



14 September 2022

# Policy options for resolving the status of Mogadishu



**Somali Public Agenda**

# Overview

The unresolved status of Mogadishu is one of the key outstanding issues in Somalia's political settlement. Since 2012, Somalia has made progress in clarifying its federal model through the establishment of Federal Member States (FMS) and efforts – albeit with limited success – to clarify relationships between different levels of government. The status of Mogadishu, Somalia's capital since 1960, has proved too contentious to solve, however.

The city has incredible political, economic and demographic importance within Somalia. It hosts an estimated 2.6 million people, with around one in six Somalis living in the city. Mogadishu, as well as being the seat of the federal government, is also Somalia's primary economic hub – revenue raised and grants received by the Federal Government of Somalia (FGS) (effectively only from Mogadishu) in 2019 totalled USD 338.3 million, compared to USD 135 million across the FMS (which effectively raise all taxes within their territories.) This reflects the thriving business of the city's seaport and its vibrant private sector, as well as the fact that Mogadishu, as Somalia's capital, is the gateway for international funding and financing.

This concentration of power and resources has meant that competition for control of Mogadishu and its resources has been a key part of political dynamics and, often, instability in the country. Since independence, those who control the city have usually been able to take a dominant position in the country's political economy, often in ways that aggravate conflict. Concerns about Mogadishu's centrality in Somalia's political dispensation were an important factor in the civil war that led to state collapse in 1991, and to this day some groups in the country's periphery remain wary that those who control the capital could wield unchecked power.

This history of contention around Mogadishu's place in the political system has made broader efforts to clarify the division of responsibilities between different levels of government extremely challenging. Cycles of violence and displacement since the start of the civil war era have also been associated with competing narratives around which groups have a claim to be citizens and representatives of the city. This not only impedes the prospects of inclusive governance within Mogadishu, but clashes with the usual understanding of a capital city as symbolic of the nation's broader cultural values.

As such, Mogadishu's status – in terms of how it is governed and how it is represented in the national dispensation – must be resolved in order to advance Somalia's broader political settlement and post-conflict trajectory. Currently, Article 9 of the Provisional Federal Constitution (PFC), endorsed by a constituency assembly in 2012, states only that Mogadishu is the capital, while leaving it to the ongoing constitutional review process and parliament to clarify the final status. Since 2012, however, the necessary dialogue to build consensus around the issue has not taken place. Mogadishu is therefore currently de facto governed by the FGS – the Governor of Banadir (who is also the Mayor of Mogadishu) and all district commissioners are appointed by the FGS, which also administers revenue raised from the city. This has provoked concerns that Banadir Regional Administration (BRA) is not representative of its citizens, especially as there are no systems in place for local elections and accountability, and revenue raised from the city is primarily used to fund the FGS rather than services for the population, thereby exacerbating Mogadishu's history of contention over resources.

In an effort to stimulate renewed dialogue on the issue, the Somali Dialogue Platform, together with its partner, Somali Public Agenda (SPA), have produced this policy paper outlining options for resolving Mogadishu's status. The product has been developed in consultation with a range of technical experts and po-

litical influencers as part of the Platform’s ‘F20’ initiative, which collaboratively explores solutions to contentious issues in Somalia’s political settlement. The paper is intended to serve as a tool for Somalia policymakers and the wider public in the upcoming political cycle.

## Framework for analysis

Drawing on work done by the Federal Ministry of Constitutional Affairs (MoCA), the Independent Constitutional Review and Implementation Commission (IC-RIC), and the parliamentary Oversight Committee (OC), the following section outlines three main options for resolving the status of Mogadishu:

1. Federal district
2. Federal Member State
3. Capital city within a Federal Member State

In each case, five key questions are asked that will require careful consideration by Somalia’s leaders, policymakers and citizens in seeking agreement on Mogadishu’s status:

