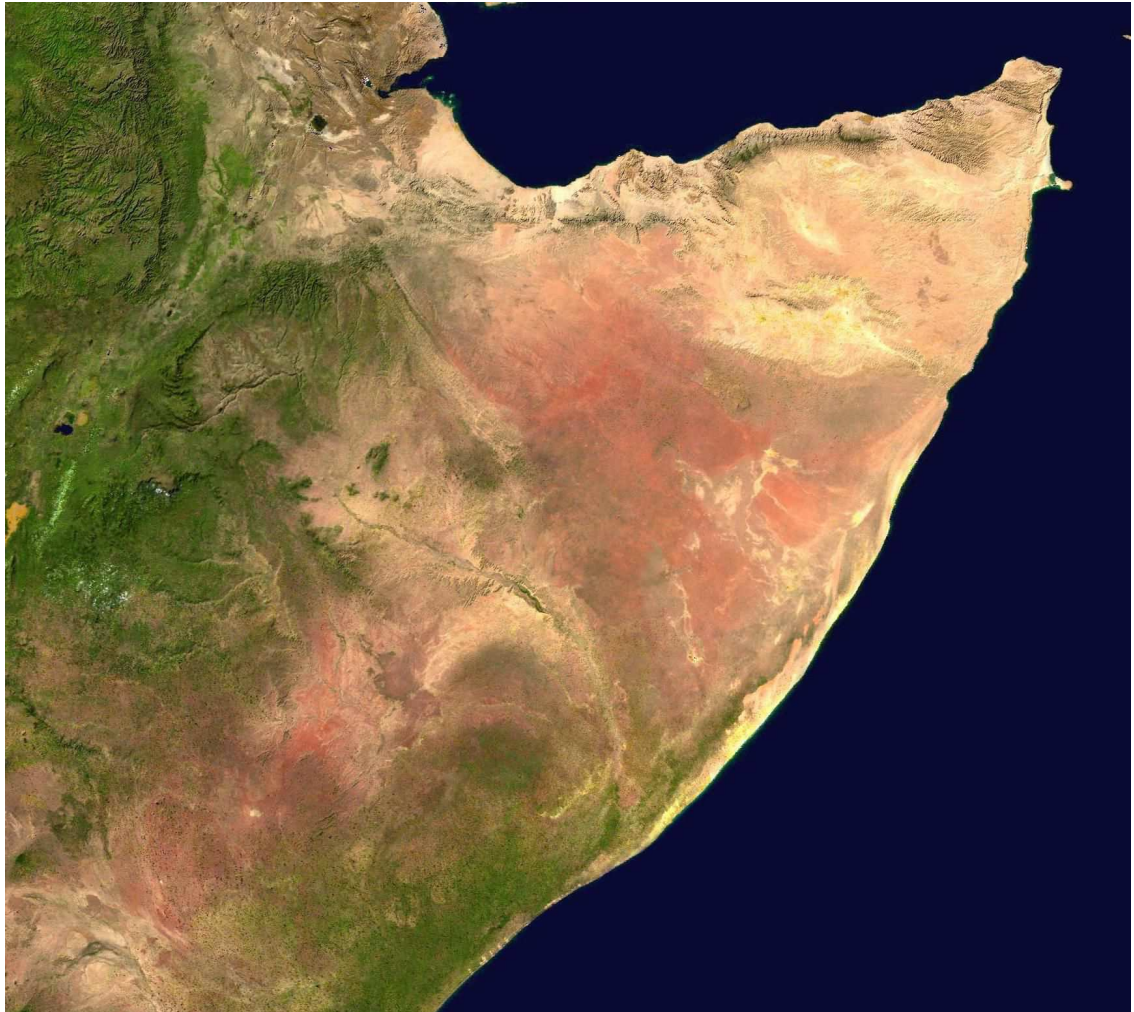


Resolving Conflict in Galkayo: Options for Future Arrangements

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1. Executive summary

Introduction

After two decades of relative stability armed conflict returned to the divided city of Galkayo, and its surroundings, in November 2015. With attention once again focused on the city the administrations of Puntland and Galmudug, the Somali Federal Government, the International Community, and a range of local and international civil society organizations launched efforts to help end the conflict. This discussion note is focused on the medium to long term timeframe and illuminates potential options for future governance arrangements in Galkayo city.

Conflict in Galkayo is deeply rooted, and the underlying reasons for conflict stretch back at least many decades. A significant spark for the recent conflict has been the establishment of the federal system, in particular the formation of Galmudug state¹. This crystallization and formalization of governance structures meant that compromises (especially over competing claims to the same territory), and understandings, that had maintained space for an ambiguity allowing different groups to accept an imperfect status quo disappeared. Both Galmudug and Puntland claim all, or some, of Galkayo city and its surrounding territory, and with Somalia making progress towards the full reestablishment of constitutional government groups on both sides have acted to try and establish facts on the ground that would support their cause in future legal or constitutional settlements.

These governance challenges reflect deep historical mistrust between communities on either side of the divide in Galkayo city. Most peace agreements in Galkayo, while representing significant political commitment and achievement, have left central questions about governance of the city ill defined.

This paper seeks to provide some initial ideas for a discussion around those governance challenges. This paper presents a set of possible governance ‘models’ for divided and contested cities based on international practice. Two rounds of consultations in 2017 held in Galkayo North and Galkayo South have informed the further refinement of the models. The ideas presented here are meant to enrich the discussions that Somali leaders and communities are having, and should in no way be seen as recommendations. It is envisaged that these options could support and inform discussions around the future of Galkayo, and assist in achieving accommodation or conciliation of the diverse political and economic interests in the city and its surroundings.

Models for the governance of divided and contested cities

The models presented in this paper reflect two of the most common models used internationally for divided and contested cities, and one combination model. A fourth model that reflects feedback from

¹ Galkayo Conflict Assessment - December 2016 – March 2017, Interpeace

consultations in Galkayo is also included. Any model that is ultimately adopted could take elements from all options and combine them for a unique approach suitable to Galkayo's history and future.

Model 1: "Soft Border" model

- If this model were adopted for Galkayo the city would be divided by a "soft border", with a different administration governing each side of the divide. People and goods would be able to freely move from one side to the other.
- Examples of this model include *Sarajevo, Bosnia and Herzegovina*

During the consultations, this model met with **both positive and critical reflections**. Generally it was thought that having a soft border is a prerequisite for peace in the short term, but many consulted stakeholders were concerned that having two administrations in one city could continue to lead to armed violence.

Model 2: Power-sharing model

- If this model were adopted for Galkayo the city would become a "special entity" under the control of the federal government. Key city government positions would be divided between the two sides (and possibly a minority quota) through a negotiated quota.
- Examples of this model include *Brussels, Belgium*, and to a lesser extent *Dire Dawa, Ethiopia*

During the consultations, this model met with **generally positive feedback**, except for the "special entity" component, participants in Galkayo city did not welcome a role for the Federal Government in the management of the city. In addition, a number of consulted stakeholders argued that this model should include a temporary "soft border" as under model 1.

