

December 2023

Prospects for District Council Formation and democratization in Banadir Regional Administration

Contents

Abbreviations	3
Summary	4
Introduction	6
1. Historical context	7
Leadership turnover and political landscape	7
2008 district council formation	8
Insecurity under President Sharif and the emergence of FGS–FMS tensions	9
2. Understanding Banadir’s current governance model	11
The political economy dynamics of BRA	11
Navigating the complexities of governance	13
Conclusion and recommendations	17
Recommendations to FGS, BRA, Parliament and Political leaders	18

Abbreviations

BRA	Banadir Regional Administration
FGS	Federal Government of Somalia
FMS	Federal Member State
ICU	Islamic Courts Union
IDP	Internally Displaced Person
NCC	National Consultative Council
OPOV	One Person, One Vote
TFG	Transitional Federal Government

Summary

- **Rapid turnover and security threats have rendered Banadir local governance unstable.** Conducting a district council formation process in Banadir region (which equates to the 17 administrative districts of Mogadishu) has been a challenging prospect. Over the past two decades, rapid leadership turnover (or absence of leadership altogether) in Banadir Regional Administration (BRA), contestations within the dominant clan and expectations of those who see the city as a ‘national’ capital, coupled with chronic insecurity and the ongoing threat of al-Shabaab, has made it difficult to establish stable governance practices. Against this backdrop, this policy paper explores the options available to BRA for expanding local democratisation and forming district councils.
- **The presence of federal authorities and clan dynamics limit BRA accountability to citizens.** BRA sits at the centre of a multifaceted nexus of governance factors, encompassing—among other elements—the Federal Government of Somalia (FGS) and local clan dynamics. In particular, the fact that BRA is the FGS’s principal revenue source has been a key factor in the federal leadership displaying no inclination to transfer governance authority. This is reinforced by the federal leadership’s power to appoint BRA’s governor and deputy governors, resulting in a governance structure in which there is no direct accountability to residents.
- **The improving security situation and the calls for accountability and representation in Mogadishu, accentuates the need for parliament to decide on one of the three governance structures recommended for Mogadishu.** With the decline in al-Shabaab’s influence and the resultant improvement in Mogadishu’s security prospects, it appears inevitable that demands for an elected council will continue to grow. Thus, the current parliament must, first and foremost, select one of the three governance structures recommended by constitutional bodies—namely, designating Mogadishu/Banadir: 1) a federal district; 2) a Federal Member State (FMS); or 3) a capital city within an FMS. This decision should be driven by bipartisan cooperation and objective assessment, rather than the political opportunism that has previously impeded reform efforts.
- **On the status question, the current BRA advocates for the so-called ‘Berlin Model’ as the framework for determining the final status of Mogadishu,** the capital city of Somalia. In this model, the BRA would function dually as a federal member state, similar to Somalia’s other five states with adequate representation in both houses of parliament, while also serving as the capital city of the nation.
- **The current BRA favours a top-down approach in the formation of a new regional governance structure,** believing it to be a quicker and more straightforward path to implementation that aligns with the existing clan power-sharing dynamics within Banadir, home to over two million inhabitants. This approach, according to BRA, is not only expedient but also aims to cause the least disturbance to the established order, thereby ensuring continuity and stability within the intricate social fabric of the region.

- **Substantive governance reforms will require a considered, multi-pronged approach involving a robust legal framework, the political will for local elections, and fairer, more transparent revenue reallocation.** It also means ensuring representation encompasses both Mogadishu's local communities—including internally displaced populations and recent migrants—and all Somalis who view Mogadishu as their capital. Drawing on history, the 2008 attempt at district council formation—an inclusive model, crafted amid considerable turbulence—could act as a starting point.
- **The momentum for democratisation in Banadir is palpable, with the constitution, historical models and public sentiment all converging in this direction.** The focus should therefore be on meticulous planning and effective strategies that ensure a democratic transition is neither delayed nor subject to avoidable complications.

Introduction

Conducting a district council formation process in Banadir region (which equates to the 17 administrative districts of Mogadishu)¹ is an extraordinarily challenging prospect, bound up as it is in historical, political, socioeconomic and security complexities. Against this backdrop, this policy paper explores the options available to Banadir Regional Administration (BRA) for forming district councils. Here, ‘district council formation’ refers to the establishment of credible, accountable and rules-based local governance structures—arguably the most vexing policy problem faced by Banadir over the past two decades.

BRA sits at the centre of a multifaceted nexus of governance factors—encompassing among other elements the Federal Government of Somalia (FGS) and local clan dynamics—that poses particular hurdles rooted in Somalia’s current fragility and history of state collapse. The situation is further complicated by Banadir/Mogadishu’s ambiguous status within the federal system, given that it is not a Federal Member State (FMS), nor technically speaking even the nation’s capital. This identity crisis has sparked numerous contentious dialogues regarding governance, from how best to address the needs of the city’s approximately 2.5 million residents, to resource- and power-sharing between national and local government.

Frequent and sudden changes in leadership add a further layer of complexity to these issues. Between 2000 and 2023,² Banadir had 13 governors. Moreover, for a considerable portion of this period, Mogadishu was effectively an ungoverned space due to the presence of warlords or al-Shabaab, coupled with the prolonged peace negotiations taking place outside the country.³ This rapid leadership turnover (or absence of leadership altogether) has made it difficult to establish stable governance practices.