- **How is Mogadishu governed?** Mogadishu’s status should resolve which levels of government have what authority, who is responsible for what functions, and how these bodies are to be elected.
- **How is Mogadishu’s revenue managed?** Mogadishu’s status should resolve how the city’s extensive revenues – especially from its seaport – are raised, administered and spent.
- **How is Mogadishu represented in the national dispensation?** Mogadishu’s status will shape how the city is represented in national bodies, such as the National Security Council, as well as its representation in the Upper House.<sup>1</sup>
- **How will Mogadishu’s status affect the broader federal settlement?** Mogadishu’s status will affect the power balance within the federal settlement as it has implications for the level of power and resources the FGS can muster, as well as the extent to which Mogadishu would play a role in the federal model as an autonomous entity.
- **How will the city’s status affect its symbolic role as a capital city?** Mogadishu’s status will affect its symbolic role in nation-building, in particular by shaping the extent to which it is perceived as a cosmopolitan city that symbolizes shared national values.

Using these questions as a framework, the following analysis draws out the key implications of each option, and considers their potential advantages and disadvantages.

1. The PFC is ambiguous on how seats in the Upper House should be allocated. Article 72 assigns three seats to each of the 18 pre-1991 regions, while also stating that all FMS should have equal representation. Given it is not possible to fulfil both these conditions, allocation of Upper House seats has been set by political agreements, with currently no seats allocated to Banadir. How different options for Mogadishu’s status would affect representation in the Upper House is therefore unclear, though it may be assumed that were it to gain FMS status, Banadir would be entitled to a greater number of seats.

# Policy options

## Option 1: Federal district

Under this option, Mogadishu would be considered a district under the direct control of the FGS. This means Mogadishu would not form its own FMS or become part of larger FMS. The FGS would be responsible for establishing and mandating a local government for Mogadishu that would administer the city in line with its mandate, and whose leadership would be directly elected.

Key questions	Implications of this option
<b>How is Mogadishu governed?</b>	By an elected body, which oversees local government in Mogadishu, although the FGS would likely have a greater role in key functions – such as security within the city – compared to FMS.
<b>How is revenue managed?</b>	Depending on the arrangement, the FGS would likely have greater control on raising and spending revenue in Mogadishu compared to FMS.
<b>How is Mogadishu represented in the national dispensation?</b>	Mogadishu's status would not be equal to FMS, and its representation in national bodies would have to be agreed and clarified.  The city would likely have lower or little representation in the Upper House compared to FMS.
<b>How will it affect the broader federal settlement?</b>	The power of the FGS within the federal settlement would likely increase as it solidifies its control over Mogadishu's resources.  As the closest option to the current reality, it would have the least effect on the balance of power between FMS.
<b>How will the city's status affect its symbolic role as a capital city?</b>	Mogadishu would have a distinct status as a capital city, enabling the notion that the city is not claimed by any one group, as has occurred in FMS.

### Possible advantages:

- Closest to the status quo and therefore perhaps most straightforward to implement. Importantly, it would not provoke a new discussion on power-sharing between different FMS.
- Would increase resources available to the FGS as it leads Somalia's state-building agenda.
- Mogadishu would have a distinct status as capital city in the national dispensation, enabling it to symbolize shared cosmopolitan values in Somalia.

### Possible disadvantages:

- Mogadishu's many residents would have a lesser level of self-governance compared to citizens of FMS, and less representation in national bodies.
- Increased FGS power through the arrangement may provoke fears of domination and marginalization in FMS, increasing FGS–FMS tensions.
- Proportionately speaking, citizens in Mogadishu would likely have less representation in the Upper House compared to citizens in FMS (if any representation at all).

## Option 2: Federal Member State

Under this option, Mogadishu would become an FMS in its own right. For the most part, the city would be governed like any of the other FMS, while its relationship with the FGS would be defined as part of the broader federal model. Specific regulations would, however, be required for the administration of FGS lands and offices.

