WHITHER GOEST THOU SOMALIA?
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Introduction

The French Agronomist, Professor Rene Dumont, published his famous book, *L’Afrique Noire est Mal Partie*, in 1962 – so soon after the start of what was later termed as ‘The African Decade’. The book was translated into English under the title, “False Start in Africa” and I read its 1969 edition when it first came out. The book took the Continent by the storm when it first appeared, and it was thought that the author’s observations and advice, being so factual and relevant, would be heeded. More than half a century has since passed and yet there is no evidence that the Continent has learnt anything from them. As is clear from the French (original) title of the book the author was addressing himself to Black Africa, particularly the Phrancophone countries, and a chapter on the Anglophones was added to the English translation. But, North Africa (Tunis, Libya, Egypt- Algeria has had its bouts of the malaise before) has, of late, joined the confusion too.

Africa has gone through many new beginnings or – to put it in the language of today’s dominant technology - many ‘resets’ and ‘reboots’. As a result, there have been many false starts since Independence. Again, in computer terms, the false starts have represented ‘garbage-in’, and resulted in ‘garbage-out’. In Somalia, the last reboot – the last false start – was in September 2012 when several steps were taken to ensure that the country would effectively step out of a prolonged and contentious transition to a period of constitutional and stable government. The new Ship of State with its brand new components (A bicameral Parliament, President, Cabinet Government headed by Prime Minister, Independent Judiciary, other institutional machineries, the ship’s blueprint - an ‘Operation’s Manual’ - in the form of a ‘Constitution’, and so on) was supposed to steer through, methodically and skillfully from a rough and turbulent sea, to a land of peace, stability, unity and prosperity – a Promised Land.
Problems and Prospects

I should like to reflect on the status of the problems causing the Ship of State to swerve from its direct and shortest course to the Promised Land, and I will take them one after the other.

(a) Presidential Leadership

Events have proved that the first major obstacle to progress on any front is a Head of State who is constitutionally ceremonial but, for all intents and purposes, is in effect an Executive President. He arrogates a lot of the powers of the cabinet to himself and has become the center of everything that happens in Mogadishu. He is in effect his own Prime Minister and he is therefore the sole locus of power and the center of attention. It is a fact of life that if one takes so much upon his shoulders one is inescapably blamed for everything that goes wrong. Another fact of life is that when power is concentrated in and emanates from one locus, instead of being diffused and emanating from many loci, everything is clogged and nothing moves. It follows then that whatever blame being heaped upon the President for corruption, for stagnation, for undermining the Prime Minister, for buying parliamentary votes, and for the lack of progress in any of the major fronts on which government is supposed to show its mettle, is deserved. In this connection, a suitable quote from Lord Acton is that “Power corrupts and absolute power corrupts absolutely”. President Hassan, being ceremonial, cannot be constitutionally viewed as a man with any significant measure of powers, but since he so clearly and so openly dominates both the Legislature and the Executive his powers cannot be perceived as anything less than absolute. His powers, however, are territorially restricted since much of the country is effective outside his control.

It should be axiomatic that no single person, however well-prepared, honest, diligent and intelligent, can alone lead a country to peace, unity and prosperity. President Mohammed Siad Barre had a united and peaceful country in his grips for two decades and yet we all know where he led it to.

(b) Prime Minister v President
When an all-powerful President appoints a Prime Minister, the latter is invariably only a little more than a dignified clerk or a mere protégé. Prime Minister ‘Saacid’ served President Hassan very well in that capacity. Though President Hassan is not, constitutionally, of that category of presidents he plays that role in effect, and ‘Saacid’ served him well. The public were told that the President, Prime Minister and the Speaker of Parliament had such intimate working relationship that the age-old conflict among their institutions – a conflict which had crippled previous administrations – would have no chance of ever occurring again. But, educated and well-informed citizens, together with the outside world, knew who was steering the show. However, some thought that, perhaps, there was some merit in the three of them being in cahoots in the interest of the smooth administration of the affairs of the State.