Moreover, Banadir has faced chronic insecurity throughout the past two decades, including an ongoing threat from al-Shabaab and its disruptive attacks. This not only impacts ordinary people’s daily lives, but limits the chances for genuine, sustained political reform and governance enhancements. As a result, the city’s residents are not—according to former BRA and federal officials interviewed for this study—receiving the essential services they deserve.⁴ Nevertheless, there have been encouraging signs of an improvement in the Mogadishu’s security situation since President Hassan Sheikh Mohamud’s re-election in May 2022.⁵ Given this relative peace and stability, the current moment represents an opportunity to map out a path towards greater democratisation in Banadir.

1 Throughout this paper, ‘Mogadishu’ and ‘Banadir’ are used interchangeably.

2 Mohamed Warsame, ‘Akhriso Liiska Magacyada 47 Duq Magaalo oo soo maray Magaalada Muqdisho’, Caasimada Online, 27 January 2018. Accessed 6 September 2023, www.caasimada.net/akhriso-liiska-magacyada-47-duq-magaalo-oo-soo-maray-magaalada-muqdisho/.

3 In 2000–2002, warlords controlled half, if not more, of Mogadishu; in 2002–2004, negotiations took place in Mbagathi and Eldoret Kenya; and in 2009–2012, al-Shabaab controlled most of the city. Since then, the embattled federal government has often held only nominal control of the city with the help of external peacekeepers.

4 Marcel Dyama, ‘Political economics of war and peace in Somalia’, AgroPolis International, October 2007, https://agritrop.cirad.fr/549241/1/document_549241.pdf.

5 Friday at the beach in Mogadishu: Optimism shines through despite Somalia’s woes; NPR, 20 January 2023, <https://www.npr.org/sections/goatsandsoda/2023/01/20/1149831181/friday-at-the-beach-in-mogadishu-optimism-shines-through-despite-somalias-woes>

1. Historical context

Frequent leadership changes have long stymied BRA's attempts to pursue governance and democratic reform. Unpicking this turbulent record is crucial when it comes to assessing the potential for district council formation. Between 1991 and 2000, Mogadishu was an area of violently contested real estate, with various warlords and faction leaders carving the city up into fiefdoms.⁶ Since then, a succession of fragile transitional governments has—for the most part—made Mogadishu/Banadir their seat. BRA has thus been subject to rapid changes in governance, with leaders rarely staying in office for more than a year. This lack of continuity, consistency, good governance and knowledgeable local leaders has had wide-ranging effects, from hindering local council formation to eroding community trust in leadership.

Leadership turnover and political landscape

Between 2000 and 2023, there were not only frequent changes of mayor/governor,⁷ but of district commissioners within each of the city's 17 districts. Due to the fragmentation arising from past conflicts and the prevailing insecurity, individuals have often held these positions on the basis of belonging to a dominant clan. This situation is, however, slowly but steadily evolving: currently, at least five (out of 17) district commissioners hail from clans that are not dominant in Mogadishu. Moreover, given it is the federal president who holds the power to appoint BRA's governor, the region's leadership has only limited autonomy from the FGS leadership. In the same vein, district commissioners, who are appointed by BRA's governor, owe a considerable debt to their political superior.

During the Mbagathi (Kenya) peace and reconciliation conference (2002–2005), governance in Mogadishu/Banadir either existed in name only or was nonexistent. While the talks led to the formation of the Transitional Federal Government (TFG) under President Abdullahi Yusuf, the new administration encountered substantial challenges—including opposition from warlords and general lawlessness—that prompted national leaders to decide against operating from the capital. For a year, the TFG was situated in Jowhar (90 km north of Mogadishu), before relocating to Baidoa (250 km southwest of Mogadishu) following clashes between Islamists and former warlords who had by then become disgruntled ministers within the TFG leadership.⁸

Nevertheless, this period saw the first serious effort to install an indirectly elected mayor and governor in BRA. In 2005, MPs and ministers (consisting of former warlords and faction leaders) from Mogadishu's numerically dominant

6 See, for example, Diana Jean Schemo, 'Somali Warlord's Supporters On Rampage for Second Day', *The New York Times*, 26 February 1993. Accessed 18 September 2023, www.nytimes.com/1993/02/26/world/somali-warlord-s-supporters-on-rampage-for-second-day.html.

7 Given that Mogadishu's 17 districts equate to the entirety of Banadir region, the top official is given the dual title of BRA governor and Mayor of Mogadishu. There have, however, been periods -- particularly during the Siyad Barre era and under the TNG that was established in 2000 -- where different people have been appointed to the two roles. Since 2004, the posts of mayor and governor was filled by the same official.

8 'Calls for patriotism as MPs meet in Baidoa', *The New Humanitarian*, 27 February 2006. Accessed 5 September 2023, www.thenewhumanitarian.org/report/58265/somalia-calls-patriotism-mps-meet-baidoa.

clan, the Hawiye,⁹ gathered in the capital to form the first unified leadership since the start of the civil war in 1991.¹⁰ Meanwhile, President Abdullahi Yusuf (2004-2008), who hailed from Puntland, refused to come to Mogadishu from Jowhar due to security and political concerns. In order to overcome this resistance and enable the TFG to operate out of Mogadishu, Hawiye politicians (mostly MP-turned former faction leaders)—supported by the business community, civil society and clan leaders—worked hard to come up with a formula that could establish local governance in the city, while allowing the dominant clans to share power. These efforts proved fruitless, however, as the warlords could not agree on power-sharing.

