

SPECIAL REPORT: SOMALIA ELECTION 2016 – The Road to Villa Somalia

Summary

The election of President Hassan Sheikh Mohamud and a new parliament in Sep 2012 saw the establishment of Somalia's first permanent government in over 20 years and was celebrated as a major step towards a new political chapter for the country. President Mohamud, who was elected by a parliament selected by clan elders, promised to oversee the transition to democracy by 2016. Elections are scheduled to take place in Aug 2016. The third National Consultative Forum (NCF) held in Mogadishu that began on Jan 24, sought to finalise the 2016 electoral process, after the two earlier meetings failed to achieve consensus. Following reports that the talks during the latest NCF had broken down, a communique was issued on the 2016 election model late on Jan 27. It is understood that the diplomatic community lobbied stakeholders to come back to the negotiating table.

The Communique conceded that the lengthy negotiations had not produced a consensus (Point 4), but the Federal Government went on to share what it termed as the 'best scenario for holding elections in 2016'. A lack of resolved outcome indicates there remain obstacles to the viability of an inclusive election in Aug. With time waning, pressure is on Somali leaders to present an implementation plan and a 2016-2020 political roadmap.

What is the electoral process?

President Mohamud pledged in Sep 2013, that elections would be held through a process of "one person, one vote" but, in a joint statement released in Jul 2015, the Federal Government of Somalia (FGS) and the Federal Parliament declared that this would not be possible. At the time, the FGS and international partners, promised that the chosen election model would be more inclusive than in 2012. The government is currently based on the 4.5 framework, a clan based formula that stipulates equal parliamentary representation across the four major Somalia clans, with a lesser weighting provided to 'minority' clans. The 4.5 formula was used by a group of clan elders to select the current parliament, and is incorporated into the Provisional Constitution and Roadmap. The formula also stipulates that the President, Prime Minister and Speaker of Parliament must all come from different clans. In Oct 2015, incumbent President Mohamud confirmed his candidacy for the 2016 elections.¹

According to the Jan 27 communique, and in line with Dec 16, 2015 Mogadishu Declaration, the electoral process shall involve the formation of both a Lower House and Upper House of Parliament. The Federal Government proposed the 'best scenario' for elections in 2016 as a Lower House of Parliament comprising 275 seats selected using the 4.5 formula. The voting process for the Lower House is proposed to take place in each of the administrative capitals for existing and emerging Federal Member States, with a special arrangement for Somaliland. The Upper House is to be formed before the Lower House. It will comprise 54 members, of which 48 seats will be distributed equally between existing, emerging and prospective Federal Member States, identified as Somaliland, Puntland, Galmudug, Hiraan/Middle Shabelle, South West and Jubaland. An additional three seats each will be allocated to Somaliland and Puntland. The election process for the Upper House shall be by the caucuses of regional assemblies in each existing and emerging Federal Member State. Both houses are to have a 30 per cent minimum quota of seats for women.

During initial rounds of the NCF, the federal administrations of Galmudug, South West, and Banadir, Hiraan and Middle Shabelle regions expressed support to remain with the 4.5 formula, whereas Puntland and Jubaland called for a district/region-based electoral college model. Based on their current administrations, the region-based approach best suits Puntland and Jubaland because the districts incorporated arguably give them more influence over seats

¹ 42 year-old Somali-American Fadumo Dayib is the only other contender who has declared her intent to run for the presidency. Other potential candidates haven't officially declared their intention to run in the 2016 elections.

than a 4.5 system. The ‘best scenario’, while touching on both region and clan, does not appear to meet the demands of either camp.

Comments made by Constitutional Affairs Minister, Hussein Mohamud Sheikh Hussein, on Jan 19 that the country plans to transition out of the provisional constitution, could have a direct bearing on the upcoming election. For the election of the President, if the provisional constitution is observed, any candidate who gains a two-thirds majority vote of the total membership of the two Houses shall be elected President. However in order for the joint session to proceed a minimum of two-thirds of the members of each House of the Federal Parliament must be present. This means that if 19 Upper House members abstain, this could disrupt the vote. The Upper House is yet to be formed or constituted and must be established before elections to the Lower House.² The Upper House is therefore a key component for elections to take place, but currently does not exist. In anticipation of political wrangling between federal states over the how seats have been shared, let alone within regional caucuses over nominations to the House, it is reasonable to question whether this will be accomplished with time running short before the Aug 2016 timeframe.

Where do the Federal States stand?

The South West and Galmudug administrations are largely viewed as supporters of incumbent President Mohamud. Reports emerged on Jan 24 that 73 members of the South West State parliament issued a no-confidence motion against South West President Sharif Hassan Sheikh Aden. If successful, this could potentially upset the balance of supporters for President Mohamud’s bid, and further complicate the election process.