Option 3: Semi-autonomous model

- If this model were adopted for Galkayo the city would become a "special entity" under the control of the federal government. Both federal member states would send its representatives to govern the city according to a negotiated quota. Citizens would be represented in a 'citizen's representative body'.
- A related governance model was adopted by *Hong Kong*

Following consultations in Galkayo North and South in November 2017, a combination of model 1 and 2 was discussed for further consideration:

Model 4: Power-sharing model with a soft border running through Galkayo and Mudug

- This model takes into consideration model 1 and 2 as well as the concerns and recommendations of the consulted stakeholders.
- Under this model the city of Galkayo would be governed as one entity through a power-sharing system, with negotiated quota for key city government positions. The model would include a short term soft border that allows for people and goods to freely move from one side of the city to the other.
- The city would fall directly under one of the two of the federal member states and requires a constitutional settlement with regard to the status of the Mudug region.

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2. Introduction

Purpose

Conflict Dynamics International, with support from the Somalia Stability Fund embarked on a project that aimed to (1) support the January 2017 ceasefire in Galkayo, and (2) contribute towards the resolution of the ongoing conflict in Galkayo. The approach aims to support mechanisms to manage and resolve conflict in Galkayo. The project supported an intervention to work with business leaders to bolster the progress since the ceasefire in Galkayo. The second intervention; support to the resolution of the ongoing conflict in Galkayo, is supported by this Briefing Paper.

This Briefing Paper presents a **range of models for future arrangements for the divided city of Galkayo**. The models seek to inform discussions and share knowledge with the aim of assisting the people of Galkayo, and Somalia, to craft arrangements that can best accommodate their different and sometimes competing interests. Its purpose is to present models based on international practice which have been adapted following consultations with Somali stakeholders in Galkayo North and Galkayo South. The Briefing Paper presents models for stakeholders to discuss and refine.

The paper can be used by political leaders, mediators, community groups to help structure a conversation around how Galkayo could be governed in the future.

Research methodology

Desk research was undertaken in August and September 2017 to identify common models of divided and contested cities around the globe. The desk research focused mainly on those models that have either led to a positive peace, or a complete end of armed conflict.

In November 2017 discussions and consultations with key stakeholders, including decision-makers, civil servants, traditional elders, religious leaders, women's groups, business representatives, and youth representatives led to refinement of the desk research. A second consultation took place in December 2017, to confirm that the adaptation reflected the inputs of participants. The research team also held one to one consultations with select political leaders.

The research, consultations and this paper draw on Conflict Dynamic's Political Accommodation methodology; this seeks to work with parties to a conflict to identify options that go at least some way to meeting the legitimate interests of all parties and thus contributes to a deeper peace.

3. Evolution of the situation in Galkayo

The following section sets out a short history, constitutional and other legal provisions, and practice related to the governance of Galkayo and the larger Mudug region.

Background

Galkayo is situated in the heart of Somalia and is a major economic and cultural hub. The city, and district, have historically experienced frequent violent conflict which has contributed to and is fed by deep rooted grievances between and among the communities present in the district. At the heart of the conflict lies competition over resources and land between pastoralist communities. Hence conflicts that have their roots in access to grazing for example can spill over into the urban environment of Galkayo city.

The district is divided between the Hawiye sub clan of Habar Gidir who administer the southern parts of Galkayo city and district and the Darood sub clan of Majerteen who administer the northern part of the city and district.

During the Italian colonial times the **Tomaselli line**, a de facto soft border between North and South Galkayo was drawn in response to inter-clan violence over land resources around the city. After the post-colonial nationalist regime of Siad Barre fell, the underlying tensions in Galkayo and its surroundings flared up again. Between 1991 and 1993 Galkayo became a battlefield between Darood and Hawiye militias, until in June of 1993 when the **Mudug Peace Agreement (“Yusuf-Aideed agreement”)** was signed by Somali Salvation Democratic Front’s (SSDF) leader Abdullahi Yousuf Ahmed and General Mohamed Farah Aideed, Chairman of the United Somali Congress (USC). Community activists, intellectuals and elders on both sides have also played a major role in those negotiations. That Agreement would last for over 20 years, and is generally held in high regard by consulted stakeholders for its local ownership. Despite this high regard, the Mudug Peace Agreement did not resolve the challenges of the divided city status. Neither does it address challenges of sharing the surrounding natural resources including water points and grazing land.¹ The establishment of the Federal system in 2012 elevated the interests of both Puntland and Galmudug in resolving the questions of the status Galkayo and the wider Mudug region. The formation of Galmudug state in 2015 has escalated territorial and resource disputes in Galkayo. Article 49 (6) of the Somali Federal Provisional Constitution states the requirement of two or more regions to form a state, currently, Galmudug only controls one and half region as Mudug is administratively divided. Galmudug’s claim to control over the whole of Mudug state caused tension with Puntland who have exercised control over northern Mudug and claim that same territory.

Violent conflict re-emerged in November 2015 between Galmudug and Puntland . The conflict left over 20 people dead, 120 injured and up to 90,000 residents displaced². A peace agreement was signed between the Puntland and Galmudug leadership in the presence of the Somali Federal Government and international and regional actors. However violent conflict broke out again between Galmudug and Puntland over a dispute around construction work in western Galkayo in October 2016. Another ceasefire agreement was signed between the two administrations which contained three key aims: to get both forces to withdraw and to return to their original locations before the outbreak of violence, to remove all roadblocks and to allow the movement of goods, people and transport; and to establish the training and deployment of a joint security unit.

Legal provisions

The three primary legal documents on the status of Galkayo and Mudug region are the 2011 Puntland Constitution, the Provisional Constitution of Somalia (2012), and the 2015 Constitution of Galmudug.

The 2011 Constitution of Puntland identifies the borders of the state as limited to the “East Region of Bari, Nugal, Sool, South Togdher (Buhodle District), **Mudug, except the districts of Hobyo and Harardhere**, and Sanag Region except the District of El-Afweyn and Northeast of Erigavo District.”² It states that its borders are aligned with the regions and districts of Puntland before the civil war.

Article 48 of the 2012 Federal Provision Constitution of Somalia recognizes that federal Somalia is composed of two levels of government (a) The Federal Government; and (b) The Federal Member States.³ It further stipulates that:

“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.”⁴

“Based on a voluntary decision, two or more regions may merge to form a Federal Member State.”⁵

Galmudug State counts the entire region of Mudug as part of its territory, stating as its borders “Nugaal Region to the north, the Indian Ocean coast to the east, the Ethiopian border to the west and Hiiraan and Middle Shabelle Regions to the south. The regional boundaries of the Republic of Somalia shall be applicable temporarily [...]”⁶

Ultimately a constitutional settlement will be required to clarify the status of Mudug region and the city of Galkayo.