In June 2006, the Islamic Courts Union (ICU) wrestled Mogadishu away from the warlords and faction leaders who had been in control since 1991, bringing peace to the city for the first time in three decades.¹¹ For the following six months, the ICU leadership ran the city as a single unit,¹² before being ousted by Ethiopian troops who had entered Somalia in support of the embattled TFG president.¹³ This in turn prompted an Islamist insurgency that would eventually lead to the rise of al-Shabaab.

2008 district council formation

The TFG fell into disarray and in-fighting over the course of 2008—President Yusuf ultimately resigned in December 2008¹⁴—with the administration forced to move back to Baidoa as the insurgency swept through Mogadishu. It was during this turbulent time, however, that Prime Minister Nur Adde spearheaded the creation of a local council for Banadir.¹⁵ The new council, which was originally only to have a four-month term, was charged with overseeing the city's security and assisting in the return of the many thousands of residents who had fled Mogadishu due to ongoing violence.¹⁶ The reason the council was given a short mandate was because a negotiation between the fledgling and divided TFG on one hand and Islamists and other nationalists known together as 'Alliance of the Re-liberation of Somalia', was taking place in Djibouti. On November 26 the ARS and TFG agreed to the creation of 'government of national unity.' Sharif Sheikh Ahmed was elected as the new president on 31 January 2009 and he appointed Omar Abdirashid Ali Sharmarke on 13

9 In terms of numbers, the Hawiye clan family are the dominant clan in Mogadishu, as many rural and residents of other cities in central Somalia (present-day Hirshabelle and Galmudug states) migrated to the capital. Within the clan, however, three sub-clans have considerably more political and economic presence than the others: the Abgaal, Habar Gidir, and Murusade.

10 Since the collapse of the state, clans and subclans and faction leaders and warlords carved the city into sections and fiefdoms.

11 Xan Rice, 'Islamic militia ends Somali warlords' rule', *The Guardian*, 6 June 2006. Accessed 5 September 2023, www.theguardian.com/world/2006/jun/06/mainsection.international1.

12 Telephone interview with senior ICU official, 5 September 2023.

13 'Ethiopian troops enter Somalia', *Al Jazeera*, 21 July 2006. Accessed 6 September 2023, www.aljazeera.com/news/2006/7/21/ethiopian-troops-enter-somalia.

14 Mohamed Ahmed, 'Somali president quits', Reuters, 29 December 2008. Accessed 5 September 2023, www.reuters.com/article/us-somalia-president-idUSTRE4BSOTG20081229.

15 'Golaha Deegaanka Gobolka Banaadir oo loo kordhiyay muddo 2-sano iyo bar ah inay sii shaqeeyaan', SomaliSwiss Media, 19 March 2009. Accessed 19 September 2023, <https://somaliswissstv.com/2009/03/19/golaha-deegaanka-gobolka-banaadir-oo-loo-kordhiyay-muddo-2-sano-iyoo-bar-ah-inay-sii-shaqeeyaan/>.

16 'Golaha Deegaanka Gobolka Banaadir oo Waqtiga jiritaankiisa kororsaday', Hiiraan Online, 19 March 2009. https://hiiraan.com/news/2009/mar/wararka_maanta19-6032.htm.

February as a prime minister.¹⁷ Sharmarke's cabinet assumed responsibility on 27 February and Mogadishu's newly minted leadership were given specific tasks to fill the gap in the transition period and to assume security responsibility and return residents who fled the city due to the war.

Although Prime Minister Nur Adde and President Abdullahi Yusuf, who jointly launched Banadir's (s)elected council, disagreed vehemently on a number of national issues, their vision for Banadir was expansive: not only did they seek a democratically elected leadership, but they also wanted the council to encapsulate both the unique needs of local communities and the broader sentiments of those who viewed Mogadishu as the national capital. Towards this end, fractured and fledgling TFG leaders appointed Ibrahim Sheikh Muhuddin, a businessman and former army officer, as interim governor/mayor, tasking him with ushering in an elected council.

The 69-member assembly was designed to strike a balance between representation, inclusion, and maintenance of national character. The Hawiye clan family, some of whom consider themselves to be indigenous to Mogadishu (i.e., the Mudulood/Abgaal), and numerically the Hawiye are the most dominant in the city and they were allocated 47 seats. Other nationally significant clans, such as the Darood, Dir, and Digil–Mirifle, were each given five seats, while a total of seven seats were given to minority clans (i.e. Banadir of Arab origin) who are indigenous to the city.¹⁸ Members of the council were sworn in on 23 November 2008, with a governor/mayor and two deputies elected the same day.¹⁹

The 2008 district council formation stands out as a watershed moment in Mogadishu's recent administrative history. Beyond being a matter of municipal governance, it represented a call for unity, shared governance, and collective responsibility on the part of government, communities and politicians. Despite the unstable and often violent environment in which the council was established, it managed to function for almost a year as it was replaced by the new administration. This historic achievement should serve as a symbol of Mogadishu's resilience, as well as its ability to address its governance needs amid the direst of circumstances—which indeed were to follow.

