



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

The conclusion of the National Consultative Forum (NCF) in Mogadishu on Jan 27 resulted in the Federal Government of Somalia (FGS) presenting a 'best scenario,' for holding elections slated to take place in Aug 2016. The international community described the NCF outcome as a 'watershed' moment, saying an election model had been agreed upon following "six months of intense consultations". However, the much celebrated NCF communique conceded that negotiations had not reached a consensus rather that President Hassan Sheikh Mohamud stepped in and made a decision on the election process.¹ This Vates Corp Election Special edition looks forward as the decision on the chosen election model transitions to implementation, identifying the potential for progress and likely hurdles ahead.

Where do the Federal States stand?

Two camps have emerged with Galmudug Interim Administration (GIA), Interim South West Administration (ISWA) and Hiraan/Middle Shabelle state formation in support of the election model, backing the position of President Hassan and the FGS, while Jubaland (IJA) and Puntland have voiced criticism. Of interest is that each of these emerging federal states – GIA, IJA, ISWA, and Hiraan/Middle Shabelle – are contending with significant fractures among different clan and interest groups regarding issues of 'fair' representation.

Hiraan/Middle Shabelle was present at the NCF before any election of its president or cabinet which may bring into question the legitimacy in representing the interests of the regions on the matter. The slow-moving state formation process in which key stakeholders keep walking out the conference, will need to be resolved in order for meaningful engagement and participation in the 2016 elections.²

South West (ISWA) is facing an emerging challenge from 'Upper Bakool' breakaway group, even nominating its own President,³ after its Darod-Ogaden-Aulihan clan were allocated three seats in the 145 seat regional parliament. Upper Bakool comprises El Barde, Yeed and Aato localities on the Ethiopian border, with little evidence that its support extends to large numbers within its peripheral location, and is unlikely to pose any serious challenge to ISWA President Sharif Hassan Sheikh Adan's leadership, who has stated willingness to negotiate. Political jockeying and clan ties saw Puntland declare support for Upper Bakool in Dec 2015.

Galmudug (GIA) is contending with opposition from Ahlu Sunna Wal Jama'a (ASWJ) based in Galgadud's Dhusamareb that has resulted in armed conflict in the past. As an important pro-government fighting force in Central regions, it remains imperative to bring ASWJ under President Sheikh Ahmed Shakir Ali on board, but there is little sign that Shakir is willing to engage, rejecting the latest rapprochement efforts. ASWJ Galgadud was absent throughout the NCF process and the division of seats in the Upper House appears to reinforce their exclusion from the political process. There may be scope to appease ASWJ in the future through seats that may not be taken up or by appending special seats onto the Upper House. For minority clans and groups like ASWJ, the proposed election process might be viewed as one that perpetuates the dominance of the four major clans and ruling party interests.

Jubaland (IJA) President Ahmed Mohamed Islam (Madobe) called the international community the "sixth clan", and claimed that the leaders had not agreed on anything at the end of the consultations. Days later, he was courted by international community members in his seat of Kismayo, and reportedly agreed to the FGS electoral model on the condition that a new and agreed upon method is implemented in 2020. The protracted dispute with some contingents in Gedo region, particularly pertaining to the Marehan Clan, is yet to surface in relation to the 2016 elections.

¹ Federal Government of Somalia "Communiqué On the Electoral Model for 2016 Election" Jan 27, 2016: Points 4 & 5.

² A political resolution to the Hiraan/Middle Shabelle state-formation conference also has a direct bearing on the states' acceptance of the electoral model, especially if commitments made by state representatives at the NCF don't necessarily represent the state down the line.

³ President is Ahmed Nur Sheikh Mohamed was nominated by representatives from Yeed, Aato, and Ceel Barde districts in Upper Bakool region.

Puntland is the only state recognised by the FGS, while all others are interim formations, which arguably increases the importance of gaining its support for the election process. Its President Abdiweli Mohamed Ali (Gaas), has been attributed to contradictory remarks; saying that he has both rejected the FGS' proposal, or is considering co-signing the agreement. International community members and Prime Minister Omar Abdirashid Ali Sharmarke are actively lobbying Puntlanders with the aim of achieving support for the election model. On Feb 09, a delegation led by UN SRSG Keating, including diplomats from Ethiopia, EU, IGAD, Italy, UK, and US, travelled to Puntland. Gaas said the aim of the visit was to hear the opinion of the people of Puntland towards the elections. An outright acceptance of the current FGS proposal could complicate Gaas' political standing and contribute to increasing instability in the region. However, refusal to come on board could further stall the 2016 election and potentially undermine his presumed future political ambitions. Some sources speculate the meeting may be used by Puntlanders and current MPs to press the international community to accept an extension of the Federal Parliament's term by 2 years, with a regionally elected Upper House, and the formation of a new executive. While this formula would benefit current MPs, the President and members of his Cabinet would no doubt be against the concept. At this time the political and security dynamics in Puntland are heavily inter-related and plagued by outside influence, with a risk of near term instability.

Khatumo in the Sool, Sanaag, Cayn (SSC) regions is in a state of flux. It is not yet a formally supported or recognised federal state, but there are reportedly ongoing meetings and discussions between the Dhulbahante and Warsangeli regarding a potential regional administration. Khatumo faces a broader challenge over disputed claims to the territory with Khatumo President Ali Khalif Galeyr recently declaring he will resist Somaliland's 'unlawful occupation' of the SSC regions and plans to 'wage war'.⁴ Somaliland has an administrative and military footprint in SSC borders, and is currently undertaking voter registration for its 2017 elections; its election-related activities coupled with Galeyr's announcement will likely lead to increased instability in the area.

