

May 2023

# The role of 4.5 in democratization and governance in Somalia

Implications and considerations for the  
way forward

# Overview

Amid the major changes to Somalia's political landscape seen over the past two decades, an abiding feature has been the reliance on clan-based power-sharing models, including the '4.5' formula. Despite the Somali Provisional Constitution containing no reference to the formula, it continues to determine the allocation of seats to clans in the Federal Parliament's House of the People (HoP) and Council of Ministers. Related clan power-sharing arrangements are in place in the Upper House, within key national leadership positions, in the political dispensation of the Federal Member States (FMSs), and at the local level.

The 4.5 formula was first conceived in 1997 as a temporary arrangement for managing political representation following Somalia's civil war, assigning a full share of power to four clans and a half-share to a consortium of other clans. Formalized in 2000 at the Arta Peace Conference in Djibouti, the formula was generally agreed among political stakeholders to be a stop-gap mechanism until a new constitution set out the mechanisms for representation in the country's legislatures. In theory, the Provisional Constitution of 2012 brought this transitional arrangement to a close, as Article 4 guarantees universal participation in elections based on a political party system. More than ten years after adoption of the constitution, however, no progress has been made in moving past the supposedly temporary system. No referendums or direct elections have been held, with representation in the HoP still based on 4.5. Moreover, clan-based power-sharing remains prevalent more widely.

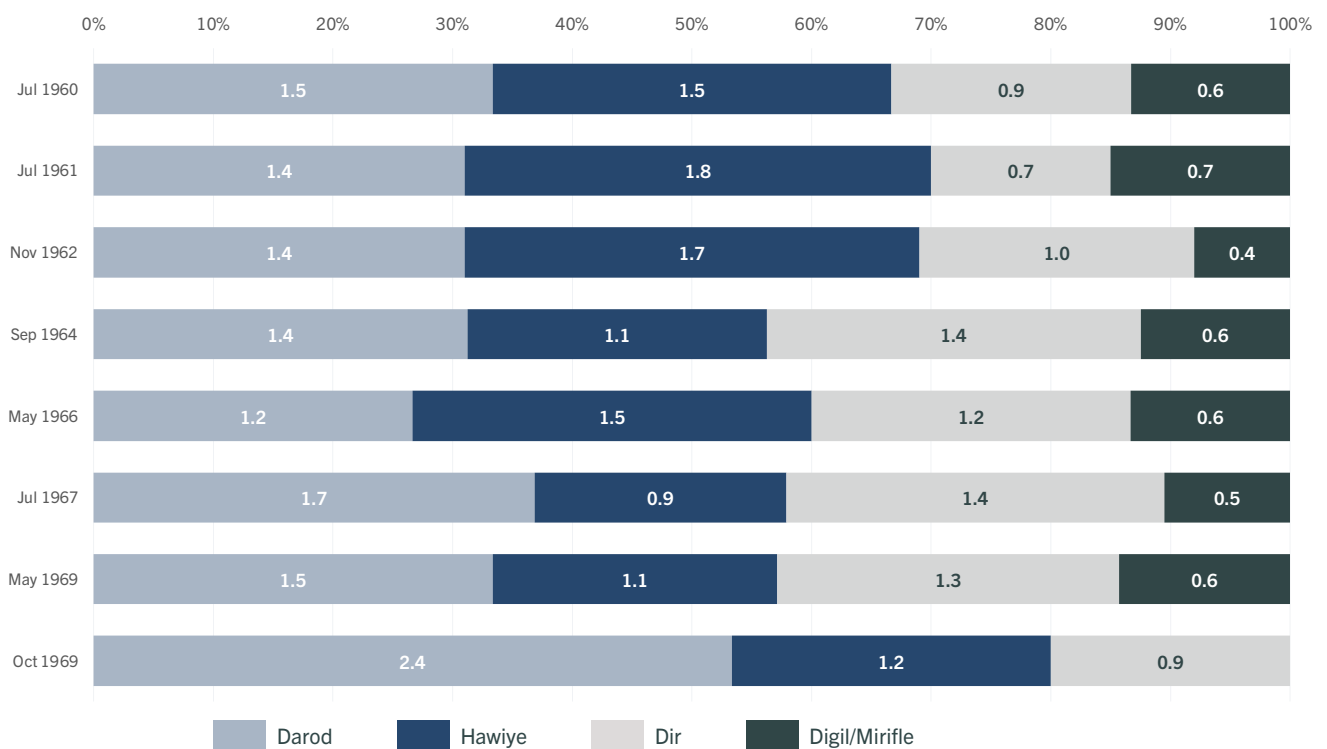
The 4.5 system's enduring role has provoked significant controversy among Somali political leaders and the wider public, with many arguing that democratic governance will only be possible if clan-based power-sharing mechanisms are set aside. Efforts to move past the system in recent years have, however, failed, as different actors have conflicting views and interests regarding when, how and to what degree this might be achieved.

