strand and include the following:

POLITICAL STRUCTURE AND DECENTRALIZATION: The Puntland Constitution recognizes Puntland as a constituent part of a federal Somalia. Within the state, Puntland has adopted a modified parliamentary model, which maintains a president (elected by parliament) with a council of ministers, a unicameral legislature, and a judiciary. Regional and district governance responsibilities are delineated by the Puntland Constitution.

ELECTORAL SYSTEM: At the time of writing, Puntland is preparing for its first round of popular elections. Local council elections are scheduled for mid-2013, parliamentary elections in late October, those for speaker and deputy speaker in December, and presidential elections in early January 2014.

EXECUTIVE: The Puntland Constitution establishes a modified parliamentary structure in which the president is elected by parliament and subject to removal by a two-thirds majority in parliament. The council of ministers is also subject to a parliamentary vote of confidence.

LEGISLATIVE BRANCH: The House of Representatives’ primary function is to pass the laws of the state of Puntland. It also has responsibilities with respect to war and peace treaties, foreign bor-
rowing, and international agreements; these may ultimately fall under the powers of the federal government of Somalia once the federal member states are formed and negotiations on the division of powers are undertaken.

PUBLIC PARTICIPATION: At the time of writing there is a distinct lack of public participation in the governance systems of Puntland. As elections approach, it is expected that public participation will increase both within party politics and through the electoral process.

TRADITIONAL AND CUSTOMARY ARRANGEMENTS: Traditional and customary arrangements are deeply imbedded in Puntland’s informal governance and are recognized, to some degree, in the Puntland Constitution. Elders have formal dispute resolution powers and customary law is officially incorporated into Puntland’s legal system. Islam is the state religion, and religious officials have dispute resolution competencies for disputes arising within the context of Islam.

5. Opportunity areas

Section 5 highlights opportunity areas for political accommodation between the federal government and federal member states. The provisions and arrangements established by the Provisional Constitution and the legal and constitutional frameworks of Puntland identify specific areas that present unique opportunities to accommodate political views and interests between the federal government and the federal member states. While these opportunity areas are formulated through a comparison of the Provisional Constitution and the Puntland Constitution, they are applicable to all emerging federal member states, not just to relations between Puntland and the federal government.

6. Case studies

Case studies of other contexts provide technical building blocks within the political accommodation framework and are used to present practical examples of political accommodation. The case study contexts are not intended to be analogous to the situation in Somalia and do not represent recommended governance arrangements. Rather, the case studies highlight relevant and interesting examples of political accommodation.

Case studies presented in this Briefing Note include nuanced technical arrangements that reflect different approaches to political accommodation at regional and local levels of government and between the national government and regional and local governments. The tables included present existing arrangements related to political accommodation, specifically in the context of decentralized governance. While the case studies presented here identify interesting arrangements for political accommodation, each also has specific relevance to Somalia.

ETHIOPIA – REGION 5: Of note within the Ethiopian governance systems and arrangements is the constitutional clause on self-determination and secession for nations, nationalities, and peoples; the ability of nations, nationalities, and peoples to establish parallel regional and local councils; the country’s inclusion of traditional elders in regional and local governance; and the federal division of competencies.

SWITZERLAND: The Swiss federation uses a highly decentralized federal formula, with a high level of cantonal autonomy, and a unique executive arrangement.

INDONESIA: The Indonesian case study is noteworthy because of the country’s asymmetric approach to regional governance.
**BOTSWANA:** The case study is relevant because of its extensive traditional and customary arrangements, including clan elders and systems of traditional law.

**MALAYSIA:** The case study pertains to Somalia because of the nation's asymmetric and clear approach to regional and local governance, in addition to the incorporation of traditional and customary arrangements into regional and federal governance structures.

7. Conclusion

The existing arrangements, opportunity areas, and case studies presented in this Briefing Note are intended to contribute to a discussion on possible options for political accommodation at, and among local, regional, and federal levels of government. The sections are designed to feed into a constructive discussion on the Somali people’s priorities and interests, in order to begin a process of developing arrangements for political accommodation. The frameworks for political accommodation can contribute to stable processes of local and regional development, which are inclusive of all political views and perspectives.

The information within this Briefing Note will continue to be refined after further consultations with interlocutors throughout Somalia.
1. Introduction

For the first time in 20 years, the Somali people have the opportunity to rebuild governance arrangements across the country, which if done in a way that takes into account the perspectives of all stakeholders, can contribute to sustainable peace and development.

This Briefing Note aims to assist policy makers, local leaders, and community groups in developing and implementing regional and local governance arrangements that can reconcile competing political interests and perspectives. The Briefing Note provides tools, frameworks, and examples relevant to interactions between federal member states and the federal government, much of which remain undefined in the Provisional Constitution of the Federal Republic of Somalia ("Provisional Constitution").

Using the tools of political accommodation, this Briefing Note highlights articles in the Provisional Constitution relevant to interactions between the regional and local governments and the federal government. An analysis of existing governance arrangements in Puntland identifies opportunity areas for political accommodation within legal frameworks at the regional and federal levels, as well as between these levels.

The interim nature of the Provisional Constitution allows for arrangements and systems within the federal government to evolve and meet the emerging needs in the Somali context. The development of the future constitution will be informed by the experiences of creating governance arrangements to meet the immediate and practical needs of the Somali constituencies. This provides an opportunity for advancing political accommodation and developing arrangements that are inclusive of competing interests.

The Briefing Note is intended to facilitate discussions on the existing arrangements and on the priorities and interests of actors and groups, allowing for the development of technical arrangements at all levels of governance and between these levels and the federal government.

1.1 Context

Somalia has a new government and constitution, and significant regions of the country formerly controlled by forces in opposition to the government are now accessible. These newly accessible areas present both an opportunity and a challenge, as they are vulnerable to power contests among clans, warlords, political groups, and others.

The federal government has presented a range of ideas focused on developing a transitional process, during which districts and regions will consolidate to form federal member states. At the same time, a number of locally and regionally led initiatives have started working toward reestablishing governance arrangements. These two approaches to regional and local governance development are not coordinated. However, the initiatives share a goal of achieving lasting peace within the frameworks of the Provisional Constitution.

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Multiple challenges surrounding continued security and political development risk “derailing” the current regional and local governance development processes. Armed groups continue to operate in rural areas. Discussions on regional integration remain volatile. The Provisional Constitution, as well as regional negotiations on governance structures and frameworks, present opportunities to develop political arrangements that accommodate a spectrum of political interests and views, in order to reduce violent conflict.
2. Political Accommodation

The term political accommodation encompasses the objectives, arrangements, processes, and outcomes of mutual conciliation around people’s competing interests and perspectives. Accommodation does not imply placation, appeasement, or buy-off among actors with different interests. The objective is to reduce the potential for conflict through the development and implementation of effective and sustainable governance arrangements that reconcile the spectrum of interests and perspectives.\(^3\)

2.1 A structured approach to political accommodation

The political accommodation methodology consists of a typology of six interrelated governance areas – or “Strands” – and a series of steps to apply this framework. The six Strands, shown in Figure 1, are:

1. **Political structure and decentralization** – consists of arrangements relating to the overall structure of the governance system and the level of decentralization within the system.

2. **Electoral systems** – includes arrangements relating to: forms of representation; systems for translating voters’ preferences into electoral outcomes; and electoral institutions and processes that can make elections an effective tool for political accommodation.

3. **Executive** – consists of arrangements relating to the executive branch of a governance system, including the civil service.

4. **Legislative branch** – encompasses arrangements relating to the structural and functional features of the legislative branch.

5. **Public participation** – encompasses arrangements that can facilitate public participation in political affairs on an ongoing basis.

6. **Traditional and customary arrangements** – consists of arrangements for conciliation of political interests that have evolved through practice or from traditions.

These six Strands underpin arrangements for political accommodation as a way of building governance frameworks that promote peace. Rather than revealing all-encompassing solutions across every Strand, this typology offers a tool for creating new combinations, as well as a diagnostic mechanism to identify opportunities for the most effective accommodation of interests.

The typology offers a comprehensive approach to assess the mechanisms of governance and gives a broad picture of how the system functions as a whole.

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\(^3\) The definition of political accommodation provided here is adapted from that presented in: Brian Barry, “Political Accommodation and Consociational Democracy,” *British Journal of Political Science* 5, no. 4 (Oct. 1975): 477 – 505.
2.2 The importance of regional and local governance

Decentralized governance competencies can allow regional and local governments to maintain closer connections to their constituencies. This can increase local participation in governance, decision making, use of resources, etc. At the same time, multiple-level governance arrangements can create inefficiencies, regional cleavages, corruption, etc. Thus, it is important to carefully plan and implement political accommodation at regional and local levels to facilitate greater inclusion and representation of all views and voices. This can include:

- Developing arrangements that can ensure more equitable political representation and equitable decision making influence at the regional and local levels.
- Focusing on politically accommodating interactions between the regional and local levels and the national level, in order to establish federal member states’ access to political representation and decision making at the national level.
3. The Framework Created by the Provisional Constitution (2012)

The Provisional Constitution creates the framework for a federal republic, which is intended in the future to incorporate multiple federal member states. As communities begin to consider how to develop and implement effective governance arrangements and integrate where there is a mutual advantage, an increased understanding of the existing legal frameworks will help identify areas for cooperation and political accommodation. This section utilizes the six Strands to highlight provisions in the Provisional Constitution related to political accommodation at regional and local governance levels.