² OCHA, *Somali Flash Update: Humanitarian Impact of Fighting in Galkacyo*, 8 December 2015 [http://reliefweb.int/report/Somalia/Somalia-flash-update-humanitarian-impact-fighting-gaalkacyo-8-december-2015]



Figure 1 – Taken from - International Crisis Group - Galkayo and Somalia's Dangerous Fault lines (2015)

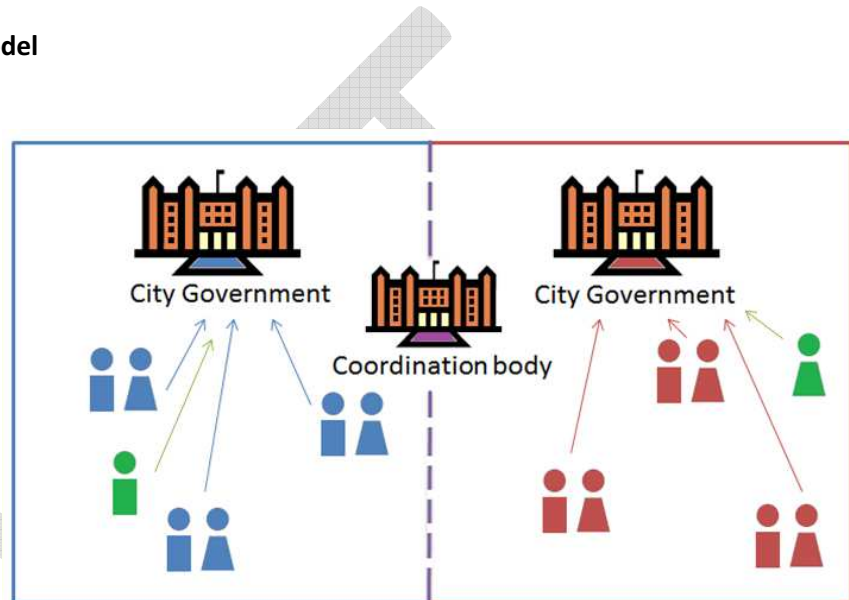
4. Models for Divided and Contested Cities

The following section describes and evaluates the most common models for divided and contested cities. It is important to note that **each of the models presented can be adjusted and combined** with features of the other models.

Model 1: “Soft Border”

Features of the “Soft Border” model

Under model 1 the city would be divided by a “soft border”. During active conflict, this model could feature a temporary hard border. The city is governed by two different city governments (with city councils) and each side falls under the authority of different federal states. People and goods can freely move from one side to the other.



Governance

- Each side of the city have its own government and city council, with its own (potentially very different) governance system.
- Under this model, there could be a cross-border, cross-entity **coordination body** with representation of both entities that could coordinate, and facilitate cooperation between the two entities on a range of cross-border issues, for example: cross-border public transport, urban planning, etc.

Representation

- The people from each side of the city would be represented in a separate city council and government. For Galkayo this would mean that people from North Galkayo would be represented in a North Galkayo city council and government, and people from South Galkayo would be represented in the South Galkayo city council and government.
- Minority representation is ensured in the two governments, albeit through different systems. For example, one side could feature a minority quota (without a veto) for their city government/council while the other side could feature a minority quota and minority veto.

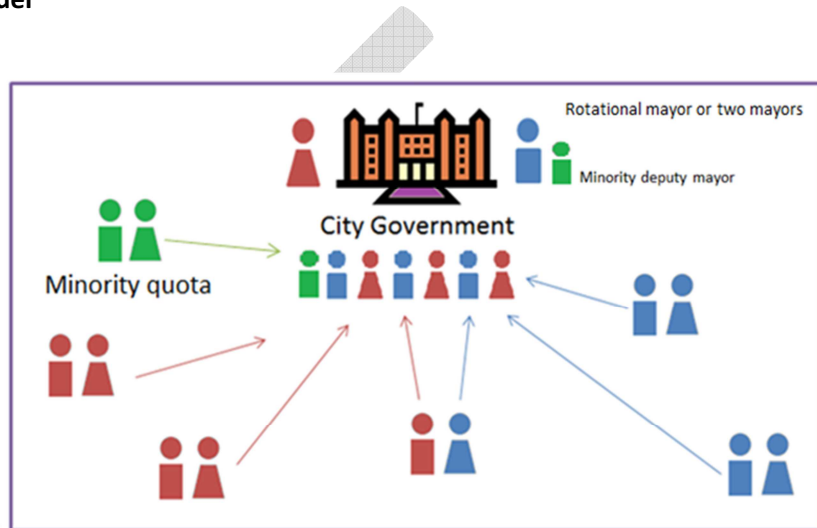
Revenues

- Revenues would be generated by the city government on each side of the divide. At the state level, each side would receive revenues from its respective state as per that state's laws and practice.
- The coordination body would be funded by both governments.

Model 2: Power-Sharing Model

Features of the power-sharing model

The city would not fall under either of the two entities, but directly under the federal government, as a 'special entity'. The city would be governed through a power-sharing governance model



Governance

- The city would not be a part of either federal state, but a 'special entity' that directly falls under the federal government's authority.
- Key city government positions can be divided through negotiated quotas between the different groups that make up the city.
- There are several options for the position of the mayor, including:
 - *Rotational mayor*: there would be one mayor. The position would rotate between the different groups that make up the city.
 - *Two mayors and a minority deputy mayor*: there would be two simultaneous mayors that work together alongside a minority deputy mayor, whose position may rotate between minorities.
- City council would be elected by the citizens of the city.

a

Representation

- The people of the city would be represented in one city council, where the main groups would have **equal representation**. Minority representation can be arranged in a **minority quota agreement**
- For example, the main groups could each get 40% of the seats, and the minority groups 20%. The 20% seats for minority groups could be divided in 10% for minority groups on one side of the city, and 10% for minority groups on the other side.

Revenues

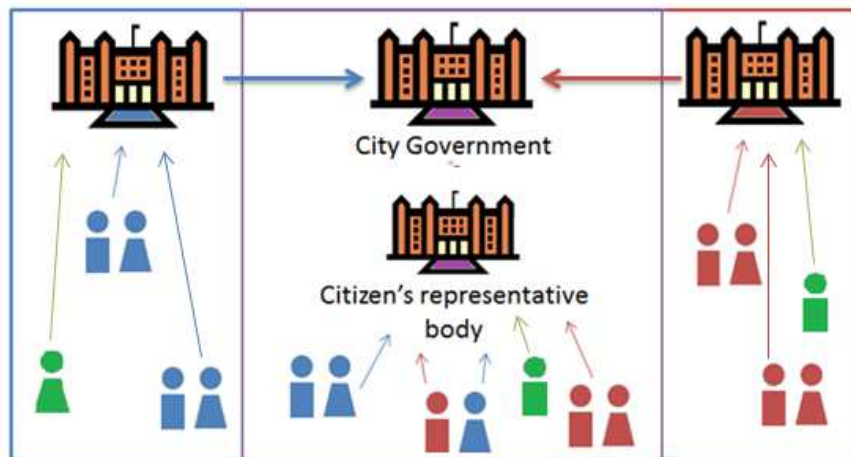
- Revenues would be generated by the city itself, potentially aided by the federal government.

- Neither of the two federal states would send resources to the city.

Option 3: Semi-autonomous model

Features of the semi-autonomous model

The city would be governed by representatives of the two federal states, and would not be a part of either of the federal states, but fall directly under the authority of the federal government.



Governance

- The city would not be a part of either federal state, but a 'special entity' that directly falls under the federal government.
- City government would be made up of representatives of the two federal states, through a negotiated quota agreement between the two federal states. There are several options for the mayor position, including:
 1. Single mayor; as negotiated by the federal states
 2. Two mayors; one from each, appointed by the federal states' governments or State Assemblies.
 3. Rotational mayor; with a fixed term

Representation

- The people of the city would be represented in the citizen's representative body.
- Minority representation at the city government would depend on the negotiated quota agreement between the two federal states.
- Minority representation at the citizen's representative body could be arranged through a quota or quota and veto.
- The relationship between the city government and the citizen's representative body could be:
 1. Citizen's representative body is an advisory body that provides non-binding advise to the city government;
 2. Citizen's representative body has a veto over decisions made by the city government

Revenues

- Revenues generated in the city could 1) stay in the city, or 2) sent back to the two federal states that would then make fiscal transfers back to the city (50-50% or proportional to the financial health of the respective federal states).
- The two federal states could provide additional fiscal transfers or grants to the city in return for the representation they receive at the city government.