I do not wish to dwell on the resurgence of the conflict, for what happened between President Hassan and Prime Minister ‘Saacid’ is now a matter of public knowledge. However, a point of principle – a constitutional point – has been raised which is whether the President can dismiss the Prime Minister, which Parliament could settle once and for all. As the following will show Parliament’s stand in this matter was really without shame.

(c) Parliament

The Constitution provides for a bicameral legislature, but for some obscure reasons the Upper Chamber has not been established, as yet, despite the lapse of a year and half, and so far as I can see it is not even in the pipeline. I surmise that because the Upper Chamber will evidently bring in further complications for both the Administration and the Lower Chamber these latter are engaged in a conspiracy of silence so that the need to establish it will pass into oblivion and the chamber will never see the light of day.

Much hue and cry has been raised for economic reasons about the size of the Lower Chamber, and it may be argued that adding another chamber will further strain the meagre financial resources available. Surely, the arguments for and against a second chamber are cogent and therefore valid. However, there is constitutional obligation to establish the Upper Chamber.

What is important, for the time being at least, is to have the current unicameral parliament function, not as a legislature that only passes well-thought of, well-prepared and exhaustively debated laws but also one that will properly exercise its oversight functions on the Executive – one that will take the Government to task
and, if need be, the President as well. But, has Parliament acquitted itself, thus far, of these dual responsibilities?

It has been said that, owing to the high number of its members who hold university degrees - some of whom are Ph.Ds. and professors - and in terms of their work experience, the current Parliament was infinitely better than any of its precursors. That it elected an intellectual in the person of Prof. Mohammed Osman Jawari, who in his seventies has a long work experience behind him and is thought to be in possession of the wisdom of age, as a Speaker gave an early, if premature, indication that it was so much better. On those two reckonings alone that might very well have been true were it not for its wretchedly disappointing record of performance. It is widely believed that members of Parliament – at least many of them – consider their votes as a commercial commodity that can be auctioned and sold to the highest bidder. It has been widely reported that in many recent instances such was indeed the case.

When, about two months ago, many MPs tabled a motion at the behest of the President to sack the Prime Minster the latter asked to be heard in his own defense, but to the consternation of every one who was following the struggle between the President and the Prime Minister in the public forum he was denied. Fearing that if allowed he might hold his own, Parliament proceeded to dismiss the Prime Minister and thereby allowed the President to prevail. But in doing so it demonstrated that it is utterly devoid any sense of justice by breaking two of the most elementary principles of justice: (1) ‘always listen to the other side’, and (2) allow ‘the right of self-defense’.

Parliament could have – should have – sent a signal to the President that sacking the Prime Minister is a parliamentary prerogative, not a presidential one. But a parliament without compunction cannot but destroy good governance.

(d) The Constitution

Despite the existence of a document which passes for a constitution there is scarcely any constitutionalism as evidenced by the foregoing. The Constitution has not been subjected to a popular referendum to legitimize it as required, and we are told that some finishing touches still remain. However, there have been loud protestations, especially from Garowe, that it has been tampered with without recourse to the original signatories. This is not a charge to be taken lightly. Nonetheless, it was never adequately addressed.
Lacking a guardian institution to enforce it, and a litigious culture to challenge contraventions the Constitution is in a limbo. This state of affairs reflects negatively on those who are in high places and profess to chart a new course for a new, united Somalia in which democracy will grow and thrive. The cost of the lack of constitutionalism has been so far enormous in terms of national unity, financial and moral health, and the country’s standing among nations.

(e) National Unity and Territorial Integrity

National unity has been improving, if imperceptibly, over the years, not due to efforts deployed by the Government but because time has had a great soothing effect on rancor. Regional governments led by ‘Somaliland’ (1991) and followed by ‘Puntland’ (1998) and now Jubaland (2013) have been in the making, including some tentative ones struggling to meet constitutional requirements in order to qualify for recognition as federal states.