3.1 Political structure and decentralization

The Provisional Constitution establishes a federal system formed by the national government, referred to as the federal government, and the first tier of decentralized governance, referred to as the federal member states. The Provisional Constitution establishes the preliminary framework for a federal system, but leaves for future negotiations the fundamental aspects of how the federal system will work, including how the federal government and the federal member states will divide competencies and resources.

<table>
<thead>
<tr>
<th>Select provisions – Political structure and decentralization</th>
<th>Source</th>
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<tbody>
<tr>
<td>ARTICLE 48 – THE STRUCTURE OF THE STATE</td>
<td>PC 2012⁵ - 48</td>
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<tr>
<td>(1) In the Federal Republic of Somalia, the state is composed of two levels of government:</td>
<td></td>
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<tr>
<td>(a) The Federal Government Level;</td>
<td></td>
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<tr>
<td>(b) The Federal Member States Level, which is comprised of the Federal Member State government, and the local governments.</td>
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<tr>
<td>(2) No single region can stand alone. Until such time as a region merges with another region(s) to form a new Federal Member State, a region shall be directly administered by the Federal Government for a maximum period of two years.</td>
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<tr>
<td>ARTICLE 49 – THE NUMBER OF BOUNDARIES OF THE FEDERAL MEMBER STATES AND DISTRICTS</td>
<td>PC 2012 - 49(1), (6)</td>
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<tr>
<td>(1) The number and boundaries of the Federal Member States shall be determined by the House of the People of the Federal Parliament.</td>
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<tr>
<td>(6) Based on voluntary decision, two or more regions may merge to form a Federal Member State.⁶</td>
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<td>ARTICLE 54 – ALLOCATION OF POWERS</td>
<td>PC 2012 - 54</td>
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<tr>
<td>The allocation of powers and resources shall be negotiated and agreed upon by the Federal Government and the Federal Member States (pending the formation of Federal Member States), except in matters concerning: (A) Foreign Affairs; (B) National Defense; (C) Citizenship and Immigration; (D) Monetary Policy, which shall be within the powers and responsibilities of the Federal Government.</td>
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<tr>
<td>ARTICLE 120 – INSTITUTIONS OF THE FEDERAL MEMBER STATES</td>
<td>PC 2012 - 120</td>
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<tr>
<td>The establishment of the legislative and executive bodies of government of the Federal Member States is a matter for the Constitutions of the Federal Member States.</td>
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⁴ Provisional Constitution – Articles 3.3 and 48.1.
⁵ “PC 2012” refers to the Provisional Constitution of the Federal Republic of Somalia.
⁶ According to the Provisional Constitution, the 18 regions in the Somali Republic that existed prior to the collapse of the national government in 1991 is the basis for the formation of the new federal member states – Provisional Constitution - Article 49(5).
ARTICLE 142 – EXISTING FEDERAL MEMBER STATES IN SOMALIA

(1) Until such time that all the Federal Member States of Somalia are established and the adopted Federal Member State Constitutions are harmonized with the Somali Federal Constitution, the Federal Member States existing prior to the provisional adoption of this Provisional Constitution by a National Constituent Assembly shall retain and exercise powers endowed by their own State Constitution.

(2) Existing Federal Member States must be consulted in the decision making process regarding the federal system, and security arrangements.

The division of governance powers and revenue and resource sharing between the federal government and the federal member states is not defined in the Provisional Constitution. The constitution states that they will be negotiated at a future date.\(^7\)

Boundary demarcation is considered a conflict “pressure point” due to the likelihood of disagreement on the issue.\(^8\) Many communities are declaring their own mini-states in an attempt to claim their “own space.” This desire for political control creates unrealistic and unmanageable territorial and political divisions at the local level. Therefore, the process of boundary demarcation will require consultations to ensure that all parties’ interests are accommodated.

The House of the People is responsible for making the final decision and formalizing the demarcation of federal member states.\(^9\) While its decision is to be based on the recommendations of the Boundaries and Federation Commission (that it appoints), the federal legislative branch plays a central role in establishing the regional and local structures.

The federal government envisions a bottom-up process of federal member state formation: first, district administrations will be formed; then district administrations will negotiate with neighboring districts to establish regional structures and administrations; and finally, regions will negotiate with one another to form federal member states. The sequencing envisioned by the government is represented in Figure 2 below. Competing processes of district, region, and federal member state formation also exist. The House of the People is empowered to recognize districts, regions, and federal member states.

According to Article 142, Puntland falls under the category of a pre-existing federal member state. Until the other federal member states are formed, Puntland retains the powers set out in its constitution. Article 142 appears to envision negotiations about powers and resources between the federal government and the federal member states (under Article 54) taking place once all federal member states are formed. Additionally, it seems that the negotiations about the allocation of powers would apply to all federal member states, even to pre-existing member states such as Puntland.

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\(^7\) Provisional Constitution - Articles 44 and 54.


\(^9\) Provisional Constitution – Article 49(1).
Security arrangements are important considering the current dynamics in Somalia. Therefore, the division and sharing of security-related competencies, responsibilities, and decision making powers among governance levels require special attention.

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<th>Select provisions – Security arrangements</th>
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<td><strong>ARTICLE 126 – SECURITY OF THE FEDERAL REPUBLIC OF SOMALIA</strong>&lt;br&gt;(3) The armed forces of the Federal Republic of Somalia have the mandate to guarantee the sovereignty and independence of the country and to defend its territorial integrity.&lt;br&gt;(4) The federal police force has the mandate to protect the lives and property, the peace and security of the citizens and other residents of the Federal Republic of Somalia.&lt;br&gt;(5) The police forces established by the laws of the Federal Member States have the mandate to protect lives and property and preserve peace and security locally, alone or in cooperation with the federal police force.&lt;br&gt;(6) The armed national security agencies shall be controlled by civilian agencies.</td>
<td>PC 2012 - 126(3), (4), (5)</td>
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<tr>
<td><strong>ARTICLE 130 – SECURITY AGENCIES LAWS</strong>&lt;br&gt;The two Houses of the Parliament shall enact a law governing the structure, functions and levels of the security agencies of the Federal Republic of Somalia.</td>
<td>PC 2012 - 130</td>
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In post-conflict and conflict environments, control, oversight, and ownership of security forces are central to achieving public confidence and sustaining peace. The division of powers between the federal government and the newly established federal member states with respect to internal peace and security will need to be negotiated under Article 54. The Provisional Constitution provides that matters of national security will fall to the federal government (Article 54 and Article 126(5)) and appears to envisage that federal member states will form their own police forces for local peace and security, which will collaborate with a federal police force.

It is not clear what will happen with the existing military forces such as the military forces of Puntland. Recent agreements between Puntland and the federal government call for integration of Puntland’s army into the national forces. These issues will need careful consideration as the new federal structures are established.

The Provisional Constitution establishes various institutions and commissions to encourage cooperation between the federal government and the federal member states.

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<tr>
<th>Select provisions – Cooperative institutions and independent commissions</th>
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<td><strong>ARTICLE 51 – COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS LEVELS OF GOVERNMENT IN THE FEDERAL REPUBLIC OF SOMALIA</strong>&lt;br&gt;(5) A law passed by the Federal Parliament shall regulate:&lt;br&gt;(a) The establishment of institutions and guidelines that shall facilitate interaction between the various levels of government; and&lt;br&gt;(b) The establishment of guidelines that will facilitate the resolution of disputes between the various levels of government without resorting to court.</td>
<td>PC 2012 - 51(5)</td>
</tr>
<tr>
<td><strong>ARTICLE 52 – COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS FEDERAL MEMBER STATE GOVERNMENTS</strong>&lt;br&gt;(2) Federal Member States may enter cooperative agreements amongst themselves or with the Federal Government, which shall not contradict the national Constitution and the constitutions of the Federal Member States concerned, and may not be legally binding.(^\text{10})</td>
<td>PC 2012 - 52(2)</td>
</tr>
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</table>

\(^{10}\) Cooperative relationships stated in Article 52 of the Provisional Constitution can be established on the following issues: water sources; agriculture; animal husbandry; pasture and forestry; the prevention of erosion and the protection of the environment; health; education; relations and dialogue among traditional leaders, and the protection and development of traditional laws; relations among religious scholars; and youth.
The extent to which these bodies ensure cooperative relationships depends on the laws the federal parliament passes to implement these provisions (especially Articles 52, 111, 111F). The Inter-state Commission has the potential to play an important role in resolving disputes between the federal government and the federal member states.

Given that most of the fundamental issues regarding federal member states are not yet decided – including how many there will be, what their boundaries will be, and what powers and resources they will have – it is not yet clear whether the federation will be highly centralized, highly decentralized, or something in between. This will be determined in large part by how federal member states are formed and what powers and resources they are allocated. It is also not yet clear whether the model chosen will promote equitable political representation and equitable decision making at the regional and local levels.