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5. Results of consultations on Models for Divided and Contested Cities

This section provides an overview of the general observations made during the consultations in Galkayo North and South, specific feedback from those consulted on each model, points of convergence and divergence between the stakeholders consulted, and possible revised models to take into account feedback received.

General observations

The “soft border” model and the “power-sharing” model were considered the most viable. Participants of Galkayo North and South believed the “power-sharing” model is only viable if Galkayo falls under the auspices of respectively Puntland or Galmudug, and not directly under the Federal Government. The third model was met with strong resistance, mostly because participants were concerned with the multiple layers of authorities that would be involved, and Galkayo directly falling under the auspices of the Federal Government.

In Galkayo North, traditional elders and religious leaders strongly preferred the “soft border” model, and also for Galkayo to fall under Puntland’s authority. They argued that four out of the five districts of Galkayo are dominated by the Darood-Majerteen. Some representatives strongly preferred the “power-sharing” model. For the “soft border” model women’s representatives recommended a strong, shared, and empowered coordination body, with representation from both sides. The women said in a private conversation with the facilitators that the women and the youth just want peace, and that they believe that a form of “power-sharing” will bring that peace.

In Galkayo South there is a strong preference for the “power-sharing” model with Mudug Region as a whole under Galmudug’s authority. The participants emphasized multiple times that 80% of Mudug is inhabited by the Hawiye-Habar Gidir-Sa'ad clan. Mataban District, Hiiraan was taken as an example. A majority of the Mataban population hails from the Hawiye-Habar Gidir sub-clan, which is also the majority clan in Galmudug. However, Mataban lies in Hiiraan and is now a part of HirShabelle State. Participants identified Mataban as a model for Galkayo.

Despite strong interest from both sides, and explicit rejection of any model that has Galkayo fall under the Federal Government, the power-sharing model is currently unrealistic since there is strong disagreement between the North and South and which state Galkayo would fall under. This model will not be possible to implement unless there is a compromise or agreed process for determining which state Galkayo would fall under - and this is one of the fundamental issues that will be explored in the next round of consultations.

A number of key issues were identified during the consultations:

Status of Mudug Region: How does Galkayo and Mudug fit in the federal structure of Somalia? Should Galkayo receive special status in the federation (such as a federal district), should Galkayo be divided between Galmudug and Puntland, or should Galkayo fall under either of the two states?

Border and population make-up: Participants of the consultations emphasized the importance of defining the border between Galmudug and Puntland that runs through Galkayo, as well as the make-up of the city's population. The consulted stakeholders in South Galkayo widely hold the view that 80% of Mudug region is controlled by their Hawiye-Habar Gedir sub-clan, whereas in North Galkayo, participants emphasized their majority in Galkayo city. Participants on both sides called for a census (in respectively Mudug region and Galkayo city).

Issues raised on each model:

Option 1 was presented and discussed during the consultative meetings in Galkayo North and South. The participants expressed their interest in following features:

- A **clearly demarcated border** between North and South after a population census has determined where this border should be. A clear border is essential for having two different administrations controlling one city.
- A soft border would facilitate **free and easy movement of people and goods and the coordination of security**.

However, the participants were concerned about the following features:

- Having **two authorities** in one city was identified as problematic, even if there would be a clearly demarcated border. Participants expressed the concern that it would lead to violence. A **strong coordination body**, with clearly defined responsibilities would be needed.

Overall, the participants were moderately interested in adopting this model for Galkayo. It was favored over the “semi-autonomous” model, and about equally popular as a revised version of the “power-sharing” model (see section 3.2.2). It was particularly favored by religious leaders and traditional elders in North Galkayo. It was least favored by women groups’ and youth representatives, who expressed that they have little faith that this model can lead to peace in Galkayo because the current arrangements are similar to this model and it failed to sustain the peace. Some women noted that this model would continue the division of families between North and South, and family members fighting each other on both sides (see section 4.3 “Revised Models”).

Option 2 was presented and discussed during the consultative meetings in Galkayo. The stakeholders consulted expressed their interest in the following features:

- Participants mentioned that the representation of the two sides in a single shared city government would be good as it could **prevent political fights between two different administrations** and provide clarity.

- The participants thought the **direct election of representatives** would be positive. The participants did not go into the exact division of key government positions between North and South, nor a minority quota. Participants did not object when the facilitators suggested a 50-50% split of key government positions.

However, the participants expressed their concern about other features:

- This model would only be viable for the consulted stakeholders if “**special entity**” component could be taken out. Stakeholders on both sides expressed low levels of faith in the Federal Government, and strongly rejected the idea of Galkayo potentially falling directly under the auspices of the Federal Government.
- The consulted stakeholders still emphasized the need for a **clear border between the communities**, even though the “soft border” (of model 1) is not a feature of model 2 as presented.
- Some participants were concerned that this model would allow for armed nomadic pastoralists to move around Galkayo and its direct surroundings, and identified **the need for disarmament and “reliable and loyal authorities”**.

The stakeholders consulted expressed most interest in option 2 with a couple of revisions. Most stakeholders thought this model would be viable if the city would fall under the auspices of either of the two states, or, alternatively, be shared between them. For this to be effectively implemented, there would still need to be a (temporary) soft border running through the city at the initial stage. Additionally, there would need to be a negotiated power-sharing deal between the two main Hawiye and Darood sub-clans that accounts for the spread of the Hawiye and Darood populations in both Galkayo and Mudug for the model to be viable. The future of Mudug within the federal architecture of Somalia is essential as well (see section 4.3 “Revised Models”).

Option 3 was presented and discussed during the consultative meetings in Galkayo. The stakeholders consulted did not identify any positive features of this model.

The stakeholders consulted were concerned about the following features of this option:

- This model was thought to be far too complex for Galkayo, with too many different levels of governance actors involved.
- Consulted stakeholders rejected the “**special entity**” component. Stakeholders on both sides expressed low levels of faith in the Federal Government, and strongly rejected the idea of Galkayo potentially falling directly under the auspices of the Federal Government.

The stakeholders consulted felt that option 3 was the least viable model for Galkayo. Many felt that the Federal Government is too weak and unreliable to be able to effectively rule Galkayo, and that the model was too complex. Because of its rejection, this model has not been taken forward to section 4.3 “Revised Models”.

Points of convergence and divergence

Participants on both sides of the divide seemed to show a certain degree of consensus around the following points.

- **Interim measures**, including upholding the ceasefire agreement, were considered of high importance on both sides of the divide. Participants indicated that the ceasefire agreement is not being upheld. Participants in Galkayo North stated that Galmudug does not have the capacity to control armed 'tribal groups' that move north beyond the border that splits Mudug between Galmudug and Puntland. In Galkayo South participants indicated that Puntland has broken the ceasefire agreement by pushing their troops forward, taking over key positions Galmudug left when pulling out, and that the Federal Government and the international community (UN, IGAD) are not monitoring the ceasefire on the ground.
- Participants called for **stronger involvement by the international community**, especially around defining the border and monitoring the ceasefire and peace agreement.
- Participants noted the **importance of free movement of people and goods** across the divide for both the interim and future arrangements.
- On both sides of the divide, the uncertainty of the future of Mudug region was widely seen as the core problem of the conflict. Clarity on the **future status of Mudug region** (through the Constitutional Review Process) is seen as essential to solving the conflict in Galkayo and its direct surroundings.
- Participants on both sides called for a **population census** (in district and states) to define a clear border between North and South.
- Participants on both sides emphasized the need for Galkayo to fall under the auspices of **one federal member state**; the one of their choice. Since there is strong disagreement between the two sides on which federal member state should control Galkayo, participants were requested to discuss alternatives. According to the participants on both sides, the only viable alternative would be a **power-sharing system**.
- Participants on both sides were of the opinion that Galkayo **should not fall directly under the auspices of the Federal Government of Somalia** under any circumstance. The Federal Government is seen as weak and unreliable.