Insecurity under President Sharif and the emergence of FGS–FMS tensions

In 2009, Sharif Sheikh Ahmed, the leader of the Islamist insurgency, became president of the TFG. By mid-2010, al-Shabaab, a radical splinter wing of the insurgency that controlled 80 per cent of Mogadishu, had turned the city into a war zone, and by the end of the year, the TFG only retained control of a few districts near Villa Somalia, airport and ports that AMISOM protected.²⁰ For the remainder of his term (until 2012), President Sharif Sheikh Ahmed was forced to devote his time to finalising the interim constitution and battling

17 'Somalia's new government to hold first cabinet meeting over the weekend', ReliefWeb, 27 February 2009, <https://reliefweb.int/report/somalia/somalias-new-government-hold-first-cabinet-meeting-over-weekend>

18 Four out of these seven seats were allotted to the Banadiri community, who are of Arab, Persian and other light-complexion seafarers' ancestry.

19 'Xildhibaanoo uu yeelanayo Gobolka Banaadir oo Muqdisho lagu dhaariyay', Hiiraan Online, 23 November 2008. Accessed 18 September 2023, https://hiiraan.com/news/2008/nov/wararka_maanta23-5128.htm.

20 Katherine Zimmerman, 'Looking Ahead in Mogadishu: Tough Decisions', *Critical Threats*, 1 November 2010. Accessed 5 September 2023, www.criticalthreats.org/analysis/looking-ahead-in-mogadishu-tough-decisions.

al-Shabaab, resulting in little consideration being given to local democratic government. Since then, al-Shabaab's insurgency has not only led to short-term disruptions in the city, but diverted attention and resources away from establishing long-term governance structures.

In 2012, a new Provisional Constitution signalled that Somalia had officially adopted a federal system of government. As such, the TFG gave way to the FGS. Initially, however, little appeared to change, with President Hassan Sheikh Mohamud spending his term in office (2012–2017) consumed by the liberation of major south-central towns/cities and the establishment of the FMSs.²¹ Moreover, the later years of President Hassan Sheikh's term and the entirety of President Mohamed Abdullahi Farmaajo's term (2017–2022) were beset by political conflicts between the FGS and the FMSs. These confrontations involved the former attempting to remove the latter's leaders and replace them with central government allies, prompting resistance from states such as Jubaland and Puntland.²² Ongoing tensions between the FGS and the FMSs have added further complexity to Somalia's governance landscape: as the FMSs have moved administratively further from the FGS's control, so the FGS has had fewer incentives to relinquish control over, or initiate governance reforms within, BRA.²³

21 Puntland existed before the FGS was established, as did Jubaland, although President Hassan Sheikh declared the latter's formation process to be 'unconstitutional'. The remaining three FMSs established during this period were Hirshabelle, Galmudug and South West State.

22 Though Hirshabelle, Southwest and Galmudug resisted, ultimately the FGS president prevailed and installed his preferred leaders.

23 A former prime minister quoted a TFG president as responding, when asked why he did not establish a district council: 'Had we set up such council, where then would we, as FGS leaders, have governed?'

2. Understanding Banadir's current governance model

The administrative leadership of BRA rests with the governor, who concurrently holds the position of mayor of Mogadishu.²⁴ Historically, governors/mayors—predominantly from the Mudulood sub-clans—have been handpicked by the national/federal president, with some appointing up to three different mayors over the course of their tenure.²⁵ In addition, members of the Hawiye community and a representative of the Banadiri community fill the (normally) three deputy governor/mayor positions.

Banadir is divided into 17 districts, each of which is overseen by a district commissioner, who in turn is supported by deputies, the number of which is contingent on the district's size.²⁶ The district commissioner's team also includes a secretary general, who plays a coordinating role. When it comes to service provision, BRA also has directorates responsible for a variety of services, from education and health to roads and security. At the district level, sections known as '*waaxda*' employ section heads, deputies, and secretaries, who are typically appointed by the district commissioners.²⁷

The political economy dynamics of BRA

The relationship between the FGS and BRA is intrinsically complex, reflecting a mix of fiscal dependencies, political considerations, and governance challenges. One of the most consequential factors is the FGS's economic dependency on BRA, with the vast majority of its domestic revenue generated by Mogadishu's seaport and airport, and taxation paid by the city's residents.²⁸ Here, a former BRA councillor observed: 'The revenue and resource-sharing arrangement between the Federal Government of Somalia and the Banadir Regional Administration is unfair . . . A fair and more balanced revenue-sharing system must be established for equitable development and stability'.²⁹ Similar sentiments were expressed by a former top BRA official, who claimed that the FGS collects taxes from Banadir in much the same way as al-Shabaab—seeing the city as a 'cash cow'.³⁰

24 From 2000 to 2004, the roles of governor and mayor were distinct, which was also the case during the era of Siyad Barre's rule (1969–1991).

25 An exception to this trend was Mohamed Osman Ali (Dhagaxtuur), who served autonomously as governor/mayor between November 2008 and November 2009.

26 Sometimes one person holds both the political and security portfolios; at other times, separate individuals hold each portfolio. Interview with former Secretary General of Banadir, Mogadishu, 23 September 2023.