### 3.2 Electoral system

The Provisional Constitution provides that the House of the People and the Upper House be elected directly by the people, and that the president be elected by the Houses of Parliament. The Provisional Constitution does not select any particular electoral model and does not address elections within federal member states or at regional and local levels.
**ARTICLE 72 – THE NUMBER OF MEMBERS OF THE UPPER HOUSE OF THE FEDERAL PARLIAMENT**

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 (54) members based on the eighteen (18) regions that existed in Somalia before 1991, and on the following:

(a) The number of Federal Member States of the Federal Republic of Somalia;
(b) That all Federal Member States shall have an equal number of representatives in the Upper House of the Federal Parliament; and
(c) That the members of the Upper House of the Federal Parliament shall be representative of all communities of the Federal Republic of Somalia.

**ARTICLE 89 – ELECTION OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF SOMALIA**


**ARTICLE 111G – NATIONAL INDEPENDENT ELECTORAL COMMISSION**

(1) There shall be established a National Independent Electoral Commission, established under the Constitution…

(2) The mandate of the National Independent Electoral Commission includes: (a) The conduct of presidential elections;
(b) The conduct of Federal Parliament elections;
(c) The continuous registration of voters and revision of the voter’s roll;
(d) The registration of candidates for elections;
(e) The delimitation of constituencies and wards;
(f) The regulation of the political party system;
(g) The settlement of electoral disputes;
(h) The facilitation of the observation, monitoring and evaluation of elections;…

Direct national elections have not been held in Somalia since the 1980s. Instead, clan-based selection processes have been used to appoint representatives to the federal parliament. It is unclear when direct electoral processes might be envisaged at the federal level, despite the requirements set out in the Provisional Constitution. Many practical considerations, including further consolidation of security and the selection of an electoral model need to be resolved before direct elections can take place. The choice of electoral model (e.g., proportional, majoritarian) will have a large impact on how inclusive and accommodating the elections will be.

There are no provisions in the Provisional Constitution that set out an electoral system or process within the federal member states. It is assumed that these systems and processes will be regulated by the federal member state constitutions. The National Independent Electoral Commission that is to be created under Article 111G is to conduct presidential and federal elections, but is not given powers to conduct federal member state, regional, or local elections. It is not clear whether it is intended to have a mandate in delimiting federal member state constituencies or facilitating the monitoring of federal member state elections. This would need to be clarified during the negotiations between the federal government and federal member states.

### 3.3 Executive

The Provisional Constitution establishes areas of cooperation between the federal executive and the executives of the federal member states. The Provisional Constitution does not set out executive structures or arrangements for federal member states.
ARTICLE 51 – COLLABORATIVE RELATIONSHIPS BETWEEN THE VARIOUS LEVELS OF GOVERNMENT IN THE FEDERAL REPUBLIC OF SOMALIA

(3) In order to ensure the existence and development of cooperative federal relations, an annual conference of Executive heads of the Federal Government and the Federal Member State governments shall regularly be convened, so as to discuss and agree on:

(a) Strengthening national unity;
(b) Security and peace of the country;
(c) National socio-economic development, and common market policies of the country;
(d) Promotion of the wealth of the people; and
(e) Information sharing.

ARTICLE 52 – COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS FEDERAL MEMBER STATE GOVERNMENTS

(1) The Federal Government and Federal Member State governments shall ensure that meetings between the Presidents of the Federal Member States and high ranking officials be held regularly to discuss issues that affect their territories, including:

(a) Water sources;
(b) Agriculture;
(c) Animal husbandry;
(d) Pasture and forestry;
(e) The prevention of erosion and the protection of the environment;
(f) Health;
(g) Education;
(h) Relations and dialogue amongst traditional leaders, and the protection and development of traditional law;
(i) Relations amongst religious scholars; and
(j) Youth.

ARTICLE 120 – INSTITUTIONS OF THE FEDERAL MEMBER STATES

The establishment of the legislative and executive bodies of government of the Federal Member States is a matter for the Constitutions of the Federal Member States.

Article 48 provides that until new federal member states are formed, regions are to be directly administered by the federal government. The Provisional Constitution does not, however, set out a process for creating executive structures in new federal member states, nor does it provide any guidance on the type of executive structure federal member states should adopt (e.g., governing council, governors, prime ministers, etc.). In Article 120, it emphasizes that the governance structures in federal member states will be a matter for the constitution of each federal member state.

3.4 Legislative branch

The Provisional Constitution establishes a bicameral legislature, with an Upper House that represents federal member states. It does not set out provisions on the composition, arrangements, or status of federal member state legislatures.

ARTICLE 71 – THE UPPER HOUSE OF THE FEDERAL PARLIAMENT

The Upper House of the Federal Parliament represents the Federal Member States, and its legislative duties include:

(a) Participation in the process of the amending the Constitution, in accordance with Chapter 15;
(b) Passing, amending, or rejecting the laws that are tabled before it in accordance with Articles 80-83;
(c) Study of laws delegated to it in accordance with Article 80-83;
(d) Participation in the election of the President of the Federal Republic in accordance with Article 89;
(e) Dismissal of the President in accordance with Article 92;
(f) Participation in the process of declaring war in accordance with the Constitution;…

**ARTICLE 80 – INITIATING NEW LAWS**

(2) Draft legislation may be proposed to the Upper House of the Federal Parliament by:
(a) At least one representative of a Federal Member State; or
(b) Any committee of the Upper House of the Federal Parliament.

**ARTICLE 82 – DRAFT LAWS INITIATED IN THE HOUSE OF THE PEOPLE OF THE FEDERAL PARLIAMENT**

(4) When the House of the People of the Federal Parliament receives a draft law that has been amended by the Upper House of the Federal Parliament it can do either of the following:
(a) To accept the amendment on the draft law, and then submit it to the President of the Federal Republic of Somalia for his signature, and its publication in the Official Gazette; or
(b) To reject the amendment and over-rule the decision of Upper House of the Federal Parliament through a two-thirds (2/3) majority vote of the total membership of the House of the People of the Federal Parliament, and then submit it to the President of the Federal Republic of Somalia, for his signature, and its publication in the Official Gazette.

**ARTICLE 83 – DRAFT LAWS INITIATED IN THE UPPER HOUSE OF THE FEDERAL PARLIAMENT**

(6) When the House of the People of the Federal Parliament receives a draft law that it has amended or rejected, and its decision has been over-ruled by the Upper House of the Federal Parliament, it may do either of the following:
(a) To over-rule the decision of the Upper House of the Federal Parliament by a two-third (2/3) majority vote of the total membership of the House of the People of the Federal Parliament, and drop the draft law; or
(b) To accept the decision of the Upper House of the Federal Parliament, and submit the draft law to the President of the Federal Republic for his signature and its publication in the Official Gazette.

In practice, the Upper House of the Federal Parliament has not been established as of June 2013. Until the Upper House is formed, there is minimal representation of the federal member states in the federal legislature. Once formed, it is envisioned that the Upper House will represent the interests of the federal member states. It can initiate draft laws on all topics other than constitutional change and the annual budget and can review all draft laws proposed by the House of the People. Ultimately, its position on draft laws can be overruled by a two-thirds majority vote in the House of the People (see Articles 82 and 83). Depending on how collaborative the two Houses are, and whether a two-thirds majority is easy or hard to achieve in the House of the People, these provisions might result in a dominant House of the People, or legislative deadlock.

As discussed in the executive Strand, the creation of federal member state legislative structures will ultimately be a matter for the federal member state constitutions.
3.5 Public participation

The public participation Strand identifies arrangements to achieve the conciliation of political interests and perspectives through avenues other than elections. The Provisional Constitution provides few forms of public participation beyond elections. The Provisional Constitution does not set out any form of public participation provisions at regional and local levels.

<table>
<thead>
<tr>
<th>Select provisions – Public participation</th>
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<tbody>
<tr>
<td><strong>ARTICLE 3 – FOUNDING PRINCIPLES</strong></td>
<td></td>
</tr>
<tr>
<td>(5) Women must be included, in an effective way, in all national institutions, in particular all elected and appointed positions across the three branches of government and in national independent commissions.</td>
<td>PC 2012 - 3(5)</td>
</tr>
<tr>
<td><strong>ARTICLE 46 - THE POWER OF THE PEOPLE</strong></td>
<td></td>
</tr>
<tr>
<td>(1) The power of self-governance begins and ends with the people, who have the power, where necessary, to hold public institutions and public servants accountable.</td>
<td>PC 2012 - 46</td>
</tr>
<tr>
<td>(2) The public representation system shall be open and shall give everyone the opportunity to participate. Its procedures and rules shall be simple and understandable.</td>
<td></td>
</tr>
<tr>
<td>(3) The people’s representation system shall be able to satisfactorily and reasonably prevent any crises that may arise as a result of political contests and election results.</td>
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</tbody>
</table>

In practice, the importance of public participation is recognized through the planned and ongoing processes of bottom-up local and regional governance development advocated by the federal government. These processes involve consultations with communities, principally through traditional structures, local authorities, peace committees (where they exist), existing political movements, and civil society.

3.6 Traditional and customary arrangements

The Provisional Constitution is ambiguous on how existing traditional and customary arrangements will be integrated into the formal governance structures of the federal government and the federal member states.

