



# Governance Brief 25

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## Summary

Although the formation of the Federal Member States (FMSs) was concluded in 2016 (except for Puntland) less attention has been paid and less progress has been made on forming district councils (DCs). The few district councils formed so far, according to the preliminary findings of our ongoing study, are facing formidable challenges that block them from discharging their primary responsibilities. There also remain considerable hindrances towards forming DCs in accessible urban districts. With that said, this governance brief presents preliminary findings for an ongoing study on district council formation, functioning, and way forward in Galmudug, Hirshabelle, and South West states. The findings in this paper only deal with Galmudug and Hirshabelle as data collection is yet to be concluded in Southwest. The brief discusses the current status of DCs in Galmudug and Hirshabelle; challenges to the DC formation process in Galmudug and Hirshabelle; key issues hindering DC formation in accessible urban centers in Hirshabelle and to a lesser extent in Galmudug; and major Challenges to the functionality of the formed DCs in both FMS. Finally, the brief concludes with recommendations. These include the need for existing local governments to demonstrate integrity and prudence as a key for the local business community to pay taxes; that for legitimate and functioning DCs to form, state government must allocate adequate time and available resources to establish a single DC and allow relevant communities to engage in the process, discuss issues seriously and reach compromises.

## About Somali Public Agenda

Somali Public Agenda is a nonprofit public policy and administration research organization 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.

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## Examining the formation and functioning of local councils in Galmudug & Hirshabelle

### Introduction

Although Somalia adopted a federal charter in 2004, efforts to establish federal units started after the current federal constitution was provisionally adopted in August 2012. Four federal units (Jubaland in 2013, Southwest in 2014, Galmudug in 2015, and Hirshabelle in 2016) were established. Article 48[1(b)] of Somalia's provisional federal constitution grants local governments their position in the second tier of the federal structure; it implicitly mandates the FMSs to form local governments. Yet, the formation of local governments in the Federal Member States (FMSs), except Puntland, has been sluggish and has not seemed to be a priority as FMSs have been grappling with other tricky issues arising from the circumstances under which they were formed.

Additionally, multiple challenges have been underlying the slow progress toward local government formation. These include - but are not limited to - a lack of legal frameworks, the lack of funding, the unstable political environment, insecurity, a lack of the technical capacity, and the newness of the experiment in the new FMSs. Despite FMSs resolving some of the issues, progress remains slow in Hirshabelle and Jubaland states compared to Galmudug and Southwest states.

This governance brief presents preliminary findings of an ongoing study on the local council formation process, challenges, functionality, and the way forward in Galmudug, Hirshabelle, and Southwest States. However, the preliminary findings are only concerned with Hirshabelle and Galmudug where SPA concluded the data collection phase in July and August this year respectively. The brief zooms in on the current status of the district council formation (DCF) in both Galmudug and Hirshabelle; challenges to the DCF process in Galmudug and Hirshabelle; key issues hindering DCF in accessible urban centers mainly in Hirshabelle and far less in Galmudug; major Challenges to the functionality of the established DCs in Galmudug and Hirshabelle. Further, the brief concludes with recommendations intended to address key issues highlighted in the brief.

### Current status of the district council formation in Galmudug & Hirshabelle

#### Galmudug

The Galmudug state, which is a merger of the Galgaduud and south Mudug regions, was formed in July 2015. It has 10 pre-1991 districts; 7 of which are in the Galgaduud region whereas the other 3 lie in the Mudug region. Further, the state government approved nine new districts in 2022, and 2023: five in the Galgaduud region, and four in the south Mudug region. The combined number of pre and post-1991 districts in Galmudug is 19 districts (12 in the Galgaduud region and 7 in the Mudug region).

In the first term of Galmudug state (July 2015-July 2019), the district council formation (DCF) process was inactive and not a priority as the state at the time was locked in a conflict with the then-armed religious group, Ahlu

Sunna Wal Jama'a (ASWJ), that controlled important locations in the state including Dhusamareb, the capital seat of the state. Despite the ASWJ encounter, the administration was able to lay the first foundation stone for the district council formation process and enacted the Local Government Act in 2017.