27 Interview with former Banadir secretary general, Mogadishu, 18 September 2023. The process followed for appointment of district commissioners (DCs) was based on laws 1964/5 and 1969/70 which includes the roles of Secretary General. The law stipulates the Mayor/Governor proposes appointments for District Commissioners (DCs) and Deputy DCs to Minister of Interior who then appoints the DCs and Deputy DCs, below the DCs/Deputy DCs the Mayor appoints '*waaxda*' and DCs appoint '*Laamaha*' and downwards. However, after January 2018 this process has changed, and mayors/governors appoint their own DCs and Deputy DCs including '*waxaada*' and so forth.

28 'About Benaadir', Benaadir Regional Administration. Accessed 20 September 2023, <https://bra.gov.so/about-benaadir/>.

29 Interview with former Banadir councillor (2008–2012), Mogadishu, 8 September 2023.

30 Interview with former Banadir deputy governor/deputy mayor, Mogadishu, 17 September 2023.

The significance of BRA being the FGS's principal revenue source cannot be underestimated: it is primarily due to this fiscal dependence that Somalia's last four presidents have displayed no inclination to organise elections for Banadir or transfer governance authority to local Banadir authorities. This recurrent pattern suggests that economic interests tend to take precedence over democratic processes, hindering the prospects for district council formation and broader democratisation. In order to create more trust and transparency for its citizens, the BRA leadership should make sure that funds are used judiciously and have proper financial oversight and transparency. This includes rigid external monitoring mechanisms and proper financial management capability.

An additional feature of the FGS-BRA relationship centres on the considerable political sway held by the federal leadership in terms of its power to appoint BRA's governor and deputy governors. This hierarchical appointment system creates a governance structure in which there is no direct accountability to residents.³¹ As one former governor/mayor observed:

The FGS should adopt a constructive and collaborative approach in shaping BRA's governance policies, striking a delicate balance between national coordination and local autonomy. While the FGS's influence remains essential for maintaining overall coherence in the country, it should not erode BRA's capacity for independent decision-making. Although the appointment of the governor by the FGS is currently in practice, the governor should prioritise the interests of the residents rather than being solely at the pleasure of the FGS.³²

The current dynamic also grants the FGS leadership substantial leverage over those appointed to governor and deputy governor positions, which can be exercised both politically and economically. Despite BRA contributing a significant portion of the FGS's revenue, it is allocated only 15 per cent of the national budget. On top of this, the allocation is not subject to the rigorous scrutiny typical of other federal budget sectors. Consequently, the FGS leadership has the discretion to utilise the Banadir budget in more flexible ways, described as a 'slush fund' by a former BRA official.³³ One former deputy asserted that if the FGS had a genuine desire to address the needs of residents, appointments would not be an issue, but in reality it had no interest in service delivery. The former deputy went on to claim that the reason his team was sacked was due to his demands for fairer resource-sharing between the FGS and BRA, having pointed out 'that the 15 per cent was allocated in 2007 when the national government and BRA controlled a few blocks, whereas now, BRA controls all 17 districts and residents there need services of all types'.³⁴

Moreover, the FGS's inherent weaknesses reverberate through BRA's governance structures, as the national leadership's preoccupation with wresting territories away from al-Shabaab and gaining the upper hand in political conflicts with FMSs mean scant attention is paid to local governance reforms. The post-2009 al-Shabaab insurgency exemplifies this dynamic: the federal government's focus on counterterrorism has led to a highly militarised approach being pursued at the expense of reconciliation, which is critical for any meaningful advancement in local democratic participation.

31 Interview with former Banadir councillor (2008–2012), Mogadishu, 8 September 2023; interview with former Banadir deputy governor/mayor, Mogadishu, 10 September 2023.

32 Interview with a former Banadir deputy governor/mayor, Mogadishu, 10 September 2023.

33 Interview with former Banadir governor/mayor (1998–1999) and mayor of Mogadishu (2001–2004), Mogadishu, 7 September 2023.

34 Interview with former Banadir deputy governor/mayor, Mogadishu, 17 September 2023.

The intertwined financial and governance challenges outlined above point to the need for a holistic approach that seeks not merely to de-link the existing financial dependency, but create a framework that enables autonomous governance, sustainable revenue generation, and democratic processes within BRA.

Navigating the complexities of governance

An intricate web of political and security challenges compounds BRA's governance landscape, at the centre of which is the National Consultative Council (NCC). The NCC is generally presented as a platform facilitating political consensus among national and federal leaders. It also claims a role in advancing democratisation, as exemplified by its May 2023 plans for one person, one vote (OPOV) elections at the federal, regional, and local level, including in BRA. On the other hand, the NCC's pronouncements, despite not being constitutionally mandated, have occasionally contributed to heightened tensions between different levels of government. The NCC's high-profile role has led to various actors competing for influence within it, sometimes prioritising their own interests over local needs—including those of the residents of Banadir.

There are three governance models that the Independent Constitution Review and Implementation Commission (ICRIC) and parliament's Oversight Committee (OC) suggested for Mogadishu various times between 2012 -2022:

Federal Capital Governance Model: In this model, Mogadishu operates as the federal capital of Somalia, directly under the jurisdiction of the Federal Government of Somalia (FGS). This model might limit the autonomy of Mogadishu in favor of centralized governance.

Regional Administration Model: Mogadishu is treated like any other regional state in Somalia with its own regional governance structures. This would grant Mogadishu a degree of autonomy in local matters while still being a part of the federal system.