<table>
<thead>
<tr>
<th>Select provisions – Traditional and Customary Arrangements</th>
<th>Source</th>
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</thead>
<tbody>
<tr>
<td><strong>ARTICLE 52 – COOPERATIVE RELATIONSHIP BETWEEN THE VARIOUS FEDERAL MEMBER STATE GOVERNMENTS</strong></td>
<td></td>
</tr>
<tr>
<td>(1) The Federal Government and Federal Member State governments shall ensure that meetings between the Presidents of the Federal Member States and high ranking officials be held regularly to discuss issues that affect their territories, including: (a) Water sources; (b) Agriculture; (c) Animal husbandry; (d) Pasture and forestry; (e) The prevention of erosion and the protection of the environment; (f) Health; (g) Education; (h) Relations and dialogue amongst traditional leaders, and the protection and development of traditional law; (i) Relations amongst religious scholars; and (j) Youth.</td>
<td>PC 2012 - 52(1)</td>
</tr>
</tbody>
</table>
The Provisional Constitution includes traditional elders in the Truth and Reconciliation Commission and provides that “dialogue among traditional leaders, and the protection and development of traditional law” are matters that will require cooperation among the federal member states. Traditional and customary elders will be consulted within the process of district and regional administration formation, according to the Ministry of Interior’s plans for bottom-up administration development.

It is thought that the Upper House of Parliament could address traditional and customary arrangements once it is established (potentially building upon the example of Somaliland).

Puntland is an example of an established entity within Somalia. Puntland has achieved a significant level of stability and is one example for communities to consider when forming future federal member states. The Constitution of the Puntland State of Somalia (Puntland Constitution) recognizes Puntland as a constituent part of a federal Somalia.11

4.1 Political structure and decentralization

Puntland has adopted a modified parliamentary model, comprised of a president (elected by parliament) with a council of ministers, a unicameral legislature, and a judiciary. Regional and district governance responsibilities are delineated by Puntland’s constitution.

<table>
<thead>
<tr>
<th>Summary of select provisions – Political structure and decentralization12</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARTICLE 4 - SYSTEM OF GOVERNANCE</strong></td>
<td></td>
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<tr>
<td>(2) The powers that Puntland State shall cede to the Federal Government of Somalia and those that will be preserved shall be determined through negotiation between the Federal Government of Somalia and Puntland State and shall be set out in the Federal Constitution of Somalia and the Puntland State Constitution.</td>
<td>Punland Const. 2009 - 4(2), (3)</td>
</tr>
<tr>
<td>(3) Pending the completion of the Federal Constitution, ratified by Puntland, and approved by popular referendum, Puntland State shall have the status of an independent state.</td>
<td></td>
</tr>
<tr>
<td><strong>ARTICLE 56 - FORM OF GOVERNMENT</strong></td>
<td></td>
</tr>
<tr>
<td>The form of government of Puntland shall be parliamentary; the President and Vice-President shall be elected by the parliament.</td>
<td>Punland Const. 2009 - 56</td>
</tr>
<tr>
<td><strong>ARTICLE 120 - DECENTRALIZATION OF REGIONAL AND DISTRICT ADMINISTRATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>(1) The system of administration of Puntland State shall be based on decentralization.</td>
<td>Punland Const. 2009 - 120(1), (5)</td>
</tr>
<tr>
<td>(5) The demarcation of the administrative and taxation powers between the Puntland central government, regions and districts shall be defined by special law.</td>
<td></td>
</tr>
<tr>
<td><strong>ARTICLE 121 - POWERS AND RESPONSIBILITIES OF THE REGIONAL GOVERNOR</strong></td>
<td></td>
</tr>
<tr>
<td>(1) The government shall appoint a governor and deputy governors for each region.</td>
<td>Punland Const. 2009 - 121</td>
</tr>
<tr>
<td>(2) The powers and responsibilities of the regional governors shall be as follows:</td>
<td></td>
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<tr>
<td>(a) The regional governor shall be the head of the government in the region and chair meetings of the regional development and regional security committees;</td>
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<tr>
<td>(b) To monitor government services and operations in the region;</td>
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<tr>
<td>(c) To chair meetings of the district council standing committees; and</td>
<td></td>
</tr>
<tr>
<td>(d) The regional governor shall coordinate between the Puntland central administration and the district administration of his/her region.</td>
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</tr>
</tbody>
</table>

11 Puntland Constitution – Article 4.  
12 Provisions have been quoted from the “National Democratic Institute (NDI) unofficial English translation of the 2009 Constitution of Puntland State of Somalia... Any errors or inconsistencies that may exist in the original Somali are translated into English. The Somali version remains authoritative.” Originally, the draft constitution was submitted to the Puntland Parliament on June 2, 2008, and by January 2009 was the constitution in effect in Puntland. Since 2008, the draft constitution has been reviewed but no substantive changes have been made. The constitution was officially adopted by a Constituent Assembly on April 18, 2012. However, since the translation of the constitution used in this document is from 2009, this document references the constitution as the “Puntland Constitution 2009.”
### ARTICLE 123 - DISTRICT COUNCILS

(1) Each region of Puntland, for the purpose of local administration, shall be divided into districts. A special law shall determine the number, name and boundaries of the districts which shall be classified according to the population and size of each district.

(2) Each district shall have economic and administrative autonomy, and shall be administered by a District Council. The law shall establish general principles that form the basis of district administration, the performance of duties and exercise of its autonomous powers, as well as the number of councilors for each district, based on the population and size of the district.

(3) The District Council shall be elected by the citizens of each district for a period of five (5) years and may be re-elected. …

The Puntland Constitution envisions a future negotiation with the Federal Government of Somalia to divide powers and responsibilities with the federal government (Article 4). This aligns with the expectations set up in the Provisional Constitution. One point to note is that the Puntland Constitution envisions that the Federal Constitution of Somalia will be ratified by Puntland and approved by popular referendum before Puntland forgoes its status as an independent State (Article 4). This point of divergence between the two constitutions requires further discussion.

In terms of subnational structures, the Puntland Constitution decentralizes authority from the state government to regional and district levels, providing for an appointed governor at the regional level and directly elected district councils. The administrative and taxation powers of regions and districts are defined by a law passed by parliament.\(^\text{13}\)

The central government in Puntland classifies districts into three levels: “A”, “B”, and “C”. “A” districts are the largest and most able to collect revenue and “C” districts are the smallest and least able to collect revenue. Most districts in the “A” and “B” categories are better able to afford basic service delivery due to local revenue collection in addition to government transfers. Districts in the “C” category do not have the same local resources and therefore struggle to perform at the same level of service delivery, requiring higher levels of government transfers.\(^\text{14}\)

In practice, the laws passed that define the powers and responsibilities of the regions and districts have not been fully enacted; as a result, customary practices and clan/kinship structures largely shape governance at the local levels.\(^\text{15}\)

### 4.2 Electoral system

At the time of writing, Puntland is preparing for its first round of popular elections. Local council elections are scheduled for mid-2013, parliamentary elections in late October, those for speaker and deputy speaker in December, and presidential elections in early January 2014.

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\(^{13}\) Provisional Constitution - Article 120(5); Government of Puntland, Law No. 7 of August 23, 2006.


To date, Puntland has not held legislative elections; it has used sub-clan/kinship mechanisms to appoint the House of Representatives. From 1998 to 2008, an advisory council of clan elders/chiefs called the Isimada selected members of parliament based on sub-clan arrangements. The Isimada also plays a role in selecting a short-list of candidates for president and vice president. In 2008, the Puntland administration and the Isimada selected an election commission to assist in the appointment of members of parliament and presidential and vice presidential candidates. In August 2012, the House of Representatives passed a law governing district elections.

The Puntland Constitution only allows the registration of three political parties (Article 9). The three political associations that have the highest number of votes in district elections will become the three official political parties in Puntland and will participate in parliamentary and presidential elections. The selection of the official political parties will take place every second election. As of the final day to register a political association (31 December 2012), six political associations had met the requirements and the deadline for the district elections. The constitution also prohibits parties based on clans. It remains to be seen how much this provision can change the way clan structures have underpinned politics and power.

### 4.3 Executive

The Puntland Constitution establishes a modified parliamentary structure with a president elected by parliament but subject to removal by a two-thirds majority and a council of ministers subject to a parliamentary vote of confidence.

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The executive structure adopted in the constitution is between a presidential model with an indirectly elected president and a parliamentary model in which the executive is answerable to parliament. Two key distinctions are that the president can veto legislation and is not included in the possible parliamentary motion of no confidence. In a parliamentary system, the executive does not maintain a veto on legislation and is responsible to parliament. The executive in Puntland appears independently powerful.

4.4 Legislative branch

The Puntland Constitution provides for a directly elected 66-member unicameral House of Representatives.

The House of Representatives' primary function is to pass the laws of the state of Puntland. It also has responsibilities with respect to war and peace treaties, foreign borrowing, and international agreements, which may ultimately fall under the powers of the Federal Government of Somalia once the federal states are formed and negotiations on the division of powers are undertaken.
4.5 Public participation

As stated in Section 3.5, the public participation Strand identifies arrangements to achieve the conciliation of political interests and perspectives through avenues other than elections. The Puntland Constitution maintains a minimal number of arrangements for additional forms of public participation beyond direct elections.