The process was revitalized in mid-2020 following the election of the incumbent president, Ahmed Abdi Karie "Qoorqoor" earlier that year. At the time of writing this brief, the Galmudug State succeeded in forming 7 district councils; five of which are based on pre-1991 districts (Galkacyo, Adaado, Dhusamareb, Abdudwaq, and Balanbale) There are also two newly created districts both formed in 2021 (Guriel & Xeraale). Of these 7 districts, Dhusamareb and Galkacyo are 'A category' districts whereas the remaining five districts are 'B category' districts.

The DCF process began with the formation of a 9-member technical committee including 4 representatives from the Galmudug state Ministry of Interior, Reconciliation and Local Government, and 5 members from the state assembly. The process was started in the Adaado district, in July 2020. This was anticipated to be straightforward as the district had had a local council since 2011. However, the process came to a standstill after Saleebaan sub-sub-clans of Habargedir disputed the proposed power-sharing arrangement. This prompted the State Interior Ministry to move ahead and launch the process in Galkacyo (south) in late July 2020.

This momentum culminated in the appointment of the Galkacyo (south) district council members and the subsequent election of the mayor and deputy mayor in October 2020. As an 'A category' district, Galkacyo (south) was designated to have 27 council members. However, the number was increased to 29 to satisfy representation concerns of the minority group in Galkacyo (south), and the Saruur sub-clan of Habargedir, which has settlements in South Mudug where Galkacyo is the provincial capital.

Subsequently, the DCF process in Galmudug went into hibernation after the state leadership became heavily involved in the politics of the federal elections. Nonetheless, the process was resumed and fast-tracked following the conclusion of the federal election in May 2022. The formation of district councils again became a priority for the state leadership. The Galmudug Interior, Federal Affairs, and Reconciliation formed 5 district councils in Adaado, Guriel, Balanbale, Abdudwaq, and Dhusamareb districts in six months – from July to December 2022. While, in July 2023, the Ministry concluded the formation of district councils in Xeraale.

One observation common to all of these newly formed district councils is that all 'B category' districts have 23 seats; that is two seats plus the 21 seats slotted in the Local Government Act. Likewise, the two 'A category' districts – Dhusamareb and Galkacyo (south) – have local councils that surpass the legally allowed seat numbers: 33 council members in Dhusamareb and 29 council members in Galkacyo. However, officials from the Galmudug Interior Ministry explained that the surplus arose from the practical representation concerns of the relevant communities. The state Interior Ministry that was

leading the process responded to this and promoted relatively large and inclusive local councils. These officials further noted that the 23 seats of the Adaado local council existed before the start of the DCF process in Galmudug and were based on agreement among the community there. The Galmudug State government respected this already established power-sharing of the local council seats.

### **Hirshabelle**

Hirshabelle state is the last Federal Member State formed in late 2016 from the merger of the Hiiraan and Middle Shabelle regions. This occurred through a disputed process on the eve of the impending federal parliamentary elections. This process impaired the political settlement in the state, which has since been divided as a result. Similarly, state formation outcomes did not create a conducive environment for subsequent district council formation.

The Hirshabelle state consists of 12 districts (7 in the Middle Shabelle region and 5 in the Hiiraan region). However, it approved two new districts in December 2022 namely Gamboole in the Middle Shabeelle region and Farlibaax in the Hiiraan region. The total of the pre and post-1991 districts in Hirshabelle is 14 (8 in the Middle Shabelle region and 6 in the Hiiraan region).

The DCF process started in Hirshabelle in 2018. The State Interior Ministry launched the process in Warsheekh and Jowhar districts in the Middle Shabelle region, and Buulo-barde and Beledweyne districts in the Hiiraan region. However, Warsheekh was the only location where a district council has actually been formed until late this October 2023 the Jowhar district council formation was jumpstarted. The DCF process in Warsheekh began in 2018 and was concluded in 2019. The mandate for the Warsheekh district council has expired and a new council is expected to be established following the previous process, according to the Hirshabelle state Interior Ministry.

Conversely, the district council formation process stalled in the other districts where the process had been launched. This makes the state the second state with only one district council (although its term has expired) after Jubaland state (Afmadow is the only district in Jubaland that has a local council, formed in October 2020).