Hybrid Governance Model: A combination of the two models above, where Mogadishu or parts of the city or a district remain the federal capital but also has a degree of autonomy in local governance matters. This might involve a shared governance structure or specific divisions of responsibilities between the FGS and the local administration.

The situation becomes even more complicated when Mogadishu's governance structure and status within a federal Somalia are considered. While Article 9 of the Provisional Constitution affirms Mogadishu as 'the national capital', the two chambers of parliament are still required to enact a special law confirming this as part of the constitutional review process. In this regard, a former local councillor emphasised that 'the current governance structure in Banadir Regional Administration and Mogadishu reveals a system lacking full implementation of Chapter 9 of the Provisional Constitution'.³⁵

Rather than accept the national capital status set out in the Provisional Constitution, some vocal elements in Mogadishu's dominant clans are

35 Interview with former BRA councillor (2008–2012), Mogadishu, 8 September 2023.

advocating for BRA to be recognised as an FMS.³⁶ At present, they argue, residents face ‘taxation without representation’, with BRA’s lack of FMS status meaning it is denied membership of the upper house (the Senate), as well as the autonomy enjoyed by existing FMSs.

Another governance issue is that Mogadishu hosts over a million internally displaced people (IDPs), primarily from marginalised clans, as well as hundreds of thousands of people from the non-dominant Hawiye clans who reside and work in the city.³⁷ Members from these communities contend that Mogadishu is a cosmopolitan capital built by all Somalis for all Somalis, with its exponential population growth only taking place in the wake of Somalia declaring independence in 1960.³⁸

These diverse perspectives underscore the fact that determining Mogadishu’s status has a direct bearing on democratisation and district council formation processes. Despite the Provisional Constitution unambiguously stating that Mogadishu shall retain its status as national capital until a definitive agreement is put in place, national politicians have yet to finalise this status, thereby ensuring BRA remains in political subordination to the FGS.

A former governor/mayor emphasised that a multifaceted strategy is required to achieve a transition from clan-based politics to a governance model in which Mogadishu is regarded as a capital that represents the entirety of the country’s population. On the one hand, this involves acknowledging the persistence of clan dynamics in Somalia—he argued that BRA’s governors/mayors should primarily hail from the Hawiye clan due to its numerical majority in the city. On the other hand, it is equally important to ensure other clans are represented within the administration. The former governor/mayor pointed to Bern (Switzerland) and Canberra (Australia) as examples of local governance coexisting within the national capital, potentially offering insights into how Mogadishu could maintain its capital status while granting autonomy to BRA.³⁹

The current Banadir Democratisation Regional Plan, which outlines the process of forming district councils in Mogadishu, aims to find political agreements for the process to establish the administration of the capital, establish laws and procedures to establish the city’s administration, and conduct public consultations and awareness-raising. The Democratisation plan will be implemented in three phases. Phase 1 focuses on understanding the local dynamics and political reconciliation related to clarifying the status of Mogadishu as the capital. Phase 2 will focus on building capital administration, starting from the capital level and working down to the district level. Lastly, phase 3 focuses on the construction of districts, including establishing 17 districts in the regional councils.⁴⁰

36 These voices are mainly from the Hawiye’s Abgaal and Murusade sub-clans, who claim indigenous status, and the Habar Gidir, who have a major presence in Mogadishu.

37 As Mogadishu has become more peaceful it has attracted an influx of members of the diaspora, students, professionals who work for NGOs and international organizations, businesspeople, property owners and residents from other cities

38 Rift Valley Institute and Heritage Institute for Policy Studies, *Land Matters in Mogadishu: Settlement, ownership and displacement in a contested city*, London and Nairobi/Mogadishu: Rift Valley Institute and Heritage Institute for Policy Studies, 2017, 30, <https://8v90f1.p3cdn1.secureserver.net/wp-content/uploads/2021/01/Land-Matters-in-Mogadishu-RVI-Rift-Valley-Forum-and-HIPS-2017.pdf>.

39 Interview with former Governor of Banadir governor/Mayor of Mogadishu, 7 September 2023.

40 Conference on ‘Analysis of Opportunities & Challenges for District Council Formation’, 25 September 2023, Mogadishu.

Participants of a validation workshop for this study advocated for reconciliation as a crucial prerequisite to any significant governance change in the BRA in order to address underlying historical grievances and conflicts. Without such a mechanism included in the democratisation process, the participants believed that establishing a sustainable democratic system would be limited, and without reaching a consensus on the past it is unrealistic that different groups can coexist democratically. Some participants, consequently, cautioned against a more immediate and abrupt change to the governance structure and the status quo.⁴¹

Addressing some of the below reconciliation needs in the BRA context will be vital in navigating challenges and maximizing the opportunities associated with forming district councils.

Clarity on roles and governance: There's a need for a comprehensive legal framework that delineates the responsibilities of the Federal Government of Somalia (FGS) and the BRA. This would address the issue of power dynamics, overlapping mandates, and conflicting roles.

Historical grievances: Addressing long-standing issues where the people of the Banadir region felt that they have been led by individuals they did not elect. This involves recognizing past injustices and putting mechanisms in place to get local officials elected in a fair and transparent manner.

Political and clan dynamics: The mention of 'political and clan dynamics' indicates deep-seated divisions that may require community dialogues and engagements. Facilitating these dialogues would foster understanding between different clans, sub clans and political entities as well as forging civic interests, ideologies and outlooks.