<table>
<thead>
<tr>
<th>Summary of select provisions – Public participation</th>
<th>Source</th>
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</thead>
<tbody>
<tr>
<td><strong>ARTICLE 42 – THE RIGHT TO ADDRESS GRIEVANCES</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Every citizen has the right to write a letter of petition or complaint to the President, the Parliament, the Cabinet or any other public official.</td>
<td>Puntland Const. 2009 - 42</td>
</tr>
<tr>
<td>(2) The office to which the grievance is addressed shall respond within thirty (30) days.</td>
<td></td>
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</tbody>
</table>

| **ARTICLE 68 – INTRODUCTION OF DRAFT LEGISLATION** | |
| Draft legislation may be presented by the House of Representatives only by: | Puntland Const. 2009 - 68 |
| (a) any member of the House of Representatives; | |
| (b) The Council of Ministers | |
| (c) A group of no less than five thousand (5,000) citizens who are eligible to vote. | |

| **ARTICLE 139 – CONSTITUTIONAL AMENDMENT** | |
| (1) A proposal to amend this Constitution shall be presented by: | Puntland Const. 2009 – 139(1d), (5) |
| … (c) not less than five thousand (5,000) voting citizens. | |
| (5) Amendments related to Article 1, 2, 3, 4, 9, and 13 of Title One, Chapter One of this Constitution, after the fulfillment of the procedures provided in the paragraphs of these articles, may only be made through referendum. | |

At the time of writing, there is no public participation in the governance systems of Puntland for the most part. As elections approach, it is expected that public participation will increase both within party politics and through the electoral process, which will provide at least a minimum of public participation. Increasing opportunities for public participation in Puntland beyond elections could help strengthen political accommodation in Puntland.

4.6 Traditional and customary arrangements

Traditional and customary arrangements are deeply imbedded in Puntland’s informal governance and are recognized to some degree in the constitution. Elders have formal dispute resolution powers and the Puntland Constitution formally incorporates customary law into the system of law (Article 108). Islam is the state religion and religious officials are given dispute resolution competencies for disputes arising within the context of Islam.

<table>
<thead>
<tr>
<th>Summary of select provisions – Traditional and customary arrangements</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARTICLE 88 - COMMITTEE OF RELIGIOUS SCHOLARS</strong></td>
<td>Puntland Const. 2009 - 88</td>
</tr>
<tr>
<td>The Puntland government shall appoint a Committee of Islamic religious scholars:</td>
<td></td>
</tr>
<tr>
<td>(1) The Committee shall be composed of nine (9) members renowned for their advanced knowledge of Islamic Sharia.</td>
<td></td>
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<tr>
<td>(2) The Committee shall be responsible to advise the government on issues concerning Islamic Sharia, particularly where there is a need to harmonise the laws of Puntland with the Sharia.</td>
<td></td>
</tr>
<tr>
<td>(3) The Committee shall consult on the nomination of judges who require knowledge of Islamic Sharia in the courts of Puntland, as required.</td>
<td></td>
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<tr>
<td>(4) The Committee shall provide clarity on the interpretation of religious matters, as requested.</td>
<td></td>
</tr>
<tr>
<td>Article</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td><strong>ARTICLE 89 - STRUCTURE AND PRINCIPLES</strong></td>
<td>(9) The Puntland judiciary shall recognize mediation, the resolution of cases and social agreements based on traditional norms.</td>
</tr>
</tbody>
</table>
| **ARTICLE 108 - RECOGNITION OF TRADITIONAL LAWS** | (1) The Constitution recognizes traditional laws that do not contravene Islamic Sharia, the Constitution and all other laws of Puntland State.  
(2) The recognized traditional leaders shall be the most senior titled elders among their communities.  
(3) In order to protect the dignity and impartiality of the traditional leaders it is forbidden for traditional leaders to participate in political associations and parties.  
(4) In cases of disputes and misunderstanding that threaten the peace among clans or sub-clans, the traditional leaders shall be called upon to advise or find a peaceful solution.  
(5) The decision for reconciliation, mediation or agreement in solving disputes, which traditional leaders achieve using traditional norms and methods, shall be recognized as valid by all authorities who shall offer assistance to traditional leaders in the implementation of their decisions.  
(6) Once a decision has been reached by traditional leaders, using traditional norms, the content of the decision shall be registered at the Magistrates Court in the district where the case was settled. |
| **ARTICLE 138 - THE LEGAL ROLE OF THE CONSTITUTION** | (1) The Constitution shall be the supreme law of Puntland State, except for the Islamic Sharia.  
(2) Any law, including traditional law (xeer), regulation or administrative decree that contradicts the Islamic Sharia or this Constitution shall be null and void. |

Traditional elders play a significant role in the politics of the country. Up to now, the *Isimada* has selected members of parliament based on clan arrangements. Additionally, the *Isimada* developed the list of candidates for the positions of president and vice president. The responsibility of selecting the highest-level positions of the country has placed them in a unique political position. Furthermore, this responsibility, as well as others, has required them to navigate clan dynamics delicately.

The Puntland Constitution formally provides traditional leaders distinct responsibilities to deal with misunderstandings and disputes that threaten to disturb peace among and within communities. Traditional leaders are called upon to advise, mediate, and broker peaceful resolutions to disputes. Solutions are registered with the magistrate courts. The constitution also recognizes customary law, where it does not contravene Sharia, the Puntland Constitution, or the laws of Puntland.

With respect to Islam, the constitution specifies that any law that contradicts Sharia is to be null and void. The government is to appoint a committee of religious scholars to advise them on harmonizing laws with Sharia and interpreting religious matters. Much will depend on who is appointed to this committee and their perspective on how to interpret Sharia.
5. Opportunity Areas

The provisions and arrangements established by the Provisional Constitution and the legal and constitutional frameworks of Puntland identify specific areas that present opportunities to accommodate people’s political interests and perspectives within the federal member states and between the federal government and the federal member states. While these opportunity areas are formulated through a comparison of the Provisional Constitution and the Puntland Constitution, they are applicable to all emerging federal member states.

These opportunity areas are presented below under each of the six Strands.

5.1 Political structure and decentralization

- Negotiation on the division of competencies between the federal government and the federal member states:
  - Will each federal member state negotiate individually for allocation of competencies that suit the particular member state (creating asymmetric competency distribution)? Or, will the federal member states negotiate collectively for agreed allocation of competencies for all states (resulting in symmetric competencies)?
  - What is the desired sequencing for federal member states to “take on” new competencies?
  - How can federal member states best ensure complementary design and implementation arrangements in areas of assumed competency at the federal and federal member state levels of government?
- For a transition period, the constitution envisions that the federal government will administer regions that have not yet joined a federal member state:\textsuperscript{21}
  - What is the impact of the federal government administration on the process of developing regional and local government structures?
  - What process will allow for a transition from federal government administration to federal member state administration?
  - What structures are in place if regional administrations are not formed within a certain period of time?
  - How will federal member states’ capacity be built and expanded?
- Resource allocation frameworks that operationalize equity:
  - What criteria and indicators should be used when designing a fiscal transfer formula?
  - How can natural resource revenues be used to reduce poverty levels and increase development across all parts of Somalia?
  - How will communities be acknowledged and their interests accommodated within the process of natural resource and revenue distribution?

\textsuperscript{21} Un-federated regions being administered for a transition period of two years refers to Article 48(2) of the Provisional Constitution (see Evaluation of existing arrangements for political accommodation within the Provisional Constitution - Political Structure and Decentralization).
5.2 Electoral system

- The development of political parties at the federal member state level and the federal level:
  - What frameworks, guidance, and collaboration can the federal government provide for political party development in order to accommodate political interests and views within federal member states?
  - How can federal laws regarding political party formation be reconciled with regional laws such as Puntland's law that limits the number of political parties? Will Puntland's political parties be able to compete nationally, and vice versa?
- Collaboration between the electoral commissions of federal member states and the National Independent Electoral Commission:
  - What role will the National Independent Electoral Commission play during federal member state elections? What role do the federal member states' electoral commissions play during national elections?

5.3 Executive

- At the time of writing, in established regional entities (e.g., Puntland) the executive controls security forces and conducts international relations:
  - What role do federal member states play regarding the security sector and international relations? Specifically, what competencies will federal member state executives maintain?
- Interaction between federal line ministries (implementing competencies retained by the federal government) and federal member state governments:
  - How will federal line ministries and federal member state governments cooperate in implementing shared competencies? Will the federal line ministries provide opportunities for collaboration on competencies held by the federal government?
  - Will there be cooperation and collaboration on local program planning and implementation?
- Impact and influence of an annual executive summit:
  - How will this type of forum impact local, regional, and federal government interactions?
  - What role do individual executives play? How will decision making function? Moreover, how are decisions implemented and monitored?
- It is not fully clear which governance institution will deliver which services. Clarity on this remains central to the provision of social services, management of resources, and security.