The Federal Government has proved unable to extend its influence, much less its control, beyond the immediate environs of Mogadishu. Its protracted negotiation with the secessionists in the far north is nothing more than a dialogue of the deaf and it has not been able, or willing, to exercise the leverages available to it as a sovereign state in order to soften their stand. It has even compromised the oneness of the Somali airspace, which will open a Pandora’s box as every regional state will subsequently ask to manage its own part of the airspace. It is also fitting to note that the secessionists have dealt only two days ago a humiliating blow to the Federal Government by arresting and detaining in Hargeisa three of its senior officers who were travelling from Mogadishu en route from Addis Ababa for a meeting an international meeting. On the whole, it seems that the talks will drag on, ad infinitum, without the Federal Government achieving the desired goal of consummating national unity.

Preposterous though it may seem, the Federal Government is not even on speaking terms with Puntland in spite of the fact that this latter has been dedicating itself to the unity of the nation. The two sides have clashed often on the constitution, as I mentioned; on the making of Jubaland State; and practically on everything else. Accidents of personality exacerbated matters as the rough approach of Abdirahman Sh. Mohamoud Faroole (President of Puntland until a month ago) and the uncompromising rigidity of Hassan Sh. Mohamoud (President of the country) led to deadlock after deadlock. Faroole finally severed relations with the Federal Government thoroughly convinced that, being anti-federalist, Hassan and his close confidants were out to destroy Puntland. But, the pettiness of Hassan was
underscored when a paltry one million US dollars pledged by the Federal Government to the cyclone victims in Puntland were blocked and never paid: when two elephants fight it is indeed the grass that suffers. As I write, relations are still sour despite the change of Administration in Garowe, and it is significant that the Federal Government was not invited to the inauguration of the new president of Puntland, Dr. Abdulweli Ali Gas.

(f) Corruption and Credibility

For several years now Somalia has been leading the world in corruption. In a country where there is no law and order; where public institutions barely exist; where a culture of impunity prevails; where even social sanctions do not apply; where salaries are outstripped by rapidly rising cost of living; and where conspicuous consumption is the order of the day, it should not be surprising that corruption is rife and so widely spread, particularly when those in high places lead the way.

Such has been the case in Somalia, more so under the current regime because of the flow of generous economic aid. There have been negative reports by the UN, the European Union and others, which implicated those in high places as a result of which the Governor of the Central Bank had to resign. His successor fled the country fearing for her life, and resigned, and it is widely believed that she gave damning reports to the European Union, the UN and to individual aid-giving countries.

In 2012 and 2013 there was a great deal of international enthusiasm to help the country to stabilize and turn around its economy. The Turks, the British, the European Union, the Norwegians were all coming forward to help and they actually held pledging conferences in which billions of US dollars were pledged – pledges never redeemed - Those efforts, however, were not entirely altruistic. It was believed that Somalia was sitting on 70 billion barrels of petrol and the only thing needed to exploit that vital resource was to help Somalis patch up their differences and settle down to a future of peace and prosperity. All that hope and enthusiasm has now vanished into thin air. Corruption in high places has blown away international goodwill and credibility, and with it a bright future. In 2009 Kenya, in concert with Norway, managed to convince the Transitional Government of Somalia to sign a memorandum of understanding on the delimitation of the maritime boundaries between the two countries. The Agreement would have transferred a large maritime area rich in petroleum on the Somali side to Kenya. The Agreement would have gone into effect had it not been
stopped by the then Parliament. The signing of that Agreement was blamed on corruption.

Corruption is very difficult to eradicate at any time and anywhere. But it has to be fought always and curbed to the barest minimum, otherwise it will destroy society and drive the country into an abyss of financial ruin, moral decadence, disintegration and fire. The fight, however, should start with the top.