Constitutional clarity: The challenges surrounding Mogadishu's status as both the seat of the federal government, the national capital and potentially the seat of a regional government need to be resolved. Public consultations and debates could help in finding a middle ground and settlement for this long standing and simmering issue.

Representation of displaced persons: As displaced people must have rights and representation in the government, there's a need for inclusive processes that ensure their voices are heard.

Conflict resolution mechanisms: As the formation of district councils will likely lead to power struggles and potential conflicts, setting up local conflict resolution mechanisms would be essential.

Economic concerns: Addressing issues like revenue collection and budget management, especially since Mogadishu is a significant revenue generator, is crucial for reconciliation. Economic stability and fair distribution of resources would help in placating potential concerns.

Engaging political interests: The policy brief mentions politicians with specific interests hindering democratization. Engaging with these political figures, understanding their concerns, and working towards a common goal is essential.

41 Conference on 'Analysis of Opportunities & Challenges for District Council Formation', 25 September 2023, Mogadishu.

Transparency in decision-making: Emphasizing transparency, especially in parliamentary sessions focused on Mogadishu's status and BRA's governance, ensures that decisions made are in the best interest of the people and bipartisan as much as possible.

Public awareness and education: Continuous public education and awareness campaigns would ensure residents understand the benefits and implications of district council formation.

Both the current Deputy Governor of BRA and the Director of Planning at BRA stressed how both the BRA and the federal government are committed to the process of democratisation and DCF, which is seen as a good opportunity. The finalisation of the constitution is also seen as an opportunity in the democratisation process in the BRA, because article 9 was written to clarify the status of the capital of Mogadishu. A point that was raised during the study's validation workshop⁴² was around the sequencing of the conference and process of democratisation; starting with the status of Mogadishu and electing its leader and city councils, then moving on to the establishment of the district councils.⁴³

Regarding the establishment of a new administration in Banadir, the current Banadir Regional Administration (BRA) leadership, through a participatory validation workshop, has expressed a preference for a top-down approach. This would entail the current leadership overseeing a process in which traditional clan elders from Mogadishu nominate members to a provisional regional legislature for a one-year term. In the interim, the BRA, in conjunction with this legislative body, would work towards laying the groundwork for democratic elections, ultimately enabling the direct election of the mayor and regional representatives through a one-person, one-vote system. They argue that this approach is easier and quicker to implement, and would avoid disrupting the current power-sharing arrangement.

Concerning Mogadishu's status, the BRA leadership favors adopting the "Berlin Model," where Banadir would simultaneously function as a federal member state with appropriate representation in Somalia's federal parliament and as the national capital. This model is preferred to avoid a scenario akin to the "Washington DC Model," where the city would face taxation yet lack proper representation—a situation the BRA strongly rejects.

While participants in the validation workshop showed political will and optimism, they also acknowledge the various challenges in the process. Mogadishu being the seat of the FGS raises the question: if an elected local government is formed, how will it be reconciled and what does it mean for the economy and security of the region. Three other challenges that were brought up were the issue of power-sharing, the conflicting roles of the different actors, and the need for time and resources.

42 The validation workshop was organized for the study on 25 September 2023 with more than 100 attendees. It included various stakeholders, such as a former governor and mayor, government officials, civil society members, academics, politicians, experts, and practitioners. Mr Mohamed Ahmed Diriye (Yabooh), Deputy Governor of the Banadir Regional Administration, and Mr Saadat Mohamed Nur Aliyow, Minister of State for the Interior, Federal, and Reconciliation, delivered opening remarks highlighting the significance of the event and the need for collaborative efforts in advancing democratisation in BRA. Abdulkadir Muhyaddin Ahmed (Dalha), the Director General of Banadir Regional Planning, also presented democratisation plans for the BRA.

43 Conference on "Analysis of Opportunities & Challenges for District Council Formation", 25 September 2023, Mogadishu.

Conclusion and recommendations

The governance of Mogadishu/Banadir stands at a critical juncture. It is untenable for the FGS to continue appointing BRA executives indefinitely, especially in a context where a staggering 85 per cent of the city's resources are channelled to the national government—a ratio that has remained unchanged since 2007. Recent years have seen Mogadishu's residents grow increasingly restless in their demands for fairer governance.⁴⁴

Constitutionally, BRA's autonomy and democratisation have been explicitly endorsed: as stated in Article 48 of the 2012 Provisional Constitution, the FGS's direct administration over a region should not exceed two years. Thus, the FGS's control over BRA should in theory have come to an end by 2014. A decade on, however, the envisioned constitutional review remains unfulfilled, with the past three national elections mired in controversy, corruption and conflict.

Nevertheless, with the decline in al-Shabaab's influence and the resultant improvement in Mogadishu's security prospects, it appears inevitable that demands for an elected council will continue to grow. The May 2023 NCC proposal advocating for implementation of the OPOV principle by 2024 underlines the urgency of installing elected officials, while the fact Puntland managed to conduct OPOV elections in over 30 districts in 2023 only adds to the sense that the status quo in BRA is untenable.⁴⁵ Drawing on history, the 2008 attempt at district council formation could act as a starting point. This inclusive model, crafted amid considerable turbulence, resonates even today, especially given the polarised state of Somali politics.