5.4 Legislative branch

- Possibilities for information-sharing and collaboration between the local, regional, and federal legislatures:
  - What role should regional and local legislatures play when the federal government is considering legislation that has a disproportionate effect on a federal member state? For example, does the federal government consult regional and local legislatures?
- Legislative compatibility and sharing:
  - How will federal member states and the federal government share legislation passed at each level of government? If discrepancies exist, what mechanisms can help harmonize the legislation?
5.5 Public participation

- As of June 2013, the Provisional Constitution includes no mechanisms for conducting public participation at the federal member state level. Public participation at the federal member state level is left to the respective federal member states.
  - What mechanisms are available for partnership, support, and information sharing between levels of government in regards to public participation?
- As identified, the federal government constitutionally plays a dynamic role in elections at all levels of government. What role will the federal government play in the development of government policy for district elections? What role will the federal government play in accommodating citizens’ needs in regards to conducting an election? For example: accessible polling stations, registration, access to information, etc.

5.6 Traditional and customary arrangements

- Traditional and customary arrangements formally integrated into the federal member state governance structures and frameworks may be inconsistent with one another.
  - In current districts and regions, clans maintain variations in traditions and Islamic practices. How will federal member states and the federal government cooperate to reduce possibilities of conflict over variations in traditional and customary arrangement structures and frameworks?
- The Provisional Constitution does not maintain provisions for traditional and customary arrangements.
6. Case Studies

Case studies of other contexts provide technical building blocks within the political accommodation framework and are used to present practical examples of political accommodation. The case studies are not intended to be analogous to the situation in Somalia and do not represent recommended governance arrangements. Rather, the case studies highlight relevant and interesting examples of political accommodation.

Case studies presented in this Briefing Note include nuanced technical arrangements that reflect different approaches to political accommodation at regional and local levels of government and between these levels and the national government. The tables included present existing arrangements pertaining to political accommodation, specifically in the context of decentralized governance within the respective governance systems and arrangements. While the case studies presented here identify interesting arrangements for political accommodation, each also has specific relevance to Somalia.
6.1 Ethiopia – Region 5

1. Overview

Region 5 (officially - Somalia National Regional State) is the eastern most region of Ethiopia, and shares a border with Somalia. The population of the region is predominately of a Somali ethnic background. The 1995 Ethiopian Constitution divides the regions of the country along ethno-linguistic lines.22 Uniquely, the constitution maintains a clause for self-determination and secession of nations, nationalities, and peoples.23

Region 5 has experienced a tumultuous relationship with the federal Ethiopian government. Since 2005, however, relations between the regional entity and the federal government have improved.24 The region has experienced internal conflict with clans competing for control over political power, natural resources, and land.25 In 2004, the region held its first district elections.26 Despite Ethiopia's federal system, the national government maintains a significant amount of oversight over politics and decision making within the region.27

2. Relevance

Ethiopia is organized into a multi-ethnic federalist system, with a federal government and regional states drawn largely along ethnic lines. Of interest within the Ethiopian governance systems and arrangements is the constitutional clause on self-determination and secession for nations, nationalities, and peoples. The ability of nations, nationalities, and peoples to establish parallel regional and local councils is helpful to examine in the context of political accommodation. The country's inclusion of traditional elders into regional and local governance is also useful to analyze. Finally, federal division of competencies allocates regional and local governments significant political, administrative, and fiscal competencies.

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23 Article 39 of the Constitution of the Federal Democratic Republic of Ethiopia states: “Every Nation, Nationality and People (NNP) in Ethiopia has an unconditional right to self-determination, including the right to secession.”; The procedure for secession has five steps: 1) The Nation, Nationality and People (NNP) council (each NNP can elect its own council, in addition to regional councils) approves by 2/3 majority and submits a formal request to the House of the Federation (HOF); 2) the HOF organizes a referendum among the people concerned, within three years of the demand; 3) (if) secession wins a majority in the referendum; 4) the Federal Government transfers its power to the NNP’s council; and 5) the division of assets occurs as specified by law.


### ETHIOPIA - REGION 5

#### Political Structure and Decentralization
- The division of powers between the federal and regional levels defines the Ethiopian political system.
- Each region enacts its own constitution and laws around the regional competencies allocated in the Federal Constitution.\(^{E1}\)
- Region 5 is subdivided into nine zones, 49 woredas (districts), and further divided into kebeles (sub-districts).\(^{E2}\)
- Regions are empowered to: implement economic, social, and development policies, strategies, and plans of the region; administer land and natural resources; collect taxes on revenue sources reserved to the state; and establish regional police forces.\(^{E3}\)
- Competencies not expressly given to the federal government are competencies of the regions.\(^{E4}\)
- Federal authority extends over natural resource management.\(^{E5}\) The region can levy taxes on, among other things, properties, sales, and private employees’ income.\(^{E6}\)

#### Electoral System
- Regional councils elect the 112 members of the House of the Federation (upper house of a bicameral legislature). The Federal Constitution allows regional councils to provide for popular election of the members of the House of the Federation, but all regional councils have chosen to elect the members themselves.\(^{E7}\)
- Region 5’s regional council is directly elected. The council passes legislation and elects a regional president from among its members. Regional 5’s elections use a first-past-the-post system.\(^{E8}\)

#### Executive
- A president selected by and from the regional council leads the executive of Region 5. An executive committee consisting of the vice-president, secretary, and regional committee leaders supports the president.\(^{E9}\)

#### Legislative Branch
- The Region 5 council functions primarily to elect and impeach regional presidents. The council has performed minimal legislative functions.\(^{E10}\)
- Woreda councils (throughout the country) are primarily administrative and are subject to regional authority; however, the members are elected from each kebele in the district, thus making them accountable both upward (to the region) and downward (to the people of their districts).\(^{E11}\)

#### Public Participation
- The constitution mandates that “adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units.”\(^{E12}\) The establishment of local kebele councils throughout the country responds to this provision.

#### Traditional and Customary Arrangements
- Islamic Sharia courts have an extensive system that parallels the federal and regional systems.\(^{E13}\) All of the regions have recognized regional Sharia courts.\(^{E14}\) Sharia courts maintain common jurisdiction over marriage, divorce, family relationships, questions regarding succession of wills, and questions of payment incurred in any suit related to these issues. In order for the jurisdiction of Sharia courts to apply, all parties to the dispute must give consent.\(^{E15}\)
- Elders are appointed to posts in the regional, zonal, and district level governments. Titled *lataliyé* or *amakari* elders, the elders are appointed throughout Region 5 by the federal government (beginning in 2000). Elders act as a parallel organizational framework.\(^{E16}\)
- Nations, nationalities, and people may organize parallel regional and local councils. Nations, nationalities, and people have the right to self-determination and secession.\(^{E17}\)

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\(^{E1-E17}\) See Endnotes, page 35
6.2 Switzerland

1. Overview

Switzerland is a federal state divided into 26 culturally and linguistically diverse cantons. Switzerland’s diversity is attributed to the country’s origins as a group of politically and geographically distinct entities, which were first brought together through a series of alliances, then organized as a loose confederation, and finally as a federation in 1848. Although Switzerland is now governed as a federal state, the cantons retain considerable autonomy in recognition of their historical sovereignty.

2. Relevance

The establishment of the Swiss federation allocated governance competencies to the central government, however the cantons have remained highly autonomous (e.g., taxation, education policy, police, etc.). The Swiss federation is a helpful example to consider in relation to Somalia due to its highly decentralized federal formula, the high level of cantonal autonomy, and its unique executive arrangement.

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28 Although Switzerland is now governed as a federal state, the term “confederation” is still used. The abbreviation CH originates from the Latin translation Confeoderatio Helvetica (Swiss Confederation).

29 Article 3 of the 1999 Constitution states: “The Cantons are sovereign except to the extent that their sovereignty is limited by the Federal Constitution. They shall exercise all rights that are not vested in the Confederation.”
### SWITZERLAND

| Political Structure and Decentralization | • Each canton has its own constitution, which shapes the cantonal (and communal) executive, legislature, and judiciary.  
• The federation consists of 26 cantons, which are divided into over 2,500 communes. Six of the cantons are considered half-cantons and receive fewer members in the national parliament and only half a cantonal vote in referenda on constitutional amendments.  
• The national government plays the primary role in international relations and national defense. In most instances, the national government decides on legislation, leaving the cantons responsible for implementation.  
• Cantons control their own local police forces. The national government oversees the armed forces. The national government does not maintain competencies over the police. National level law enforcement is coordinated by cooperation between cantonal police commanders.  
• The cantons have the sole power to regulate direct taxation (including personal and corporate income tax), which has led to the creation of 26 separate tax regimes in Switzerland. The national government controls the majority of indirect forms of taxation. |
| --- | --- |
| Electoral System | • Each canton may establish its own electoral arrangements. However, elections for canton parliaments (mostly) use a system of proportional representation with a 10 percent threshold.  
• The people directly elect cantonal executive bodies. Most of the cantons use a simple majority system; Zug and Ticino are the only two cantons that use proportional representation. |
| Executive | • Each canton has an executive council presided over by a rotating presidency. The councils are composed of five or seven members. Each member is responsible for directing a department within the cantonal administration. |
| Legislative Branch | • Each canton has a unicameral parliament, but the parliaments are not uniform in size or operation.  
• The parliaments vary from 46 to 180 members, with increasing population size and social heterogeneity contributing to a larger number of seats. |
| Public Participation | • Referenda are required to ratify legislation passed by the Federal Assembly in the following instances: amendments to the Federal Constitution; accession to organizations for collective security or to supranational communities; and certain emergency acts.  
• 50,000 signatures of citizens eligible to vote, or the support of eight cantons, will initiate the process to revise or repeal a federal act, a federal decree, or certain international treaties (a constitutional amendment requires 100,000 signatures). |
| Traditional and Customary Arrangements | • Not applicable |

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E18-E32 See Endnotes, page 35
6.3 Indonesia

1. Overview

Indonesia is a majority Muslim country composed of multiple islands and distinct ethnic groups. The country is a unitary State in which power resides primarily with a president and a bicameral parliament. Two regions, Aceh and Papua, maintain special autonomous status allowing broader concessions of political and economic authority. The national government continues to provide the majority of the regions’ revenues and maintains the bulk of decision making authority over non-autonomous provinces. Despite rhetoric on decentralization, lack of clarity on provincial functions and a continued reliance on national government revenues has afforded minimal autonomy to non-autonomous provinces.