Key questions	Implications of this option
How is Mogadishu governed?	As an FMS, with the same powers and responsibilities as other FMS, although with special regulations to account for the FGS and the federal parliament being based in its territory.
How is revenue managed?	Revenue would be managed as per broader federal arrangements – this would likely give Mogadishu greater autonomy in raising and spending revenue.
How is Mogadishu represented in the national dispensation?	Mogadishu would have equal weight to other FMS in national bodies. The city would likely be entitled to greater representation in the Upper House, at least equal to other FMS.
How will it affect the broader federal settlement?	It would create another FMS, which would need to be taken into account in the broader federal settlement. It would likely significantly reduce the power of the FGS within the federal settlement.
How will the city's status affect its symbolic role as a capital city?	Mogadishu would have the same status as other FMS, which are perceived to be dominated by certain clans, affecting the capital's role as being symbolic of national unity.

### Possible advantages:

- Provides greater self-governance for Mogadishu's citizens in line with other FMS, including greater control and accountability over tax revenue from the city.
- Would likely increase the representation enjoyed by Mogadishu's citizens in the national dispensation through clarifying the city's representation in national bodies and increasing its representation in the Upper House.
- The potential reduction in the FGS's power under this arrangement would allay the concerns of those groups in Somalia worried about an overly powerful FGS in a federal system.

### Possible disadvantages:

- May create tensions between different levels of government in the city (FGS, FMS, district), affecting critical areas, such as revenue-raising, security and the management of publicly owned lands.
- May provoke new contention in Somalia's federal settlement, with certain groups arguing that an FMS in Mogadishu would be dominated by the Hawiye clan, which – alongside Galmudug and Hirshabelle – would make them the primary group in three FMS. In response, some groups may argue for the creation of additional FMS.
- Greater autonomy for Mogadishu in terms of revenue-raising could reduce scope for fiscal transfers from the FGS to other FMS in order to balance horizontal inequalities between FMS.
- If Mogadishu is perceived as a clan-dominated FMS, this would undermine the capital's role in symbolizing shared values, potentially threatening inclusive governance within the city. One way of mitigating this would be transfer

capital city status to another city. Another alternative would be for Somalia not to have an official capital city, and instead spread its formal institutions across the country to promote national unity.

### Option 3: Capital city within a Federal Member State

Under this option, Mogadishu would be an FMS with only a sub-section of the city designated as the capital city – for example, the parts of the city hosting FGS offices. Legislation specifying the status of Mogadishu would therefore outline the exact territory that would constitute the capital city, how it would be governed, and how it would relate to the wider FMS of Mogadishu.

Key questions	Implications of this option
How is Mogadishu governed?	In two parts – partly as an FMS, with the same powers and responsibilities as other FMS, and partly as a separate capital city with a distinct governance framework.
How is revenue managed?	Revenue for the FMS would be managed as per broader federal arrangements – although special arrangements may put be in place for the district(s) designated as the capital.
How is Mogadishu represented in the national dispensation?	Mogadishu as an FMS would have an equal weight to other FMS in national bodies.  The city would likely be entitled to greater representation in the Upper House, equal to other FMS, although a different solution may need to be found on how the district(s) designated as the capital would be represented.
How will it affect the broader federal settlement?	It would create another FMS, which would need to be taken into account in the broader federal settlement.  It would likely significantly reduce the power of the FGS within the federal settlement, although not as much as option 2.
How will the city's status affect its symbolic role as a capital city?	Although the creation of a new FMS could accentuate the perception it is dominated by certain clans, the retention of a sub-section of the city as a separate capital may strengthen its projected symbolism.

#### Possible advantages:

- Enables the retention of a distinct capital city that could be regarded as a symbol of shared national values, while providing greater representation and autonomy for much of Mogadishu's population.
- May enable compromise on the role of Mogadishu in the broader federal settlement, such as special revenue-sharing arrangements that balance the autonomy of a Mogadishu FMS with the importance of the FGS having sufficient resources to deliver a national agenda and manage inequalities between FMS.