Unsurprisingly, **Somaliland** has described any inclusion in the federal elections as "wishful thinking", after it was allocated eight seats plus an additional three in the Upper House.⁵ The Somaliland regional election process has seen tensions in Buhodle during a visit by the Somaliland Minister of Health, Dr Suleiman Isse Ahmed (Haglatosie). A member of Haglatosie's security detail reportedly defected and claimed to have heard a conversation between Somaliland President Ahmed Mohamed Mohamoud (Silanyo) and Haglatosie discussing Somaliland military intervention in Buhodle. This has reportedly led to minor skirmishes in town and the buildup of local clan militia forces to 'defend' the area from Somaliland forces. With competing claims for the region between Somaliland, Puntland, and potentially Khatumo, there is heightened risk of instability. Somaliland has the most to lose in their quest for international recognition, should the clans from this region join to form a federal state.

The position of the international community has come under scrutiny following the NCF, with some criticising their characterisation of the electoral method as "Somali-led and Somali-owned," in what some feel is an 'imposed' process that best suits incumbent President Hassan Sheikh Mohamud. The perception that the international community has 'sided' with President Mohamud could be problematic, particularly if it brings into question the objectivity of the international community towards various Somali stakeholders or potential presidential contenders.

Latest Developments

Provisional Federal Constitution (PFC) review is set to begin on Feb 15, with federal states invited to participate.⁶ On Feb 08, President Mohamud called for a constitutional court to be established, which may form part of the meeting agenda, but other items to be reviewed are yet to be disclosed. The PFC does not include the 4.5 clan formula as a basis for political power and any attempt to reintroduce this is likely to add to the controversy surrounding the

⁴ On Jan 31, Khatumo President Galeyr said he would resist Somaliland's 'unlawful occupation' of the SSC regions, and announced plans to 'wage war' and 'recapture' land.

⁵ In a Feb 01 press release republished on Somaliland's Horn Newspaper, Somaliland Presidential Spokesman Hussein Adan Ige 'Deyr' described the Somali elections, and Somaliland's involvement, as "a daydreaming scenario by Mogadishu to dupe her citizens and the international community with a fallacy of deceit."

⁶ While a constitutional review was part of the mandate of the current administration upon assuming office in 2012, this was not achieved.

elections, and may be perceived as a step backwards for Somali's political future.⁷ The issue of resource sharing between the federal government and member states continues to be one of the main points of contention surrounding the constitution. The PFC assumes a multiparty democracy. Agreement on the political party issue could appease and offset signs of political in-fighting and challenges to the Prime Minister.⁸

No confidence motion against President Hassan was tabled by 54 MPs on Feb 08, accusing him of violating the constitution on parliamentary privilege following an address where the President called for everyone in government, including MPs, to not be shielded from investigations on matters of security. The motion is unlikely to gain traction given previous failed attempts to impeach the President and political trading that has dissipated motions in the past.⁹

Election model to be presented to Federal Parliament for endorsement and is not expected to face any substantive challenges, given that those voting on the issue of 4.5 for the Lower House were selected on this basis in 2012, and may enable them to retain their seats for the next administration. Any challenge by MPs is more likely to be a sign of levels of support to the President rather than against the election model.

What next?

An optimistic perspective on 2016 elections is that the model is more inclusive than the single parliamentary chamber selected by clan elders in 2012, due to the establishment of an Upper House elected by regional caucuses. In the event that the Federal Parliament approves the election method, and that Puntland comes on board with the process, it is possible that preparations can start in the hopes of meeting an Aug deadline. However a failure to accommodate different interests risks instability in key regions which could derail the 2016 transition process.

There is little expectation of a thorough consultative review given the limited timeframe and need to plan for an election in seven months' time. However, it could be used to offset animosity towards the current electoral model by providing an opportunity for the parties involved to come up with an agreed upon political framework for future elections. It remains to be seen what impact the constitutional review will have on the electoral process, and the role it might play in rallying groups behind the proposed electoral method, or in potentially creating tension between various stakeholders.

Al-Shabaab continues to pose a persistent threat, with signs of increased coordination and sophistication that threatens both Somalia's future and that of international interests in the country. Conferences, and high profile events attracting diaspora, regional or federal leaders, and internationals are likely to be potential high value targets, with heightened risk to persons attending, as well as other venues and locations in and around the areas hosting the events.

In the coming weeks, individuals are expected to publically declare their candidacy for the presidency. At this stage we might have anticipated more presidential hopefuls to throw their hat in the ring, but it is possible that those intending to vie were waiting to gauge their chances based on the selected election method and their ability to influence support of those decision makers. While more inclusive than 2012, the proposed electoral format is currently likely to favour well-connected and well-resourced candidates, and is less likely to hinge on mobilisation around political issues. Elections taking place on schedule in Aug remains numerically possible, however several outstanding factors, not the least being achieving a national consensus, are likely to impact and potentially delay this deadline.

⁷ The first national constitutional conference held in Garowe in Dec 2011, developed what is referred to as the Garowe Principles, that provided that 4.5 formula shall never become the basis for power sharing in any future political dispensation after the [2012-16] term concludes.

⁸ On Jan 26, a motion was filed against Somali Prime Minister Sharmarke in the Supreme Court, accusing him of blocking legislation regarding the formation of political parties.

⁹ In Aug 2015, over 90 MPs supported an impeachment motion against President Mohamud, but this failed to transpire. UN, AMISOM, IGAD, the EU, the United States and the United Kingdom issued a joint press statement expressing deep concern that a parliamentary motion to impeach President Hassan Sheikh Mohamud would impede progress on the country's peace and State-building goals.