2. Relevance

Indonesia remains centralized, with distribution of revenue, priority setting, and decision making emanating from the central government. Aceh and Papua have decidedly more authority over revenue collection, priority setting, and overall decision making on internal issues than regional governments without autonomous status. The Indonesian case study is interesting because of the asymmetric approach to regional governance and the significant control over natural resources devolved to autonomous regions.

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30 Indonesian Constitution, Article 18(A): “The authority relations between the central government and the regional authorities of the regions, regencies and municipalities, or between a region and its regencies and municipalities, shall be regulated by law having regard to the particularities and diversity of each region.” Article 18(B): “The State recognizes and respects units of regional authorities that are special and distinct, which shall be regulated by law.”

### Political Structure and Decentralization

- Indonesia is a unitary State. There are four levels of governance: national, regional, district, and local.\(^{E33}\)
- Governors are the regional executives, and the regional assemblies are the regional legislative branch. District governments consist of a regent and a district legislature.\(^{E34}\)
- Law 32 outlines the power allocated to regional governments and their relationship with the federal government. Powers delineated are largely administrative and, for the most part, do not include priority setting or decision making.\(^{E35}\)
- While the three levels of government are supposed to work together, the expectation is that local government will be the primary provider of the most basic services for citizens.\(^{E36}\)
- The central government reserves the right to “supervise the running of regional governments.”\(^{E37}\)
- Regional governments are financially dependent upon the national government. Block grants, for example, constitute approximately 70-80 percent of regional budgets and are distributed by the central government.\(^{E38}\)

### Electoral System

- For a presidential ballot (president and vice president) to be elected in the first round, the pair must (a) win a majority of votes and (b) receive at least 20 percent of the vote in half of the regions.\(^{E39}\)
- The president, governors, regents, and mayors are directly elected in a two-round system.\(^{E40}\)
  - Run-offs are required when no ticket receives more than 25 percent of the first round vote.\(^{E41}\) Only parties with 15 percent of the seats in the local assemblies are eligible to nominate an executive ticket.\(^{E42}\)

### Executive

- A governor, regent, and mayor, serve as the executives of the region, district, and city, respectively.\(^{E43}\)
- Regional governors may introduce legislation and must authorize legislation for it to be enacted.\(^{E44}\)
- Although dependent upon the center for funds, regional executives have authority over the management of regional finances, including the ability to delegate planning, execution, administration, reporting, accountability, and control of these finances to other regional officials.\(^{E45}\)

### Legislative Branch

- Regional legislatures have three main functions: legislation; budget review and approval; and supervision of administrative units.\(^{E46}\)

### Public Participation

- The public may give inputs, orally or in writing, on draft regional regulations.\(^{E47}\)
- Citizens have an opportunity to express their opinions and priorities at the village level through a process of Musrenbang, or Multi Stakeholder Consultations Forum for Development Planning.\(^{E48}\)

### Traditional and Customary Arrangements

- Aceh and Papua integrate local traditions and customary law into their political structures. For example, Panglima Laot establishes maritime community membership rights, rules limiting resource usage, rights to enforce and suggest changes to rules and laws, a system of graduated sanctions, and mechanisms for conflict resolution.\(^{E49}\)
6.4 Botswana

1. Overview

Upon independence in 1966, Botswana was one of the poorest countries in the region. Since then, it has emerged as one of the most politically stable and economically prosperous countries on the continent. Botswana has consistently held free and fair elections and has one of the highest per capita growth rates in the world, largely fueled by diamond exports. In 2011, Botswana was rated as the country with the best governance and least corruption in mainland Africa. Additionally, the country has integrated traditional governance systems into its national structures. However, the national government continues to maintain the majority of governance responsibility.

2. Relevance

Botswana presents a unique example of the utilization and incorporation of traditional and customary arrangements into its political structures. Additionally, Botswana provides an example of a mix of centralized and decentralized governance. The country’s political decentralization is combined with high levels of administrative and fiscal centralization. However, the central government receives significant public participation from regional and local entities on policies and spending.

Political Structure and Decentralization

- Botswana is a unitary State. The constitution does not provide for decentralized governance.
- Botswana is divided into two city councils, 12 land boards, 12 tribal administrations, 10 district administrations, and 19 sub-districts.\(^{E50}\)
- The Local Government Act and Township Act provide for district councils in each district and urban councils in five cities.\(^{E51}\) The Tribal Land Act and Bogosi Act establish a land board and tribal administration in each tribal area.\(^{E52}\)
- Governance competencies are centralized at the national level. However, district councils may make by-laws and raise revenue.\(^{E53}\)
- All district council laws are subject to approval by the national minister of local government and need amendment by the president.\(^{E54}\)
- Districts and urban councils have limited revenue-raising authority through property taxes (urban councils only), trade licenses, clinic fees, and service fees.\(^{E55}\) The central government provides approximately 90 percent of the district councils’ budgets, and approximately 80 percent of the urban councils’ budgets.\(^{E56}\)

Electoral System

- The House of Chiefs consists of between 33 and 35 members: up to 12 chiefs from constitutionally recognized regions as permanent members; five members appointed by the president for five-year terms; and up to 20 members selected by regional electoral colleges for five-year terms.\(^{E57}\)
- The majority of local councilors are elected, while the minister of local government appoints the rest. Local elections use a first-past-the-post system. Each council is comprised of several wards. One councilor represents each ward.\(^{E58}\)
- The local council indirectly elects the chairperson/mayor, who serves for half of the council’s five-year term.\(^{E59}\)
- Kgottas (tribal assemblies) elect land boards, which are officially appointed by the minister of local government.\(^{E60}\)

Executive

- The district chairperson presides over district council meetings, but holds no other executive powers. Councils do not have executive committees or cabinets.\(^{E61}\)

Legislative Branch

- Councils operate through sub-committees that conduct specific work and report to the full committee. At times sub-committees are delegated decision making authority.\(^{E62}\)
- District councils have five main competencies: primary education; health and sanitation; road construction and maintenance; water supply; and social and community development.\(^{E63}\)

Public Participation

- The Bogosi Act assigns chiefs the responsibility to convene public meetings called Kgottas to obtain advice from constituents.\(^{E64}\) Kgottas participate in development planning through forums associated with District Development Committees (DDC) and Village Development Committees (VDC).\(^{E65}\)

Traditional and Customary Arrangements

- Botswana’s constitution codifies traditional institutions by officially recognizing the eight Tswana tribes and establishing an advisory House of Chiefs (Ntlo ya Dikgosi) as the upper house of the legislature. In practice, the upper house plays little more than an advisory role.\(^{E66}\)
- Chiefs continue to hold a traditional role by convening tribes and members of local areas for political purposes. Additionally, chiefs are mandated by the Tribal Administration Department to preside over Kgotta meetings; preside over customary courts; establish and oversee VDCs; and nominate members for the district councils.\(^{E67}\)

\(^{E50-E67}\) See Endnotes, page 36
6.5 Malaysia

1. Overview

Malaysia is a federal constitutional monarchy comprised of 13 states and three territories (Kuala Lumpur, Putrajaya, and Labuan). A hereditary king, chosen for a five-year term by regional hereditary leaders, serves the country as head of state. The country has maintained the system of hereditary rule, while the chief minister holds the majority of executive responsibility at the national level.\(^{35}\) Two states, Sabah and Sarawak, maintain asymmetric governance authority, allocating them autonomous control over their political, administrative, and fiscal affairs. Additionally, the State has taken specific consideration of traditional and religious structures due to the numerous ethnic groups that comprise the population.\(^{36}\) However, the country continues to face inter-ethnic tension, partly due to affirmative action policies for the Malay ethnic group and concerns that the national government favors Malays.\(^{37}\) Additionally, while the constitution claims religious freedom, only Sunni practice is authorized and there are strict restrictions on various Christian practices.\(^{38}\)

2. Relevance

Malaysia provides an example of a federal State that has incorporated a hereditary leadership system into the political structure. The country maintains two autonomous regions and has a clearly defined system of decentralization. The case is relevant due to its asymmetrical and clear approach to regional and local governance, in addition to the unique incorporation of traditional and customary arrangements into regional and national governance.