Participants on the two sides of the divide seemed to show signs of disagreement around the following points:

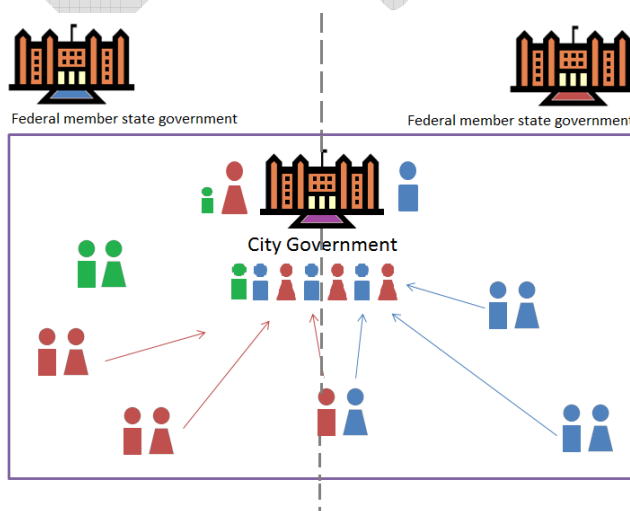
- There is **strong disagreement which federal member state should control Galkayo**. Participants in Galkayo North point to the Darood-Majerteen-Omar Mahmood as the majority sub-clan in Galkayo city and its direct surroundings, whereas participants in Galkayo South point to the Hawiye-Habar Gidir-Sa'ad sub-clan controlling 80% of Mudug region. There is **disagreement between groups within the two communities**. Generally speaking, the women representatives were more in favor of a single administration with a power-sharing system, whereas the traditional elders and religious leaders tended to be more in favor of maintaining a border and having two separate administrations.

A Revised 4th Model

Based on the above consultations, the following model was developed to show how possible variations to the initial models could try to accommodate concerns raised. This was presented during the second round of consultations in December 2017. *The new fourth model takes into consideration components of model 1 and 2 as well as the concerns and recommendations of the consulted stakeholders:*

Model 4: Power-sharing model with a soft border running through Galkayo and Mudug

- Under this model the city of Galkayo would be governed through a power-sharing system, with negotiated quota for key city government positions. The positions would be filled through elections by the citizens of Galkayo.
- The model would include a short term soft border that allows for people and goods to freely move from one side of the city to the other.
- The city would fall directly under one or two of the federal member states.
- A constitutional settlement with regard to the Mudug region is essential. There are multiple options available, one that would particularly work well if Galkayo is to be shared between federal states, is for Mudug to be split in Mudug North and Mudug South. Galmudug would thereby be complying to all constitutional criteria's of federal member states.



Galkayo North representatives/the Darood-Majerteen-Omar Mahmood sub-clan may argue that they should receive more key positions in the power-sharing arrangement, considering they are a majority in Galkayo. However, Galkayo South representatives may argue the same considering they are a majority in Mudug region (80% according to stakeholders consulted). We can refer to the Brussels model, in which there was a trade-off between the Dutch-speaking majority in Belgium, and the French-speaking majority in Brussels, so that the French-speaking community would be provided more equality at the

federal level, and the Dutch-speaking community in Brussels. However, South Galkayo representatives/the Hawiye-Habar Gedir-Sa'ad sub-clan will not be able to receive this equity at the regional level because of the little/non-existent political significance of regions within the Somali federal architecture. Therefore it may be essential for North and South to have an equal number of key government positions in any power-sharing arrangement.

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6.5. Conclusions

TBD.

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7. Annex I: Full Case Studies

Sarajevo, Bosnia and Herzegovina

The peace agreement that ended the war in Bosnia and Herzegovina split the country up, along ethnic lines, into two separate autonomous entities; (1) **Republika Srpska** (majority Serbian), and (2) **Federation of Bosnia and Herzegovina**, (majority Bosniak and Croat). The entities are the leading administrative level in the country. The Federal Government of Bosnia and Herzegovina does not have taxation rights. The two entities pay for the Federal Government.

The **Inter-Entity Boundary Line (IEBL)** that separates the two entities runs through the capital city Sarajevo (pop. 643,016 as of 2013), separating the two sides:



Border between Sarajevo (FBH) and Sarajevo East (RS)⁷

1) Sarajevo Canton (falls under the Federation of Bosnia and Herzegovina (FBH))

- Sarajevo Canton is one of the Federation's 10 Cantons, and is majority Bosniak (84%).
- 90% of the Sarajevo population lives in Sarajevo Canton, which consists of 9 municipalities.⁸
- The Sarajevo Canton has many exclusive rights versus the Entity of FBH:

Exclusively Federal	Shared competencies	Exclusively Cantonal
Military agreements, economic & fiscal policy, planning, land use policy, intercantonal crime, infrastructure	Health policy, social welfare policy, environmental policy, use of natural resources, infrastructure for communications and transport	Educational policy, police, cultural policy, housing policy, local land use regulation, financing of the Canton through borrowing, taxing, and other means

- The Cantonal Constitution of Sarajevo states that the Canton can delegate all its Cantonal competencies in the fields of education, culture, local business, charity, media to its municipalities. The Canton has to delegate these competencies to municipalities "in which a **majority of the population according to its national structure does not represent a population that has majority on the territory of the whole Canton.**"

- The Cantons, including Sarajevo Canton retain most of its revenues from most of its tax sources. The Cantons share these revenues with their respective municipalities. Property tax is shared 60-40% between Sarajevo Canton and its municipalities.

2) Sarajevo East (is the official capital of Republika Srpska (RS))

- Sarajevo East is one of Republika Srpska's 62 municipalities, and is majority Serbian.
- Municipalities take care of urban construction, maintenance, and other public facilities of importance to the municipality, including needs of citizens in the areas of culture, education, health and social welfare, public information, environment etc.
- Sarajevo East is largely a suburban area that consists of six municipalities. Only about 10% of the overall population of Sarajevo lives in Sarajevo East in 2013.

The IEBL runs through Sarajevo. Some argue that the divided administrations and public services contribute to the separateness of the ethnic groups living on each side of the divide.⁹ There is little to no cooperation or coordination between the two entities across the Sarajevo "soft border". Public transport stops at the border, where people need to change buses. There is also no cooperation around urban planning.¹⁰

Brussels, Belgium

Brussels is an example of a city that is governed using a **power-sharing agreement** between two main groups (the French-speaking community and Dutch-speaking community).

Belgium as a country has a Dutch-speaking majority, whereas Brussels has a French-speaking majority. A **power-sharing 'trade-off'** was made so that the French-speaking community would be provided more equality at the federal level, and the Dutch-speaking community in Brussels.¹¹ The German-speaking minority (1%) that is concentrated in the east of the country is not represented in Brussels Capital Region.