This lack of consensus, coupled with a wider reliance on clan power-sharing, is a major obstacle to continued political progress in Somalia, especially in terms of deepening democratization and enabling effective, meritocratic governance. Meaningful, inclusive dialogue directed at reaching agreement on the issue is therefore essential. As such, this report aims to promote and inform such discussions on 4.5, as well as clan-based power-sharing arrangements more generally. With this in mind, it provides a summary of the extensive research conducted by the Platform on the subject, including key informant interviews with Somali experts; a review of relevant literature and policy documentation; and analysis of how 4.5 is applied at the national level. Below, the report sets out a brief overview of the historical development of clan-based power-sharing in Somalia, before detailing how the 4.5 system has been applied since the Arta Conference. Following this, the implications of 4.5 for Somalia's political settlement and democratization processes are laid out, with a number of options for going forward offered in the conclusion.

# A short history of clan-based power-sharing in Somalia

While there are some recorded examples of clan-based power-sharing arrangements in Somalia’s pre-colonial period, there was generally little need for such arrangements beyond a few coastal city states, as inter-clan disputes were mostly managed via the *xeer* traditional justice system. The arrival of European colonizers and the introduction of formal state structures, however, changed the country’s dynamics. Following independence in 1960, the first 123-seat ‘National Assembly’ was established, with representation based on multi-party elections. Although there was no formal clan-based power-sharing system, some communities expressed concern that they were being marginalized from political office (see Figure 1).

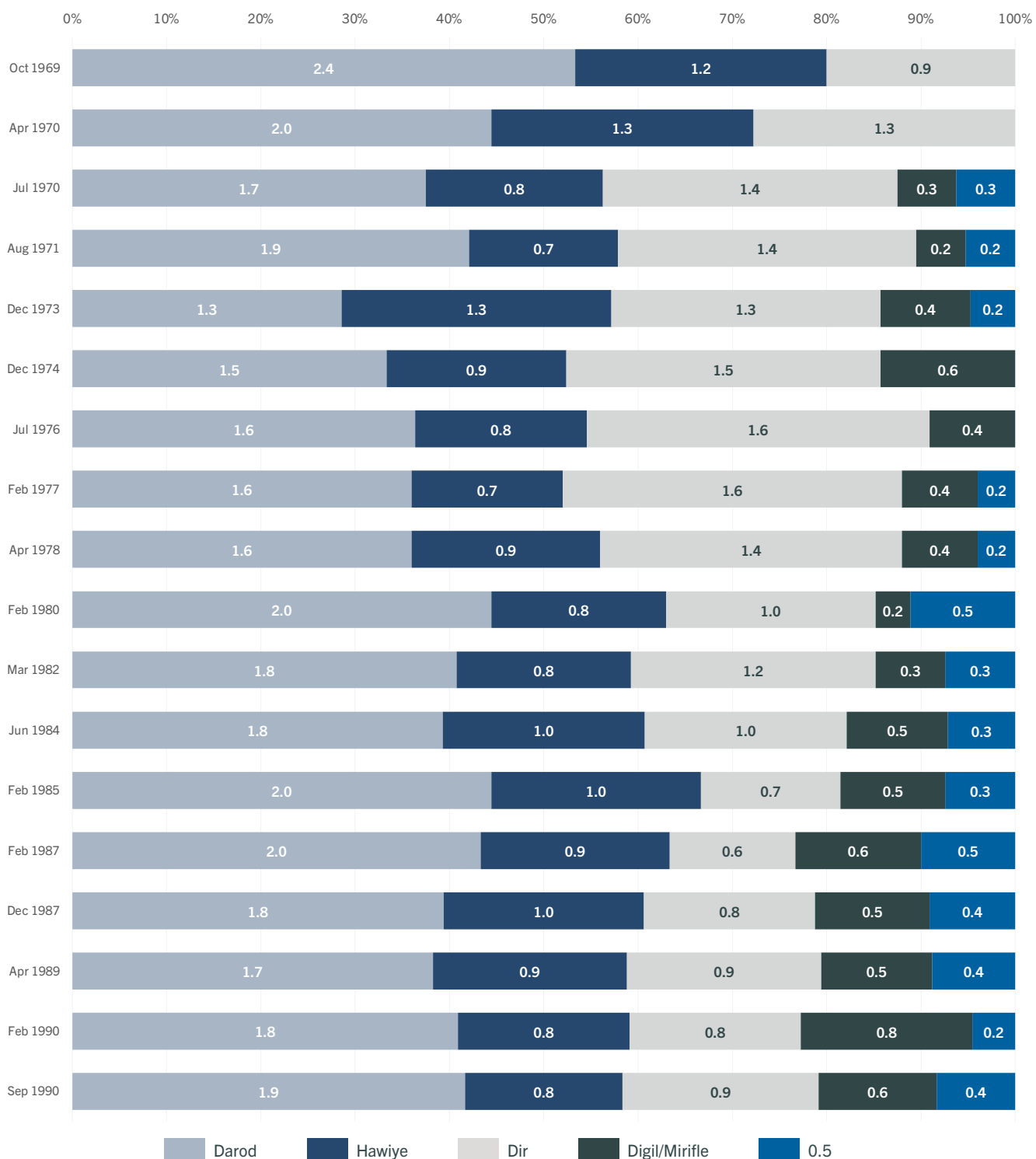
**Figure 1. Post-independence civilian government cabinet composition measured as a ratio of 4.5, 1960–1969<sup>1</sup>**