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\(^{35}\) Federal Constitution of Malaysia (1957) - Article 40 (1): In the exercise of his functions under this Constitution or federal law the Yang di-Pertuan Agong shall act in accordance with the advice of the Cabinet or Minister acting under the general authority of the Cabinet.


### MALAYSIA

#### Political Structure and Decentralization
- Malaysia is a federal constitutional monarchy with three levels of government: federal, state, and local.\(^{E68}\)
- The country is comprised of 13 states and three territories. States maintain their own governance structures, while the national government directly administers territories. Two of the states have asymmetric and autonomous competencies.\(^{E68}\)
- Exclusive state competencies, in summary, include: land tenure; local administration and service provision; agriculture and forestry; public works and water; and management of Islamic and cultural sites and customs.\(^{E69}\)
- Local government competencies, in summary, include: urban planning; basic facilities and infrastructure; public health; development monitoring; waste management; business licensing; and maintaining peace.\(^{E69}\)
- Sabah and Sarawak maintain additional competencies, in addition to those distributed to all states (e.g., native law and custom; ports and harbors; and railways).\(^{E70}\) Additionally, Sabah and Sarawak share competencies with the federal government.\(^{E71}\)
- States’ revenue resources are strictly limited to: lands, mines, and forests; license fees; court fees; rents on state property; and Islamic religious revenue.\(^{E72}\) States with tin resources are also entitled to at least 10 percent of the export duty on tin produced.\(^{E73}\)
- Local councils’ main income is self-assessed income tax contributing approximately 65 percent of local budgets.\(^{E74}\)

#### Electoral System
- Regional hereditary rulers select the king. The four states without hereditary rulers are not involved in the process of selecting the king.\(^{E75}\)
- The House of Representatives and the state legislative assemblies are the only institutions in which the members are popularly elected. For these elections, a first-past-the-post system is used in single-member constituencies.\(^{E76}\)
- Local elections were discontinued in 1965. State governments appoint councilors.\(^{E77}\) Local councilors must be residents of the local area.\(^{E78}\)

#### Executive
- Nine of the 13 states have hereditary rulers as executives. Governors appointed by the king lead the remaining four states.\(^{E79}\)
- A ruler holds absolute discretion in selecting the chief minister (Menteri Besar) from among the legislative assembly, but otherwise must follow the advice of the chief minister and Executive Council.\(^{E80}\)

#### Legislative Branch
- The legislative assemblies vary in size; however, all legislative assemblies maintain the same legislative powers. Members of the assembly or members of the Executive Council can introduce legislation. Only the finance minister may introduce money bills.\(^{E81}\)

#### Public Participation
- Local governments may form resident representative councils to increase community involvement in decision making.\(^{E82}\)
- A program titled *Local Agenda 21* brings local communities together with local authorities and nongovernmental organizations to identify, analyze, formulate, and implement programs in local areas.\(^{E83}\)

#### Traditional and Customary Arrangements
- Religion largely rests within the states’ authority. National bills that apply to Islamic law, Malay custom, or customs of the indigenous groups in Sabah and Sarawak cannot be introduced in the national parliament without initial consultation with state governments.\(^{E84}\)
- Malaysia uses Sharia courts for issues pertaining to Islamic law. The Sharia courts have exclusive jurisdiction over a number of competencies as they pertain to Muslims.\(^{E85}\)

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\(^{E68-E85}\) See Endnotes, page 36
7. Conclusion

The content of this Briefing Note on existing arrangements, opportunity areas, and case studies presented in this Briefing Note are intended to contribute to a discussion on possible options for political accommodation at, and between, local, regional, and federal levels of government. The sections are designed to feed in to a constructive discussion on people’s priorities and interests, in order to begin a process of developing arrangements for political accommodation. Frameworks for political accommodation can contribute to stable processes of local and regional development, which are inclusive of all political views and perspectives.
Endnotes


2. The number of woredas has been fluid as local groups claim themselves as a woreda; this has resulted in discrepancies between the Central Statistical Agency’s reporting; Kebeles usually have populations ranging from ~2,000 people and ~5,000 people – “The State of Somali,” The Embassy of the Federal Democratic Republic of Ethiopia, London UK, Last Modified 2011, http://www.ethioembassy.org.uk/about_us/regional_states.htm.

3. Constitution of the FDRE - Article 52 (1).

4. Ibid.


6. Constitution of the FDRE, 1995, Article 97(1),(4),(6) – “As most regions do not cover their budgetary expenditures from their own revenue sources, it is through the Federal Block Grant transfers that regions get a major part of their budget. More than 80% of the budget sources in most regions and about 95% for the emerging regions, such as Afar, come from federal government subsidies. The remaining 5-20% of the budgets originates from the regions’ own revenue. The regions’ own revenue is mobilized through the regional and Woreda Inland Revenue offices. The sources of this revenue are mainly: income taxes, agricultural and urban land taxes, urban land lease fees, service fees and charges.” - Layperson’s Guide to the Public Budget Process at the Regional Level, Ministry of Finance and Economic Development, August 2009, http://www.msfed.gov.et/m/Resources/Laypersons%20Guide%20Regional%20and%20Woreda%20Level.pdf.


14. Ibid.


27. This differs from the national level where the executive council is indirectly elected.


29. Ibid.


32. Federal Constitution of the Swiss Confederation - Articles 138, 139, and 141- Article 141 states that “If...any 50,000 persons eligible to vote or any eight Cantons request it, the following shall be submitted to a vote of the People...international treaties that (1) are of legislative provisions or whose implementation requires the enactment of federal legislation”; In 2007, the number of registered voters was 4,915,533 – see “Voter turnout data for Switzerland,” The Embassy of the Federal Democratic Republic of Ethiopia, London UK, Last Modified 2011, http://www.ethioembassy.org.uk/about_us/regional_states.htm.


34. Indonesia Law 32/2004 - Art 3: “The regional administrations as meant in Article 2 paragraph (3) shall be: a. provincial administration consisting of provincial government and provincial DPRD. b. regental/municipal administration consisting of regental/municipal government and regental/municipal DPRDs. The regional government as meant in paragraph (1) shall consist of regional head and regional apparatuses.”


**Federal Constitution of Malaysia, Ninth Schedule, List II (1).** Sharia Courts (Criminal Jurisdiction) Act of 1965 provides Sharia

Ibid.

Chief Minister equates to the position of Prime Minister; Federal Constitution of Malaysia, August 31, 1957, Eighth Schedule,

All states have hereditary rulers except Melaka, Pulau Pinang (Penang), Sabah, and Sarawak. The World Factbook, 2008, The  Government

Local Government Act 1976, Section 10.

"Country Profile: Malaysia – The local government system in Malaysia,” Commonwealth Local Government Forum, www.clgf.co.uk, 111-


"Country Profile: Malaysia – The local government system in Malaysia,” Commonwealth Local Government Forum, www.clgf.co.uk, 111-


Indonesia Law 32/2004, Article 156: “The regional head holds the power over the management of regional finance. In exercising the power as meant in paragraph (1) the regional head partially or wholly delegates the power over the planning, execution, administration, reporting, accountability and control of the regional finance to regional officials.”

Indonesian Constitution, Article 110 (3).

Indonesia Law 32/2004, Article 40 and 41.

Indonesia Law 32/2004, Article 139.


Local Government Act 1976, Section 10.


Chief Minister equates to the position of Prime Minister; Federal Constitution of Malaysia, August 31, 1957, Eighth Schedule, Article 1 (2).

Federal Constitution of Malaysia, Article 110 (3).

"Country Profile: Malaysia – The local government system in Malaysia,” Commonwealth Local Government Forum, www.clgf.co.uk, 111-


"Country Profile: Malaysia – The local government system in Malaysia,” Commonwealth Local Government Forum, www.clgf.co.uk, 111-

"Country Profile: Malaysia – The local government system in Malaysia,” Commonwealth Local Government Forum, www.clgf.co.uk, 111-

Federal Constitution of Malaysia, Ninth Schedule, List II (1). Sharia Courts (Criminal Jurisdiction) Act of 1965 provides Sharia Courts with the power to try Islamic offenses as long as the maximum punishment does not exceed a three-year imprisonment, Rm5000 (~USD1600), fine, and six lashes. (See Article 2 of the Act).
About Conflict Dynamics International

Conflict Dynamics is a not-for-profit organization registered in Cambridge, MA, USA. The organization was founded in 2004 to prevent and resolve conflict between and within states, and to alleviate human suffering resulting from conflicts and other crises. Conflict Dynamics works to fulfill its mission through conflict resolution activities, mediation support, and humanitarian policy development, and has a proven track record in providing support to national stakeholders and international supporters in political dialogue processes. Political accommodation in post-conflict societies is a primary focus of this approach.

Conflict Dynamics’ approaches to political accommodation have been applied successfully to assist in achieving conciliation of political interests, most recently in the Sudan and in South Sudan.

Since 2009, Conflict Dynamics has established strong working relationships with a broad range of Somali interlocutors (in a neutral and impartial manner), has built up a small but highly effective team, and has developed working partnerships with several other organizations.

Conflict Dynamics’ work on political accommodation between and within Somaliland and Somalia is made possible through the generous support of the Government of Norway Ministry of Foreign Affairs and the Government of Switzerland Federal Department of Foreign Affairs.