The **Brussels Capital Region** falls directly under the auspices of the federal government and not under any of Belgium's other regions (Flanders or Wallonia) or provinces, and is thus similar to a federal district (like Washington D.C.).

The Brussels Capital Region has:

- **An elected 89-member Brussels Parliament** (72 members are elected from a list of French-speakers and 17 of a list of Dutch speakers – the parties are divided along linguistic lines).¹²
- **An 8-member Regional Cabinet** consisting of a Minister-President, four ministers, and three state secretaries. They are chosen by Brussels Parliament from elected Brussels MPs. By law, the cabinet must comprise **2** French-speaking and **2** Dutch-speaking Ministers, **1** Dutch-speaking and **2** French-speaking State Secretaries. The Brussels Minister-President does not count against the language quota, but in practice, every Minister-President comes from the French-speaking community, but is bilingual (speaks both French and Dutch).

There is quota for six French speaking senators and one Dutch speaking senator from Brussels to be in the Federal Senate.¹³

Brussels has financial and fiscal autonomy.¹⁴ Unlike the French and the Flemish regions in Belgium, BCR do not have constitutive autonomy i.e. the right to amend key features like its composition, elections, government operations and procedures.¹⁵ Institutions in BCR can only be altered through special constitutional acts voted in the Parliament. BCR also passes ordinances, which can be overturned by the federal government that prejudices its status or function as a capital city. Like other regions in Belgium, the Region is the competent authority in: urban development (plans, planning permission, urban renewal, real estate policy, protection of monuments and sites) and housing, environment, water and nature conservation, economy (economic expansion, foreign trade), and employment policy, transport, public works, energy policy, local authorities (French and Dutch), and subsidiary authorities (communes, inter-communal associations, religions), external relations, and scientific research.

Health care, education, sports, and culture fall under the “**Community Commissions**”, of which there are three - one for each large community in Belgium; the French-speaking community, the Dutch-speaking community, and the German-speaking community.

The Cooperation Agreement signed between the federal government and the BCR, provides grants to finance projects for the above the competencies. BCR has authority over urban planning, public works, transportation, housing, economic, environment and energy policies, as well as, scientific research.¹⁶ Brussels capital region government is composed of minister-president, senior and junior ministers elected every 5 years.

Dire Dawa, Ethiopia

Dire Dawa, Ethiopia is one of two “self-administered” cities in Ethiopia. Dire Dawa is directly accountable to the federal government, like Ethiopia’s 9 regional states.¹⁷

The city government is elected but based on a **negotiated power-sharing arrangement**. The two largest political parties receive 40% of the city council seats each, with the remaining 20% seats being divided between other minority parties.¹⁸ On the same basis, executive cabinet positions are shared. The mayoral office rotates between parties within a single electoral term of five years.¹⁹ Minority groups generally support this arrangement. However, there have been some complaints that the number of seats allocated for their groups (20%) is not commensurate with their population size (30%).²⁰

This case is an example of how a negotiated power-sharing agreement can include representation of all groups, a rotating mayoral office, and guarantees for minorities.

According to its **Charter Proclamation**, Dire Dawa City Administration has the right to assess and collect, according to law, income taxes from incomes earned in employment within the bounds of the City but with the exception of the employees of the Oromia Region, the Federal Government organs, including

federal public enterprises, set and collect land use fees, levy taxes on incomes from agricultural activities in the City, profit taxes, excise taxes, turn over taxes, value added taxes (which shall be collected, according to law, by the Federal Government from individual tradesmen and public enterprises residing in the city), lease prices of land in the city, houses taxes in the city, income taxes from houses and other properties let in the city, stamp duties, road users charges, taxes from mining operations, royalty for the use of forest resources, and municipal taxes and duties.

Hong Kong

The semi-autonomous **Special Administrative Region** of Hong Kong has a governance system that is similar to model 3. Since 1997, when the former British colony Hong Kong was transferred back to China, Hong Kong has had its own government, multi-party legislature, police forces, monetary systems, customs, immigration, educational systems, and substantial competence in external relations that are separate from those of the People's Republic of China.

Hong Kong's **Chief Executive** is the head of the Hong Kong Administrative Region and head of government of Hong Kong. The Chief Executive is elected by an Election Committee, a 1200-member electoral college appointed by the People's Republic of China. The winner is then appointed by the Premier of the People's Republic of China. The Chief Executive is responsible for making decisions on government policies, issuing executive orders, promulgating laws, signing bills and budgets, and implementing the law. The Executive Council assists the Chief Executive in policy-making. The 32 Executive Council member and secretaries are appointed by the Chief Executive and endorsed by China's Central People's Government as well.

Hong Kong's **Legislative Council** is a semi-democratically elected body, whose 70 members are chosen from **35 geographical constituencies** through one-man, one-vote elections, and **30 trade-based functional constituencies**, chosen by the leaders of these constituencies. The trade-based functional constituencies represent various sectors of the community which are considered as playing a crucial role in the development of Hong Kong, such as the medical, textiles and garment, and financial services sectors of the economy. These 30 representatives are elected by the respective sector groups' members only. The remaining **5 District Council seats** are elected by the people from District Council constituencies since 2009. Therefore, in total 40 seats are elected by the people of Hong Kong, and 30 by the dominant sectors of Hong Kong.

The main responsibilities of the Legislative Council is to enact, amend, or repeal laws, examine and approve budgets, taxation and public expenditure, raise questions on the work of the government. The Council also has the power to impeach the Chief Executive, and endorse the appointment or removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court.

8. Annex II: Galkayo Consultations Report

On 13 and 14 November 2017, Conflict Dynamics conducted consultations on future arrangements of Galkayo in Galkayo North and Galkayo South with decision makers, traditional elders, religious leaders, NGO and CSO leaders, women groups, and youth representatives. The following agenda was developed for consultations on both sides:

AGENDA	
Time	Session
8.00 – 9.00	1 WELCOME AND OVERVIEW
	Opening Prayers and welcome Purpose: Welcome, participant introductions, overview of agenda, objectives, and methodology, introduction of project, Chatham House rule
9.00 – 9.30	2 GOVERNANCE OF CONTESTED AND DIVIDED CITIES
	Presentation of three models of contested and divided cities. Purpose: To explore governance models for contested and divided cities with case examples
9.30 – 10.30	3 GOVERNANCE OF CONTESTED AND DIVIDED CITIES
	Group work on the three models Purpose: To explore the feasibility of the three governance models for contested and divided cities for the future governance of Galkayo.
10.30 – 10.45	COFFEE & TEA BREAK
10.45 – 12.00	4 GOVERNANCE OF CONTESTED AND DIVIDED CITIES
	Presentation of group work in plenary and a facilitated discussion Purpose: To further explore the feasibility of the three models for the future governance of Galkayo.
12.00 – 13.00	5 GOVERNANCE OF CONTESTED AND DIVIDED CITIES
	Facilitated discussion around future arrangements for Galkayo. Purpose: To develop a governance model for Galkayo.
13.00 – 14.00	LUNCH

This report features the feedback of the consulted stakeholders to each of the three models presented, the new ideas that were developed during the working sessions, and some key takeaway points.

Consultations in Galkayo North

On 13 November 2017, consultations were held in Galkayo North. 33 local leaders participated, including 8 women group's representatives, 13 traditional elders, 4 religious leaders, and 6 youth representatives. The Mayor and Governor of Galkayo North were in attendance and opened the consultations.