Upon coming to power in 1969, the Siyad Barre regime ostensibly made attempts to destroy what it referred to as ‘tribalism’. In reality, the government increasingly instrumentalized clan identity in the exercise of power, leading to the marginalization of several groups (see Figure 2). Ultimately, the regime accentuated the role of clan identity in politics, using state institutions to consolidate power under Barre’s clan alliance and exact collective punishment on clans perceived as opposed to the president’s authority.

<sup>1</sup> Statistics based on Abdiwahid Haji Osman et al., *Clan, Sub-clan, and Regional Representation in the Somali Government Organization, 1960–1990*, 1990. No members of 0.5 communities were included in the post-independence civilian government cabinets.

Figure 2. Revolutionary government cabinet composition measured as a ratio of 4.5, 1969–1990



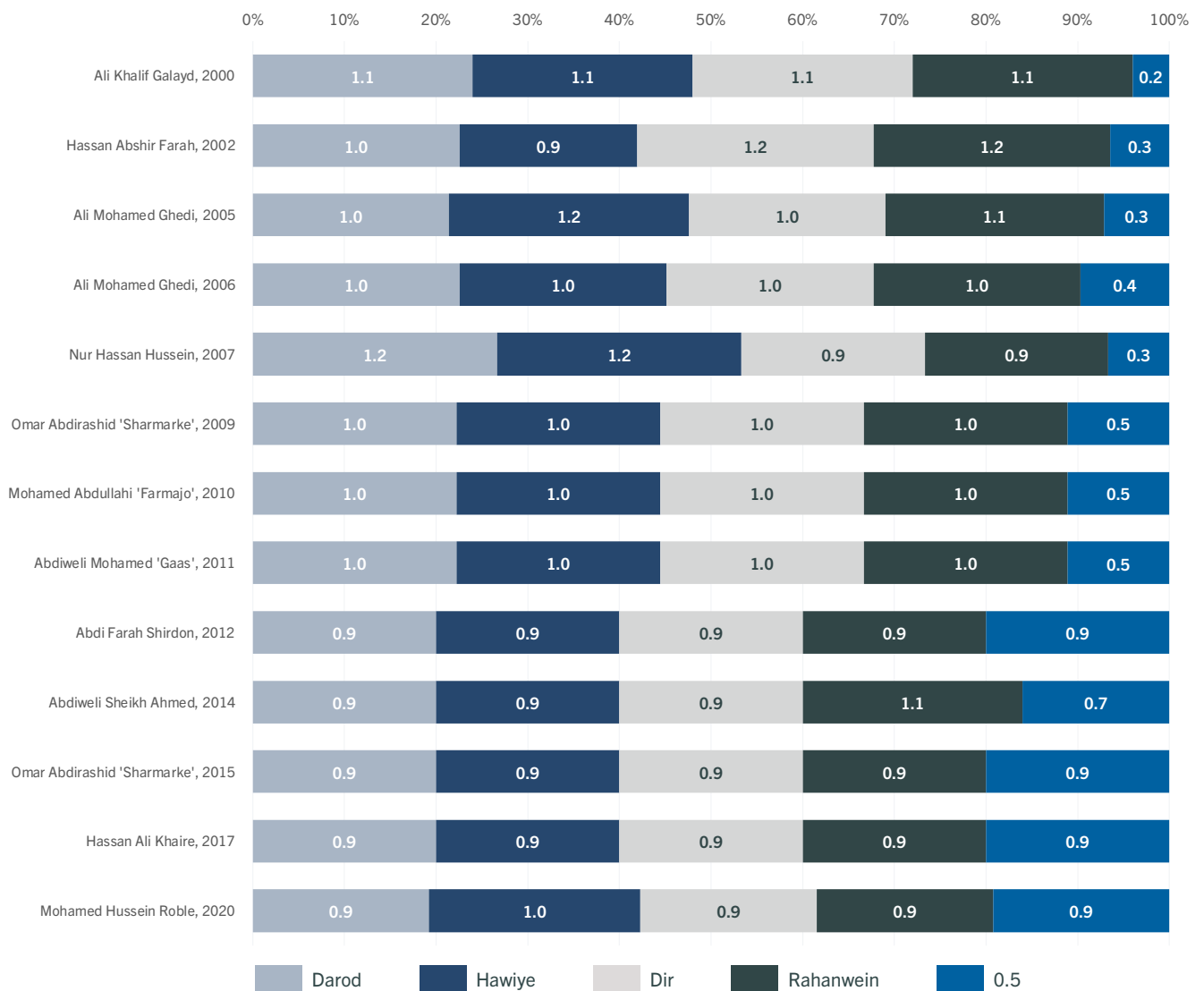
Following the collapse of the state in 1991, a series of attempts were made to re-establish civilian government. This involved grappling with how to approach political representation in the context of civil war. The Sodere Conference in Ethiopia from late 1996 to early 1997 marked the first time a cross-section of communities, including what would come to be known as the ‘0.5’ groups, were included in reconciliation processes. The conference led to the establishment of a short-lived National Salvation Council, in which four clan families were apportioned nine seats each, with the remaining five seats reserved for 0.5 communities.