### **Challenges to the DCF process in Galmudug & Hirshabelle**

The DCF process in Galmudug and Hirshabelle confronted several challenges. The following are five core challenges initially identified in our ongoing study:

**Limited community awareness and understanding about the DCF:** Limited public understanding of the role and functions of the local councils was a key challenge that repeatedly featured in almost all the interviewees we conducted in both Galmudug and Hirshabelle states. A key informant interviewee in Jowhar reasoned this problem that people were accustomed to informal administrations and governance methods, and this led to concerns about potential issues resulting from the new processes. The limited understanding of the DCF manifested – and continues to manifest – in the prevailing perception among the communities that membership in

the local councils will offer a decent salary. This created a heated race for the council seats among the candidates from respective sub-clans.

**Wrangling over power-sharing:** A significant majority of the key informant interviewees (KIIs) and focus group discussion (FGDs) participants described power-sharing of the DC seats as a major barrier that the district council formation process faced in Galmudug and Hirshabelle. According to these study participants, discussions, disputes, and resolutions of the district council (DC) power-sharing among clans took much of the time spent on the DCF. This is because each sub-clan wants to have a representation larger than other sub-clans that it shares the local council with. Clans believe that the number of councilors for each clan in the district council represents their presence and status in the district and surrounding villages.

**Rush to the process:** The study participants from Galmudug state noted that the State Interior Ministry expedited the process and did not allocate sufficient time to the critical components of the DCF. Some of the participants of the study in Galmudug expressed the view that the state Interior Ministry had moved straight to the power-sharing stage of the DCF and quickly concluded the process, purportedly for political expediency and qualification for the donor funds/projects earmarked for local-level decentralization.

**Political manipulation:** According to the findings from the data we collected, Galmudug senior leadership influenced the DCF process in the major urban districts to ensure that favored and friendly councilors were elected who would then elect hand-picked mayors and deputy mayors. However, the Galkacyo DCF apparently resisted this influence and produced an outcome against the agenda of the state leadership. Furthermore, data indicated that the FMS leadership's influence was minimal in relation to the periphery districts as they were seen to lack immediate revenue potential and did not represent a source of political and security threat to the FMS government. Nevertheless, manipulation in the process robs the community of purported ownership of the district councils and consequently allows them to be portrayed as an extension of FMS government authority.

**Corruption during the district council formation process:** Study participants reported that vote buying was undertaken by candidates for the council seats and mayorship and deputy mayorship positions in the DCF process undertaken in Galmudug. Furthermore, the FMS leadership promised to offer state-level positions to some sub-clans in exchange for selecting favored individuals for a local council or stopping a particular candidate for mayorship from challenging the state leadership's favored candidate. However, the Xeraale DCF process was described comparatively as a free and fair process that did not entail vote buying.

### Factors impeding DCF in accessible urban centers in Hirshabelle & Galmudug

As mentioned above, Hirshabelle has formed only one DC for the Warsheekh district in the Middle Shabelle region as of now. Nevertheless, Jowhar DCF was re-started late October 2023 and currently is underway as of writing this brief. Curiously, the majority of the Hirshabelle districts were relatively free

from al-Shabaab control, and accessible, though the group had a presence in villages surrounding these districts before ongoing military operations pushed them out of some of these areas. However, the study found that there were obstacles that undermined the implementation of the DCF process in main urban centers. These obstacles are significantly predominant in Hirshabelle compared to Galmudug. In the case of Hirshabelle, the following issues were reported to represent major impediments to undertaking DCF:

**Lack of political will:** The majority of KIIs and FGDs participants from Hirshabelle State pointed out that lack of political will from successive state leadership and regional, and district-level administrations posed a significant obstruction to forming DCs in main urban centers in the State. They explained this was related to an assumption entertained by FMS officials that they would forfeit control over revenues collected from their areas to DCs when formed.

**Lack of political settlement:** Continued polarization in the state became a marked hindrance to the DCF process. This situation allegedly made DCF a lower priority on the agendas of the state leadership. Further, its authority is limited to the capital city and it doesn't have legitimacy from some communities to undertake the process in their districts.

**(In)security:** The presence and control of al-Shabaab in villages surrounding the major urban areas in the state before the ongoing operations accounted for a major constraint to the DCF process in towns and cities. The group was said to have exercised indirect influence in the urban settings. According to some of the study participants, traditional elders from communities who were critical of the DCF processes have lived in the villages under al-Shabaab rule and thus could not be involved due to their fear of the group or adherence to their orders not to participate. A senior official from the Hirshabelle's Interior Ministry noted that even elders in the urban centers such as Jowhar showed hesitance to attend and take part in the discussions on DCF due to fear of al-Shabaab reprisals.