Model 1: "Soft Border"

The first model was met with mainly positive feedback. The presenter of the group said this model would "result into peace", if a few prerequisites are met:

- The group said that a clear demarcated border is essential to having two different administrations. The border will need to be defined by a census and the make-up of the population in Galkayo.
- Having two authorities in one city was identified as problematic. A strong coordination body, with clearly defined responsibilities would be needed. The coordination body would need to include representation from both sides. There is currently a coordination body in place, but this body has been weakened significantly.

Model 2: "Power-shared special entity system"

The second model was met with both positive and negative feedback:

- The group mentioned that the representation of the two sides in a single shared city government would be good as it could prevent political fights between two different administrations and provide clarity.
- The participants thought the direct election of their representatives would be a positive. The participants did not go into the exact division of key government positions between North and South, nor a minority quota. Participants did not object when the facilitators suggested a 50-50% split of key government positions.
- The group emphasized the need for a clear border between the communities, even though the "soft border" is not a component of model 2. The group thinks the border is still necessary at this stage, but that one administration instead of two will allow better movement through the city. Perhaps in the future the border can be removed.
- Some participants seemed to think that Galmudug is providing arms to nomadic pastoralists to politicize the conflict. At the other hand, others seemed to think Galmudug is not capable of controlling and intervening against armed nomadic pastoralists that move into North Galkayo and surroundings. Participants identified the need for disarmament and "reliable and loyal authorities."
- Model 2 was only preferred if the city would not fall directly under the FGS as a "special entity".
- Dire Dawa was criticized as a case example; one participant said the power-sharing arrangement in Dire Dawa does not reflect the will of the people of Dire Dawa.

Model 3: "Semi-autonomous system"

The third model was met with negative feedback from participants:

- The group said that there are too many levels involved in this governance model.
- The group recommended model 1 with a clear borderline. The borderline would need to be drawn according to the make-up of the population of the city. Previously it was agreed between Puntland and Galmudug that Darood-Majerteen-Omar Mahmood and Hawiye-Habar Gidir-Sa'ad households would be counted per street, and that the street would go to the state and side of the city that the majority of the households identify with. This agreement was not implemented, but still seen as a very good way forward by the participants in Galkayo North.

General observations by the team

- Attendants seemed to be convinced that the Darood-Majerteen-Omar Mahmood have a majority in Galkayo, and the Hawiye-Habar Gidir-Sa'ad are a minority. One participant said: “how can we handle a conflict between 50 and 5 people?” Participants asked the conveners to provide examples of cities where minority groups have been usurped into the majority group’s entity (constituent country, sub-state level entity such as provinces, federal member states). Several examples were given, including Belfast and Jerusalem. Participants responded strongly to Jerusalem as an example of a bad governance model for the Palestinians living in Jerusalem.
- Galmudug is not seen as a real state, as the Provisional Constitution says that a state can only consist of two regions or more, and Galmudug consists of Galguduud and only a part of Mudug.
- None of the participants preferred Galkayo to become a special entity under direct Federal Government rule. Participants emphasized that the Federal Government of Somalia is currently too weak and unreliable. Even if in the future the FGS would be stronger, there is true reconciliation, and if participants feel they are well represented at the FGS level, this is still not seen as a very viable option for Galkayo. The FGS is seen as exacerbating the conflict in Galkayo. An example is when former FGS President Hassan Sheikh Mohamud said that Galkayo should fall under Galmudug’s authority. Trust in the FGS is very low.
- Participants also mentioned that Galkayo is affected by “weak authorities”, not specifying the level of government. It was mentioned that Puntland has been in existence for much longer than Galmudug and that Galmudug does not have authority and cannot intervene the way Puntland is capable of. This is problematic as the Galkayo conflict is seen as mainly a conflict between nomadic pastoralists outside of the city.
- The traditional elders seemed to strongly prefer the “soft border” model 1. The women preferred the “power-sharing” model 2. The women emphasized the need for a coordination body under model 1 that is shared and empowered, with representation from both sides. The women said in a private conversation with the team that they and the youth want peace. None of the participants preferred model 3.
- The participants called for international intervention around the borderline.

Consultations in Galkayo South

The second day, consultations were held in Galkayo South. 35 local leaders attended, of which 10 women group’s representatives, 10 traditional elders, 7 youth representatives, 4 business

representatives, 2 district commissioners, 1 government official, and 1 lawyer. No religious leaders attended. The Governor, Mayor, and Deputy Governor attended and opened the consultations.

Meeting with the Galkayo South administration

The facilitators first held a meeting with the Governor, Mayor, Deputy Mayor and Chief of Police of Galkayo South. The following are the main take-away points from this discussion:

- *Lack of genuine agreement and reconciliation:* previous peace agreements were identified as merely symbolic agreements that have not been implemented. The international community and FGS only move in when there is open armed conflict, and move out as soon as one of these agreements have been signed. The agreements have proved to be unsustainable.
- *Lack of ceasefire monitoring:* the current ceasefire is not being monitored on the ground. According to the Mayor and Governor, Galmudug has pulled its troops back in compliance with the ceasefire agreement, whereas Puntland has moved its troops closer to Galmudug, taking over the positions they have abandoned. The Joint Ceasefire Committee consists of representatives from both sides but is not effective. The UN-IGAD Ceasefire Team Advisory Group is based in Mogadishu and Nairobi and only advises from a distance. There is a need for a strong ceasefire monitoring body that is based on the ground, in Galkayo.
- *Weak federal government:* the FGS has not responded to Puntland's take-over of Galmudug's positions in contravention of the ceasefire agreement. The FGS is seen as weak and not able to respond.
- *Lack of international pressure and oversight:* the Mayor and Governor would like to see stronger international pressure and oversight to enforce the ceasefire, as the FGS is too weak to respond.
- *Joint Police Units:* the joint police units have been given training by the UN, but are not functional as of November 2017. They have a lack of equipment, and have not received their stipends. It is expected that their first stipends will be paid in November or December. Their access to Galkayo North is limited by Puntland, as they have demanded representatives of missing clans to be added to the JPCs.
- *Delay of Constitutional Review:* The Governor emphasized the need for the Constitutional Review to take place, as it has the potential to solve the status of Mudug Region, and thereby the legitimacy of Galmudug State. Both are essential prior to resolving the conflict in Galkayo and its surroundings.
- *Resources and revenues:* The group emphasized the need for a more equal distribution of resources and revenues from the airport and other revenue generating places in Galkayo: e.g. the airport of Galkayo (currently in North Galkayo) was built by SDF? But funded by the community of Galkayo, while its revenues are now only going to North Galkayo and Puntland.
- *Natural resource conflict:* the conflict was identified as a natural resource conflict over land and water between nomadic pastoralists that mainly takes place outside of the city, in Jariban .
- *Media:* the media has in the past exacerbated the conflict, but the administration said that this was mostly due to untrained journalists who gave inciting interviewees a platform. Training is needed on media principles.

The facilitators attempted to have a similar meeting with the administration of Galkayo North, but this was unfortunately not possible.

Model 1: “Soft Border”

Model 1 was met with both positive and negative feedback:

- A clear border demarcation would be essential and necessary for this model to work.
- A soft border that would facilitate easy movement of businesses and people from one side to the other would be a very positive feature of this model.
- The group was not in favor of having two administrations in one system as they believe it will lead to more violence.
- A recommendation made by the group is to have the 20% of Mudug region that is currently controlled by Puntland join Galkayo South under the Galmudug administration.