Despite a number of looming obstacles—especially regarding residency rights and a safe shift from clan power-sharing to democratic governance—one thing remains clear: Banadir residents demand and deserve accountable officials. Here, the role and constitutional rights of many IDPs and newcomer residents who call Mogadishu home must be considered when formulating any forthcoming electoral model for BRA.

First and foremost, the current parliament faces a crucial decision when it comes to selecting one of the three governance structures recommended by constitutional bodies—namely, designating Mogadishu/Banadir: 1) a federal district; 2) an FMS; or 3) a capital city within an FMS. This decision should be driven by bipartisan cooperation and objective assessment, rather than the political opportunism that has previously impeded reform efforts. The complex relationship between BRA and the FGS, frequent leadership changes, and ongoing security threats necessitate a considered, multi-pronged approach. Here, a robust legal framework, the political will for local elections, and fairer revenue reallocation are among the factors pivotal to substantive governance reforms.

In short, the momentum for democratisation in Banadir is palpable, with the constitution, historical models and public sentiment all converging in this direction. The focus should now therefore be on meticulous planning and

44 Somali Cable, 'Shir looga hadlayo xuquuqda gobolka banaadir ayaa lagu qabtay Muqdisho', YouTube, 3 May 2017. Accessed 19 September 2023, www.youtube.com/watch?app=desktop&v=A5FH9GZHtyl.

45 Mohamed Olad Hassan, 'Somalia Holds "Historic" Regional Elections', VOA, 26 May 2023. Accessed 19 September 2023, www.voanews.com/a/somalia-holds-historic-regional-elections/7110115.html.

effective strategies that ensure a democratic transition is neither delayed nor subject to avoidable complications.

Recommendations to FGS, BRA, parliament and political leaders

- **For Parliament (and NCC), craft a comprehensive legal framework:** Developing a detailed legal framework between the FGS and BRA is pivotal to remove ambiguities and streamline governance. Fast-tracking the constitutional review process will provide definitive guidance on governance models, ensuring both entities operate with clarity and purpose, particularly as Mogadishu's status is a federal responsibility and requires a national character.
- **Initiate elected local councils in Mogadishu:** The national government must prioritise the much talked but never embarked on democratic process for the capital. Given the improved security scenario in Mogadishu, it's an opportune moment to start the democratisation process, allowing residents to elect their representatives. Elections should be managed in a transparent manner thus increasing local government accountability.
- **For FGS and FMS leaders, refine the National Consultative Council's role:** The NCC should serve primarily as a mediator, facilitating consensus among leaders at both national and regional levels. By ensuring governance decisions align with the constitution, this should uphold a rule-based governance structure, providing transparent and fair decision-making.
- **For FGS leadership, revenue reallocation:** As BRA becomes more autonomous, it's essential that revenue allocations are adjusted. Increasing BRA's local revenue retention following the inauguration of elected councils ensures that the region's financial resources align with its responsibilities and aspirations.
- **For BRA leaders, financial oversight and transparency:** To maintain trust and ensure funds are used judiciously, BRA should adopt globally accepted financial management techniques. Implementing rigorous external monitoring mechanisms ensures transparency, fostering trust among the residents about the judicious use of their contributions.
- **For political stakeholders, be it FGS, NCC or BRA: Avoid political opportunism.** It is vital to act in the region's best interests, avoiding decisions driven by short-term political gains. A broad-based, bipartisan approach among FGS, FMS and BRA and groups within it ensures sustainable, long-term reforms that benefit the entirety of BRA.
- **For all stakeholders, draw from historical models:** If BRA hasn't transitioned to an one-person one-vote election system by 2024, it's worthwhile to reference historical district council formation models. The 2008 approach, for instance, offers a roadmap that acknowledges the region's unique dynamics while promoting inclusivity.
- **To all political actors: dispassionately study all options for BRA.** Whichever governing model BRA ends up with, representation in the BRA should be comprehensive, including the voices of local communities, IDPs, and recent arrivals in Mogadishu. Recognising Mogadishu as the capital for all Somalis ensures a more inclusive governance structure.

- **Parliamentary leadership: Transparent and inclusive parliamentary sessions.** Parliamentary discussions about Mogadishu and BRA's future should be conducted transparently, fostering public trust. Joint sessions between the two houses, with an adequate, prior public consultation shall ensure a balanced, comprehensive deliberation on the region's future.
- **All stakeholders: Establish a conflict resolution mechanism in the democratisation process.** The process of democratisation can, at times, inadvertently exacerbate tensions. To preclude further conflicts, it is essential to establish a mechanism that promptly addresses disputes arising during Mogadishu's democratisation. This proactive measure will ensure smoother transitions and mitigate potential roadblocks, as was emphasised in the validation workshop on DCF in BRA.

Credits

This policy paper is a product of the Somali Dialogue Platform.

The Somali Dialogue Platform is a programme which supports Somalis to achieve consensus on contentious political issues and is implemented by the Rift Valley Institute. The Somali Dialogue Platform is funded by the Somalia Stability Fund (SSF) III.

The views expressed do not necessarily reflect the official policies of the Somalia Stability Fund (SSF) III. The Platform maintains editorial independence on all its products.

The Rift Valley Institute works in eastern and central Africa to bring local knowledge to bear on social, political and economic development.

Copyright © Rift Valley Institute 2023.

This work is published under a Creative Commons Attribution-Non-Commercial-NoDerivatives License (CC BY-NC-ND 4.0)).