#### Possible disadvantages:

- Agreeing and delineating which districts of Mogadishu would be designated FMS or capital city may prove complicated, as this arrangement is usually adopted when a city forms part of a broader region. While most FGS offices are based in Warta Nabadda, if the four neighbouring districts were also included (Boondhere, Howlwadaag, Hamarweyne and Waberi), this would create two large but distinct spheres of authority in Mogadishu, posing challenges to the governance of the city and creating confusion as to how these two units are represented at the national level. Districts may also be incentivized to join either the FMS or the capital city, regardless of what the most beneficial arrangement might be, thereby creating further contentions.

## Other approaches for consideration

While the above three options are the core models proposed for defining Mogadishu's status, several other approaches have been put forward by F20 participants.

### Agreeing Mogadishu's representation before clarifying the city's status

A critical challenge when it comes to defining Mogadishu's status is how it would affect representation in the Upper House of the Somali Federal Parliament. Addressing this issue prior to defining the city's status might simplify matters. Such a process could take several years, with a number of options available, such as agreeing an amendment to the constitution that adds seats to the Upper House for Banadir, or negotiating that a certain number of Upper House seats from each FMS be re-allocated to Banadir. If this could be agreed, it may enable national elections to take place while reducing the stakes surrounding discussions of Mogadishu's status.

### Merging Mogadishu with Balcad and Afgoi to form a new FMS

Another possible option would be to merge Balcad and Afgoi districts (in Middle and Lower Shabelle regions respectively) with parts of Mogadishu to form a new FMS, with the remaining districts designated the country's capital and administered as a federal government territory. This is fairly similar to option 3 above, the only difference being that parts of the neighbouring regions would be incorporated into Banadir.

### Agreeing Mogadishu's boundaries before clarifying the city's status

Mogadishu's status requires legislation by the federal parliament. Prior to this legislation, the parliament could work to define the boundaries of the current territory through the Independent Boundaries and Federation Commission, which has been in operation for several years.

# Considerations for the way forward

Agreement on Mogadishu's status remains critical. Inclusive political dialogue and public discussion on policy options is essential for developing the buy-in and consensus necessary to support an effective constitutional review process led by the MoCA, ICRC, OC and, ultimately, parliament. At the same time, Mogadishu's citizens should be front and centre in discussions about their future and the city's future status. Importantly, any effort to resolve Mogadishu's status must be part of a broader process aimed at expanding democratic governance in Somalia and settling power- and resource-sharing issues, especially those relating to wider federal arrangements such as fiscal federalism and election processes.

Mogadishu's final status will both shape and be shaped by these broader discussions, meaning relevant discussions will almost certainly have to be linked together rather than sequenced. There are also other issues that will need to be resolved in tandem, such as clarifying the boundaries between Banadir/Mogadishu and South West State and Hirshebbelle. The Platform and SPA's 'Process Paper' provides policy recommendations on how a broader process could be managed in the upcoming political cycle, which can hopefully inform a variety of empowered fora when it comes to engaging on the key issues, including the status of Mogadishu.

Regardless of process, one critical point to consider is whether there is an opportunity to organize leadership elections for the current district administrations in the city and BRA. Not only would this increase participation and accountability in local governance, it would drive the city's leaders to engage in discussions on Mogadishu's status and make them more likely to represent the views of residents in such dialogue. On the other hand, while this would greatly enhance the legitimacy of any final arrangement, the challenges of holding elections in Somalia could mean this approach only succeeds in delaying the start of real dialogue on the issue.

---

## Credits

This policy paper is a joint product of the Somali Dialogue Platform and Somali Public Agenda.

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 UK Foreign, Commonwealth and Development Office (FCDO), the Ministry of Foreign Affairs of Denmark, and the United States Agency for International Development (USAID). The views expressed do not necessarily reflect the official policies of the UK Government, the Government of Denmark or the US Government. The Platform maintains editorial independence on all its products.

Somali Public Agenda is a non-profit public policy and administration research organisation based in Mogadishu. Its aim is to advance understanding and improvement of public administration and public services in Somalia through evidence-based research and analysis. Somali Public Agenda is a partner on the Somali Dialogue Platform.

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 2022.

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