Following the Kismayo conference, the Puntland administration, who rejected the 4.5 formula along with Jubbaland, released a position paper on Jan 19, expressing dissatisfaction with the outcome, alleging that some political leaders were pursuing a “personal political agenda.” On Jan 28, there were organised demonstrations in Puntland cities, in support of Puntland President Gaas for remaining against 4.5 and respecting the opinion of his people. While there were reports of Puntland storming out of the NCF meeting, information suggests Gaas may have indicated his consent subject to regional support for the arrangement. However popular opinion in Puntland against 4.5, which is likely being fuelled by political opponents hailing from region, may have left Gaas in a position that on return to Puntland will require him to garner support for the proposed agenda. It is likely that other members of the FGS will be called upon to provide support to Gaas in convincing Puntlanders to accept the suggested model. The current impasse also has potential grow and hinder the implementation of the proposed approach from a region that has been allocated one of the largest proportion of the Upper House.

Somaliland has been included in the NCF process, in order to emphasise the FGS *de jure* sovereignty over the region. The self-declared Somaliland state hasn’t been actively involved, and is currently conducting voter registration for its own state elections in 2017. The FGS has also allocated Somaliland three extra seats in addition to its eight within the Upper House, which is likely to draw criticism from other regional stakeholders for affording special treatment to the secessionist administration.³ The ongoing registration process has caused conflict in the disputed Sool Sanaag and Cayn (SSC) regions, over which Puntland and Khatumo also lay claim. Sub-clan negotiations on the formation of Khatumo federal state are reportedly ongoing between the Dhulbahante in Sool, and Warsangeli in Sanaag, however it will take consensus and a swift formation process in order for Khatumo to shape into a distinct regional actor. Puntland may oppose this process because, should Khatumo be recognised by the FGS, its regional administration would reduce Puntland’s representation, and possibly reduce the number of votes afforded to Puntland

² The Upper House would also be responsible for appointing members of the National Independent Electoral Commission, the Boundaries and Federation Commission and the chairman and judges of the Constitutional Court.

³ While it is plausible that some pro-Union politicians from Somaliland may assume these seats, it is conceivable that this was done to allow room to include other state formations not recognised or named in the communiqué.

at the Federal Government level. Political support of clans in the regions has proven unpredictable in the past but Khatumo officials may be seen as possible supporters of President Mohamud's re-election bid. Recognition of Khatumo at this stage and prior to the elections may prove problematic considering that have not been explicitly mentioned as a distinct entity in the formation of parliament.

President Mohamud may also stand to benefit from the establishment of the as-yet unformed Hiraan and Middle Shabelle federal member state. The state formation conference underway in Jowhar has been marred by Hiraan elders, followed by at least three other clans, boycotting the talks, over allegations of unfair representation and interference by the FGS. The exclusion of stakeholders from the NCF, including Khatumo state, and Ahlu Sunna Wal Jama'a (ASWJ) based in Galgadud's Dhusamareb, may pose challenges to the electoral process down the line.

The current president has been perceived, and in some cases accused, by various people of attempting to secure his re-election through regional alliances and the formation of the new federal states. Some have gone further, implying that the president, his administration, and other regional leaders have intentionally created situations that lend themselves to instability in order to secure a term extension.

What next?

The format of 2016 elections could have far-reaching implications in both the relationships between state actors, and the format of future elections.

In Dec 2015, the Heritage Institute for Policy Studies (HIPS) published a report on citizens' view of the 2016 election process following a nationwide survey. The study found that the majority of respondents were not satisfied with the prospect of a term extension or with the 4.5 formula, and found that most respondents cited corruption as the main reason for the government's underperformance. It also found that most respondents preferred election alternatives to 4.5 to be clan-based rather geographic. The confused position of the communique could provide regional leaders with an out to continue to dispute the best scenario election process, which may further compromise public trust in the political process, and well as reignite disputes within regional assemblies and breakaway factions, which could undermine the security and economic gains made over the last few years. Al-Shabaab's intent to disrupt the election process, also creates further challenges to securing the country while leaders negotiate over the election.

The political and security dynamics surrounding the 2016 elections remain fluid and it is difficult to ascertain if elections will move forward by the Aug date; all stakeholders appear to be insisting on some form of an election before the end of the year. In spite of the hype surrounding the latest communique on the election model, it has not been agreed and therefore it not clear what format it will take. It is our assessment at this time that an election as defined by the Jan 27 communique is unlikely to take place by the stipulated Aug date, but this does not negate the possibility that some form of election may occur before the end of the year. Even though publicly all parties continue to acknowledge there shall be no extension, there is a distinct possibility that a term extension is being mooted and may be accepted, albeit reluctantly by the international community, based on the prevailing security and political dynamics at play. Ultimately, the time to act for Somali politicians has long passed, and unless a consensus and immediate tangible steps are taken to move forward with an agreed process, the likelihood of credible and more inclusive elections in 2016 remains questionable.