Model 2: “Power-shared special entity system”

The power-sharing component of model 2 was met with positive feedback:

- Participants stressed the importance of representatives being elected on a 50-50% quota basis.
- One participant emphasized that this model would be “very applicable to Galkayo”.
- There was a lively discussion around how the status of Galkayo would affect the status of Mudug and thereby the legitimacy of Galmudug as a state. The “special entity” component of this model was not well received, because of the following reasons:
 - Participants said it would **reduce Galmudug’s territory to even less than 1.5 region** of the two regions constitutionally required to make up a federal member state.
 - One participant noted that if the federal government can somehow ensure that Galmudug will consist of two regions, it might be possible for Galkayo to be a special entity.
 - Another participant expressed concern over Mudug region being split into two for this model to work in Galkayo. The participant reasoned that it would go against the 2012 Provisional Constitution and the Galmudug Constitution to divide Mudug region into two separate regions.
 - One participant expressed the concern that if Galkayo would become a special entity, it could have a snowball effect with other cities also demanding to become a special entity.

Model 3: “Semi-autonomous system”

Model 3 was rejected by the group and other participants, the reason being the governance system would be too complex, and Galkayo should not fall under the auspices of the Federal Government.

- The group suggested for Galkayo North to join Galkayo South under the authority of Galmudug State. Mataban District, Hiiraan was taken as an example. The population of Mataban consists of Hawiye-Habar Gedir, a majority clan in Galmudug. However, Mataban lies in Hiiraan and is now a part of HirShabelle State, despite its majority Hawiye-Habar Gedir population.

General observations

- The women groups’ representatives noted that **women are particularly affected** by the conflict in Galkayo. Families have been divided between North and South Galkayo resulting in family members fighting on both sides. Female IDPs lack access to necessary health and maternal care, leading to health complications and unnecessary deaths.
- A number of participants called for Mudug region to hold a **popular referendum** on whether Mudug region should fall under the authority of Puntland or Galmudug. The dominant sub-clan of South Galkayo, the Hawiye-Habar Gidir-Sa'ad forms a majority in Mudug region. It is therefore likely that if such a referendum would take place, Mudug region would go to Galmudug. It is therefore unlikely that the dominant sub-clan in Galkayo, the Darood-Majerteen-Omar Mahmood (which identifies with Puntland) would agree to a referendum.

Potential Points of Convergence and Divergence

In the table below we compiled some of the points of convergence and divergence that the facilitators noted during the two consultation sessions. It is important to note that the points below were expressed during the workshop in plenary, but there may not be consensus around these points within the respective groups.

Component	Convergence	Divergence
Galkayo’s place in the federal architecture of Somalia	Galkayo should not be a special entity that falls directly under the FGS. There is a lack of trust in the capability and capacity of the FGS. FGS is perceived as weak and unreliable. Even if the FGS would have increased capacity and more representative of the respective communities of Galkayo in the future, both communities expressed that Galkayo should fall under either of the two states, and not directly under FGS.	<u>North:</u> Mudug and Galkayo should fall entirely under Puntland’s authority <u>South:</u> Mudug and Galkayo should fall entirely under Galmudug’s authority.
Border	A census is needed to define the border between North and South.	<u>North:</u> The census will point out that there is a majority Darood-Majerteen-Omar Mahmood in the city of Galkayo, which can be used as an argument for Galkayo South to join Puntland. <u>South:</u> The census will point out that there is a majority Hawiye-Habar Gidir-Sa'ad (who according to them control 80% of land of Mudug region vs 20% of Darood-Majerteen-Omar

		Mahmood) which can be used as an argument for Galkayo North to join Galmudug.
Power-sharing / division of key positions	Key positions should be divided between North and South.	North: They believe to be the <u>majority of Galkayo city so a 50-50 quota would be hard to sell.</u> South: the quota will have to be 50-50%
Minority quota	Was seen as not needed by consulted stakeholders on both sides. Unclear to participants of the Galkayo South consultations how 'minority' is defined.	
Aideed-Yusuf Agreement	This locally brokered peace agreement between Aideed and Yusuf worked and brought peace to Galkayo.	

Endnotes

- ¹ Interpeace, “Peacemaking at the Crossroads: Consolidation of the 1993 Mudug Peace Agreement” (2006), 13.
- ² Puntland Constitution (2011), Art. 11
- ³ Provisional Constitution (2012), Art. 48
- ⁴ Article 48, *Provisional Constitution of the Federal Republic of Somalia*, 1 August 2012, accessed 12 July 2016. http://www.wipo.int/wipolex/en/text.jsp?file_id=324354.
- ⁵ Provisional Constitution (2012), Art. 49(6).
- ⁶ Comparison and concordance chart: Provisional Federal and State Constitutions.
- ⁷ Nashrallah and Kudumović, “Mapping transition”, 49.
- ⁸ Rami Nashrallah and Lana Kudumović, “Mapping transition: divided cities of Jerusalem and Sarajevo”, in Carola Hein (ed.) *International Planning History Society Proceedings*, 17th IPHS Conference, TU Delft 17-21 July 2016, 49.
- ⁹ Bronwyn Kotzen and Sofia Garcia, “Politics of memory and division in post-conflict Bosnia-Herzegovina and Sarajevo”, London School of Economics & Political Science, 5.
- ¹⁰ Nashrallah and Kudumović, “Mapping transition”, 49 / Aida Korjenić, “Spatial planning in Bosnia and Herzegovina: legislative framework”, in: *Acta Geographica Bosniae et Herzegovinae* 3 (2015), 53.
- ¹¹ Scott A. Bollens, “Governing Polarized Cities”, discussion draft, 6.
- ¹² The Parliament of the Brussels-Capital Region, website of the Brussels Capital Region, here: <http://be.brussels/about-the-region/the-parliament-of-the-region>
- ¹³ Slack, Enid, and Chattopadhyay Rupak, eds. *Finance and Governance of Capital Cities in Federal Systems*. Brussels. McGill-Queen's University Press, 2009. pp39.
- ¹⁴ Gary Young, “The fiscal relationships between capital cities and their national governments”, in *Building the Best Capital City in the World*, ed. Jon Bouker et al., (Washington D.C.: DC Appleseed and Our Nation's Capital, 2008), 78.
- ¹⁵ Slack, Enid, and Chattopadhyay Rupak, eds. *Finance and Governance of Capital Cities in Federal Systems*. Brussels. McGill-Queen's University Press, 2009.
- ¹⁶ <http://be.brussels/about-the-region/the-regional-competences>
- ¹⁷ UN Habitat, “Ethiopia: Dire Dawa Urban Profile” 2013, 11.
- ¹⁸ In Ethiopia this means that the ruling EPDRF receives 40% of the seats, its affiliate the other 40% and member organizations of the EPDRF the remaining 20%.
- ¹⁹ Between two parties; the OPDO and the SPDP within a single electoral term of five years. The first mayor who assumed office following the provision of the charter from the OPDO served half of the term and left the position in 2010. See: Kefale, “Ethnic decentralization and the challenges of inclusive governance in multiethnic cities”, 599-600.
- ²⁰ Kefale, “Ethnic decentralization and the challenges of inclusive governance in multiethnic cities”, 600-601.