### National/federal cabinets

Until 2009, the 4.5 formula was not strictly adhered to in allocating cabinet positions—for example, Prime Minister Galaydh’s first Cabinet of Ministers in 2000 largely bypassed the 0.5 communities. Over the following ten years of transitional governments, however, adherence to the 4.5 formula grew increasingly systematized, with growing representation for the 0.5 groups. From Omar Abdirashid Sharmarke’s 2009 cabinet through to the cabinet of Abdiweli Mohamed Ali ‘Gaas’ in 2011, the 4.5 formula was applied with relative precision. Since the endorsement of the 2012 Provisional Constitution, Federal Government of Somalia (FGS) cabinets have adhered more closely to a ‘5.0’ formula, often giving the 0.5 groups equal representation to the four major clan families.

**Figure 4. Transitional National Government, Transitional Federal Government, and Federal Government of Somalia cabinet composition measured as a ratio of 4.5, 2000–2022**



## National/federal legislatures

Following the Arta Conference, the 4.5 formula has consistently been applied to the formation of transitional legislatures. Although the exact size of parliament—and therefore the number of seats allocated to each clan—has varied, a 275-seat structure for the HoP has been used since 2012, with a new 54-seat Upper House established in 2016/17 (which does not follow the 4.5 principle, but still loosely follows the principles of clan-based power-sharing). Since 2016, the establishment of the FMSs has meant each parliamentary seat is allocated to an FMS as well as a clan. A document released by the Office of the President in October 2020 setting out the procedures for implementing the September 2020 electoral agreement between the FGS and FMS leaders provides one of the few formal documents outlining parliament's current intra-clan family composition. Using this and other official records, including a public database established by the Office of the Prime Minister listing contested HoP seats, it is possible to extrapolate a breakdown of seats by clan (see Table 1).