**Fear from a change to the clan power dynamics:** Some dominant clans/sub-clans in the major urban centers in Hirshabelle were criticized by research participants for "deliberately frustrating" attempts to form DCs in their respective districts. It is believed that they are worried that their dominant position will be diluted and that they will not get enough representation proportionate to their perceived power and leverage.

**Lack of commitment from traditional elders:** Traditional elders are accused of being reluctant and not collaborative in the DCF process in Hirshabelle. Some of the study participants believed that the clan elders assumed that forming DCs that would formally represent local communities would end or limit their role.

Contrary to Hirshabelle, Galmudug state has one main challenge that constrained forming DC in Hobyo district in the Mudug region. This relates to the persisting clan rivalry between Sacad and Saleebaan of Habar gidir sub-clans over the share that each sub-clan should have in the DC and which sub-clan would take the mayorship position.



## The functionality of the established DCs in Galmudug & Hirshabelle

The formed DCs in Galmudug (and the one in Hirshabelle) struggle with issues that limit their functionality. The following is a summary of these problems derived from the primary data collected and our observations from the informal discussions we engaged with local communities in the study locations in both states.

**Power grabbing:** A major issue raised by KIIs and FGD participants regarding DCs (dys) functionality was that local government mayors, and secretaries – who are appointed by the state Interior Ministries – concentrated powers in their own hands and prevented councilors from deciding matters of importance that fall within their scope of responsibilities. Some attribute this to the failure to demarcate the powers of mayors, secretaries, and councilors in the existing local government laws in Galmudug and Hirshabelle states.

**Low understanding of the councilors of DCs:** Though educated youth are members of the district councils, some councilors are believed to lack a proper understanding of what DCs stand for and are expected to do. This may have been caused by the fact that some sought out the council seats presuming that membership would provide a source of income but later discovered this was not the case. As a result, some councilors voluntarily abandoned the DCs, as happened in the Adaado district according to a councilor interviewed there.

**Businesspeople's hesitance to pay taxes:** Local governments in study locations collect limited taxes. This was linked to the hesitance of the businesspeople to pay taxes to local governments. Describing how businesspeople dodge paying taxes, the Adaado district councilor said: "They [businesspeople] use clan elders and militias and sometimes stir clan tensions among the neighboring communities to avoid paying taxes."

**Lack of decentralization:** Interviewed councilors lambasted state-level governments for retaining the powers of the local governments, and this critically undermines the relevancy and functionality of DCs. This is in line with the findings of a recent SPA-published study that examined [decentralizing taxation and public services to local governments](#) in Somalia.

### Policy considerations

Considering the above findings from an ongoing study, the following are some of the recommendations suggested by the research participants:

1. To have legitimate and functioning DCs, the state governments should allocate adequate time and available resources to forming each district council and allow relevant communities to engage in the process discuss issues seriously, and reach a compromise. This could be achieved by minimizing state interference in the process and limiting FMS involvement to a technical and enabling role that provides resources and ensures that the process conforms to the applied legal frameworks.
2. Existing local governments should demonstrate integrity and prudence to induce the local business community to pay taxes to the local governments. To do this, local government officials should be held accountable to the local councils. Similarly, they should also share with the local community, including business people, where and how they spend the little tax and fees they collect.
3. Political leaders in Hirshabelle state – as the DCF is not making progress – should show genuine commitment to moving the process forward. Political commitment is apparently lacking in the state and this will be paramount for other stakeholders to commit to the process and work around other challenges. The political commitment could come if core power-sharing questions that currently cripple the political settlement in Hirshabelle are addressed. Without revisiting the current structure of the state and addressing structural issues such as the capital city, competition for the presidency among clans, revenue collection and sharing as well as representation in the state assembly, it will be challenging to obtain political commitment to advance the formation of district councils.
4. Prior awareness raising should be undertaken among district residents around the importance of the DCs to their livelihoods. The sensitization should continue after the formation of local councils to tackle the overwhelming misperceptions that that deleterious to the DCF and DC's later functionality.



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