(g) Safety and Security

Last but not least the safety and security of officials of the Federal Government itself, including the President, the Prime Minister and Ministers, leaves much to be desired. Obviously, they cannot provide safety and security that they themselves lack to private citizens. The ranks of AMISOM are swelling as more countries have joined, and there is no national army to replace it. One of the principal objectives for which AMISOM was established was to help in the formation and training of a national army, following which it would then phase itself out gradually. Despite the lapse of so much time they nowhere near doing that.

Here too the Federal Government got its priorities wrong. What it needed – and still needs – is a veritable national army recruited from all regions and districts and then properly trained together in a peaceful and desolate area within the country, not outside it. They should not only be skilled in fighting strategies and tactics, but they should also develop esprit de corps so that their loyalty is to the country and to one another is assured. I think buying arms for an army that is so undisciplined that its components often fight among themselves, sell their arms, their equipment, even their uniforms to the Shabab they are supposed to fight is absolutely ridiculous; for there is strong likelihood that any newly obtained arms and equipments might end up in the hands of the Shabab. One does not need to be a military expert to see this dangerous likelihood.

Political settlement, at least with the existing regional administrations, is where the central government must begin in order to have a united national front against the Shabab. The central government cannot afford to fight on many fronts: it needs to have more friends and fewer enemies.

The fight against the Shabab and its terror, being military in nature, has eclipsed another valuable force of public order: the Police. They also need attention. Whilst it is accepted that the Army has to be national, it has not been agreed whether the Police should also be national. In a federal system each state may
raise and manage its own police force. Local police armed with local knowledge is more suitable to fight and investigate crime. There are other advantages too. However, this should not preclude the adoption of a unified system as to training, basic salaries, promotions, standards of conduct, etc. At present, the regional administrations that exist have their own separate police forces, which will probably continue to be so even after the country has settled down.

(f) General Elections in 2016?

General elections are scheduled to be held in 2016 – only two years from hence. President Hassan has emphatically stated over and over again that the elections would be held as scheduled and that neither he nor Parliament would ask for extension. This is certainly a promise he cannot keep judging from the way things are at present. To prepare for general elections in 2016 a number of things have to happen well before then: the Constitution has to be finished, and put to referendum; the upper house of Parliament constituted; outstanding political issues with ‘Somaliland’ and ‘Puntland’ resolved; other regional states established and put in working order; local administrations also established and designated as electoral districts; the electoral law should be drafted, debated and approved by both houses of Parliament; political parties must be formed; and, above all, peace has to be established and a favorable political climate created throughout the country.

Is all this likely to happen within two years for general elections to be held? Perhaps President Hassan is looking for a miracle to take the country to the needed state of preparedness. The last time we had a general election was in March 1969. That was 45 years ago. The President was only 12 years old. No election took place in Somalia in his adult life. Perhaps that is why he has no clue as to the prior preparations needed for a general election to be held. But, Amb. Kay stated the obvious when he recently said that a general election is unlikely in 2016, and I agree.

CONCLUSION

By any reckoning the performance record of the Federal Government is a monumental failure. The deplorable status of the foregoing issues indicates that there is no leadership, no accountability and, above all, no sense of direction. The President has, as the American expression goes, ‘a finger in every pie’. He blatantly oversteps his constitutional limits and, with the connivance of a corrupt Parliament, he flouts all rules and conventions.
US intelligence chief, Mr. James Clapper, told the Senate Intelligence Committee recently: “The credibility and effectiveness of the young Somali government will be further threatened by persistent political infighting, weak leadership from President Hassan, ill-equipped government institutions and pervasive technical, political and administrative shortfalls”. This statement could have been made about the last transitional government too – four years ago. The country is at the same spot it was before Hassan became President and before the current Parliament was constituted.

The Somali ship of State is surely floating – not sailing towards its destination – in a rough and turbulent sea; its navigating instruments have failed, and its captain and crew have lost their sense of direction. So, whither goest thou Somalia?

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