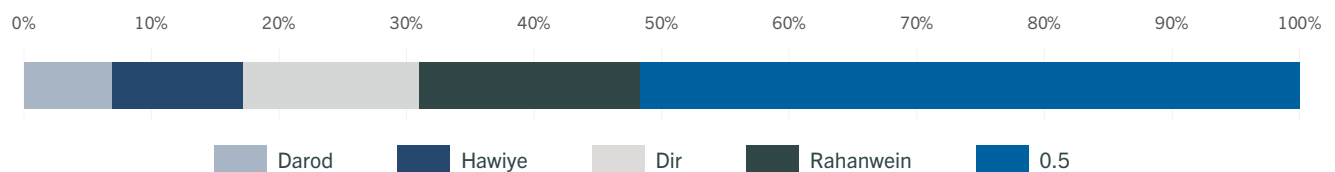
**Table 1. Clan composition of the House of the People, 2022**

0.5		Darod		Dir		Hawiye		Rahanwein-Digil		Rahanwein-Mirifle	
Kulmis	11	Marehan	14	Isaaq	28	Haber Gedir	12	Dabare	3	Hadamo	4
Bantu	7	Absame/Ogaden	12	Gadabursi	9	Abgal	9	Garre	3	Boqol Hore	3
'Caste'	7	Majerten	12	Isse	8	Hawadle	8	Jido	3	Elay	3
Benadiri	6	Dhulbahante	8	Biyomal	5	Murusade	7	Shanta Alemod	3	Harin	3
		Lelkase	5	Surre	3	Gaaljecel	5	Tuni	3	Leysan	3
		Warsangeli	5	Gadsan	2	Duduble	4	Bagadi	2	Luway	3
		Awrtable	3	Bajamal	1	Badi'ade	3	Geledi	2	Ashraf	2
		Dishishe	2	Fiqi Mohamud	1	Sheikhal	3			Gelidle	2
				Madalug	1	Udejeen	3			Hubeer	2
				Qubays	1	Hilibi	1			Jilible	2
				Wardey	1	Jidle	1			Jiroon	2
				Gurgure	1	Jijeele	1			Ma'alın Weyne	2
						Moblen	1			Yantar	2
						Silcis	1			Eylo	1
						Wadalan	1			Gabaweyn	1
						Wacdan	1			Garwale	1
										Gasargude	1
										Geledi	1
										Haraw	1
										Heledi	1
										Reer Dumal	1
										Wanjel	1

## The representation of women in the 4.5 system

The 4.5 formula makes no special provision for the inclusion of women, many of whom attended the Arta Conference in 2000 as members of a ‘sixth’ clan. Indeed, the resort to a clan-based system based on patriarchal and patrilineal norms has tended to entrench women’s marginalization when it comes to political participation. Following international pressure to implement women’s quotas, certain seats—still tied to particular sub-clan groupings—have been designated ‘women’s seats’. As a result (at least since 2016, when the clan delegate college system was introduced), women have, barring a few exceptions, only ever run against other women, leaving all the other seats to be contended by men. According to Ladan Affi, when a 30 per cent quota for women was first imposed during the 2012 elections, ‘the smaller clans allocated a greater share of seats to women. This was not as a result of a greater commitment to women’s issues by the smaller clans, rather the larger clans pressured the smaller clans to appoint women, or lose the seat to another minority clan willing to appoint a woman, in order for the gender quota to be met.’<sup>2</sup> This reluctance by the senior power brokers of the politically and militarily strongest clans to accept women representatives is also apparent in the Cabinet of Ministers. Since 2000, of the 29 ministerial portfolios assigned to women at the beginning of a prime minister’s term, more than half (15) have been given to 0.5 communities.

**Figure 5. Number of women in the Cabinet of Ministers by clan family as a proportion of 4.5, 2000–2022**



## Seat rotation

While the 4.5 system provides a clear system for sharing power between clan families, the allocation of seats within families and sub-clans has been more fluid and subject to significant re-negotiation. This has occurred through dialogue between clan elders, as well as interference by political leaders. For the most part, each of the 275 seats in the current HoP is held collectively by a number of sub-clans—generally between two and five—that acknowledge relatively close lineage affiliation. Many collectively-held seats involve a system of rotation agreed between clan elders, although this is rarely captured in written documents. Such a system often benefits those clan groupings that have greater military and financial power. Rotation rules also vary, both between different sets of sub-clans and in different regions. Whereas in some cases maintaining stable relations between sub-clans is contingent on rotation taking place according to a set order agreed by relevant sub-clan leaders, in others the decision may be taken on an ad hoc basis by more senior clan representatives.

<sup>2</sup> Ladan Affi, ‘The Old Men Who Hold Us Back’: Clan Elders, Elite Bargaining and Exclusionary Politics’, *Journal of Somali Studies* 7/2 (2020).



## The changing role of elders in clan power-sharing

In 2012, following the endorsement of the Provisional Constitution, 135 clan elders—split proportionally in accordance with 4.5 and appointed by a Technical Selection Committee for the transition process—were formally recognized as the traditional representatives of Somalia’s communities and tasked with appointing a new 275-seat parliament. In 2016, the list of 135 elders was revised and the new set of traditional representatives tasked with appointing 51 clan ‘delegates’ to each seat, who would then be eligible to vote for competing candidates. There are multiple accounts of this process being manipulated to ensure favourable outcomes for particular candidates, with elders bribed to appoint particular delegates and/or delegates bribed to vote in a particular way.

The list of 135 elders was abandoned for the 2021/22 electoral process. Instead, far greater authority was given to FMS-level electoral implementation teams appointed by, and largely serving at the behest of, their respective presidents. Many of the FMS presidents were, in turn, deeply influenced by the FGS. This time, ‘delegate selection committees’—comprised of three or more elders per seat and at least two further civil society representatives—were tasked with appointing 101 delegates. The new formula expanded the number of clan elders involved in the electoral process from 135 to just over 700, though there was little overlap with the previous list used in the 2016. Moreover, there were numerous claims that the ‘elders’ appointed had limited if any authority among their clansmen. As a prominent peace activist consulted for this study claimed, seats are now often only ‘nominally’ held by a particular clan, with candidates from each pool of sub-clans hand-picked by FGS and FMS leaders to represent their political interests. In addition, the legitimacy of clan elders has been eroded by their role in the process.

## Implications of 4.5 for democratization and governance

The continued application of the 4.5 system has a number of significant implications for the scope of democracy and good governance in Somalia. Understanding these can inform considerations of the options going forward.

- **The role of the clan in Somali politics and representation is not fixed and has changed over time.** As such, there is no innate relationship between clan and politics. While this creates opportunities for leaders to instrumentalize clan identity, it can also offer a platform for Somalis to re-imagine the role clan plays in politics.
- **Through ensuring a basic level of representation for many groups, the 4.5 formula is associated with a return to stability following Somalia’s civil war in the 1990s.** The introduction of the system arguably proved critical in establishing the basic foundations upon which government institutions could be rebuilt. Since then, violent conflict between clan groups has consistently been lower than the levels reached during the civil war years.
- **Over time, the 4.5 continued use of the formula has become associated with a top-down, elite-dominated politics.** The resort to clan-based power-sharing has narrowed the political landscape, allowing a small group of leaders and traditional elders to dominate the political field. This is

especially the case when it comes to indirect election processes based on the system, which have been subject to extreme political interference and corruption. Although not the only factor, it has contributed to the citizenry's broader disenfranchisement from politics.

- **The 4.5 formula continues to present major obstacles to improving the participation of women and youth in politics.** Although the marginalization of women and youth in Somali politics is due to a range of factors, the continuance of a clan-based model of representation reinforces social and political norms that benefit men, as well as older political leaders.
- **The 4.5 formula has also become associated with the marginalization and exclusion of certain groups.** This is clear, for example, in trends around which groups have held the highest office in the land. Moreover, the system of negotiation around seat allocations is increasingly prone to manipulation by powerful groups at the expense of less powerful groups. It is important to note, however, that dynamics of exclusion were apparent well before clan-based power-sharing became central to Somali politics.
- **At the same time, it has been claimed the 4.5 system has protected certain groups from domination by others.** Some groups that have been historically marginalized in Somali society—even more so during the civil war—have pointed to the formula as ensuring they receive a certain degree of representation. This creates a seemingly contradictory state of affairs, with different marginalized groups regarding the same system as either protecting or excluding them.
- **The resort to clan-based power-sharing has eroded the moral authority of clan elders.** With elders pulled ever more into the political sphere, their role has become less and less distinct from other politicians and leaders. As such, the credibility and legitimacy of their role in elections and political processes has been increasingly lost, leaving such processes open to political interference.
- **The continued use of the 4.5 system poses major challenges to one-person-one-vote elections (OPOV) being rolled out in Somalia.** Allocating seats to specific clans contradicts the basic principles of OPOV. While it may be possible to combine elements of clan-based power-sharing with universal suffrage, this would rely on complex hybrid systems that may be difficult or expensive to implement. Even then, they may still be perceived as limiting the scope of democratization.
- **Clan-based power-sharing has had major impacts on effective institutions and governance.** Most political appointments and civil service recruitments continue to be based on the 4.5 formula or related systems rather than competence, making it difficult to establish an effective government administration and increase meritocracy in governance. These practices also mean government officials tend to be more accountable to their clan constituents than the broader citizenry. This poses a major challenge to effective and accountable statebuilding.
- **The 4.5 system is not the only determinant of representation and marginalization.** Holding a seat in parliament or some other office on account of the 4.5 formula should not always be equated with genuine representation. The system often enables tokenism, in which institutions are equitable according to 4.5, but power is still concentrated in certain groups informally. At the same, there are numerous instances of individuals and groups accumulating significant power despite the marginalization of their group under the 4.5 system.

# Considerations for the way forward

Below, in support of inclusive political processes capable of finding consensus on the way forward, three high-level options on addressing the persistence of the 4.5 system are presented for consideration. Regardless of the option chosen, it will be essential for this to emerge from a consultative national dialogue, that can also engage the public in pathways to change, to enable their full participation and support in the process:

**1. Transcend 4.5:** Under this option, political leaders would commit to the full abandonment of the 4.5 system at the next federal transition process, and start preparations for the formal introduction of a multi-party system. Political actors would need to return to the draft electoral bill, reach consensus on matters still in dispute, and remove the elements of clan power-sharing contained within it. If practical constraints make universal suffrage impossible, it may still be possible to design a new indirect election model that does not rely on the 4.5 system, with representation based on geographical units. Further consideration would need to be given to the implications of such a decision at the FMS assembly level, and how FMS elections would be affected. Political appointments for cabinet and elsewhere would need to be made as soon as possible without any consideration of clan identity, while all civil service appointments would have to be entirely meritocratic.

*Assessment:* Transcending 4.5 immediately could offer a means of addressing the negative impacts of the system outlined in this report, opening up avenues for greater political participation by women and marginalized groups, and improving government capacity and effectiveness. At the same time, such a rapid shift could prove de-stabilizing, and would likely increase conflict as power balances change. Moreover, unless other social, political and economic factors are addressed, there is a risk that the more powerful groups will increase their dominance in the political system.

**2. Hybridize 4.5:** Under this option, Somalia would maintain elements of clan-based power-sharing arrangements as part of a more traditional liberal democratic system. A plethora of options are available as part of this approach. For example, while parliamentary elections might not be based on the 4.5 system, the selection of the national leadership and/or cabinet could follow power-sharing conventions. Election models could combine elements of the 4.5 system with OPOV, in the tradition of consociational democracy. This may include an election model based on proportional representation in which party lists are distributed according to clan power-sharing conventions. The current election law could also provide a model for combining first-past-the-post with the 4.5 system. Another alternative may be to base representation in the HoP on multi-party elections, while representation in the Upper House is based on clan.

*Assessment:* All these options throw up specific complexities and challenges, but if one of them were agreed upon it would provide a route to greater democratization while reducing the short-term risk of conflict. At the same time, such approaches may be insufficient to disrupt the dynamics of marginalization, nepotism and elitism that have become associated with the Somali political landscape and contribute to conflict over the long term.

- 3. Transition from 4.5:** Under this option, political leaders would commit to the full abandonment of the 4.5 system in the long term, but take a phased approach, incorporating elements of the hybrid option above for a limited period. This could include interim improvements to the 4.5 system aimed at managing some of its negative implications, while at the same time planning for wider reform. Such improvements may include discussing the marginalization of certain groups at various levels, with the formula and more granular deals adjusted accordingly. Another approach could be to return to the concept of the '6<sup>th</sup> clan', whereby women are treated independently from clan groups, or to explore new ways of re-applying the 30 per cent women's quota within each unit of 4.5. Greater rotation and inclusivity in top national leadership positions could also go some way to increasing political inclusion. Restricting 4.5 clan power-sharing to the HoP could also make way for more meritocratic recruitment in the civil service.

*Assessment:* This approach is likely to reduce short-term conflict risks in a context of limited trust, as change would be incremental. At the same time, it risks leaving many of the negative aspects of the system intact for a protracted period.

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## Credits

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