

20160324: SPECIAL REPORT #5: SOMALIA ELECTION 2016 – The Road to Villa Somalia

After a series of fast moving political events towards the end of 2015 and at start of this year, the momentum towards Somalia's 2016 elections appears to have slowed to a low ebb. With the election model awaiting approval by parliament in Apr, the political scene has shifted to interim federal administrations. The period has also witnessed an unprecedented pivot by al-Shabaab into Puntland, which has potential ramifications in terms of security for Somalia and politically for the role of AMISOM in the country. With a few months left before constitutional mandates of parliament and the presidency expire, and the holy month of Ramadan expected to begin in the first week of June, the prospect of elections being held on time is looking increasingly precarious.

Interim Federal Administrations President Mohamed Ahmed Islam's (Madobe) Jubaland, also known as Interim Juba Administration, reached a deal with Gedo politicians over representation in the administration after weeks of lengthy negotiations, which follows over two years and a half years of standoff. While previous agreements have fallen apart, this time the deal was quickly followed by Jubaland parliament amending its constitution to provide for two deputy presidents and removal of the limit on cabinet members,¹ and is being welcomed with cautious optimism. The progress of other state formation processes has been more mixed. It is not yet certain if the roadmap to elections still intends to formalise interim administrations in advance. The establishment of stable federal states appears a long way off given ongoing disputes and breakaway factions affecting Galmudug Interim Administration (GIA), Interim South West Administration (ISWA) and Hiraaan Middle Shabelle, the lack of clarity over the status of Banadir, and covert talks with Khatumo. A lack of formal approval by the Federal Government of Somalia (FGS) may result in legal challenges to states' legitimacy to engage with the 2016 polls. In addition, the Jubaland deal does not mean its lukewarm position to the election model has improved, nor that it will support the proposed 'best scenario' elections.

Approval of the election process The National Consensus Forum on Jan 27 resulted in FGS President Hassan Sheikh Mohamud putting forward an election process, described as the 'best scenario' for Aug 2016 elections. This was subsequently approved by the Cabinet and is due to be presented to the Federal Parliament for endorsement on Apr 15. While the model provides for the Lower House to be selected on the basis of the 4.5 clan system, the same as in 2012, there is no guarantee parliament will endorse it. Some have argued that there is a 'real risk' that parliament will reject the election model, due to the fact that the proposal, while still based on 4.5, increases the size of the electoral college to 30 members to select each parliamentary seat, from a total of 135 clan elders who selected 275 seats in 2012.² The push for a constitutional guarantee of a 30 per cent gender quota may result in resistance from some incumbent MPs. There is also speculation that parliament may attempt to derail the elections to secure a term extension. If parliament fails to approve the model, this will be a major setback for elections and almost certainly force a delay. If parliament approves, it may require some sort of constitutional manoeuvring to circumvent the Provisional Federal Constitution (PFC) that provides MPs are directly elected.³ While it is possible that a time-bound addendum could be drafted, any attempt to remove direct elections from the PFC may be perceived as a backward step for Somalia's political future and will renege on assurances offered by the international community for 2020.⁴

Single state phenomenon Discussions over revising the PFC has seen changes to federal states mooted, including to remove the requirement of regional borders based on 1991 boundaries, and remove the condition for a federal

¹ On Mar 20, Jubaland Interim Administration Assembly amended two articles of its state constitution. Articles 44 that only permitted one deputy president was amended to two deputy presidents. Article 45 which limited cabinet executives of the state to 15 members was amended to be decided by the political authority of the state.

² ConstitutionNet.org 'Somalia's democracy deferred: Proposed electoral models to complete the transition' Mar 18, 2016 (<http://www.constitutionnet.org/news/somalias-democracy-deferred-proposed-electoral-models-complete-transition> Accessed Mar 22, 2016). According to the 2016 election model proposed, 275 seats to parliament will be elected by electoral colleges composed of 30 members for each parliamentary seat, a total of 8250 electors, compared to 135 clan leaders who appointed 275 MPs in 2012.

³ Federal Republic of Somalia Provisional Constitution, Aug 01, 2012. Art 64(1).

⁴ 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.

state to comprise of two or more regions.⁵ These propositions are not only likely to stir already elevated tensions between Puntland and GIA, but could give rise to breakaway groups pursuing federal state status for a single region.⁶ This eventuality would likely lead to a myriad of FGS recognised administrations posited against informal state movements, with overlapping territorial claims, that could challenge the legitimacy of electors for the polls.

Al-Shabaab's pivot into Puntland via territories under the administration of other interim states, and under the gaze of the FGS, AMISOM, and international maritime coalitions have unmasked fundamental weaknesses of Somalia's current state of governance and security strategy.⁷ It has also given rise to damning rumours that state entities and international bodies have turned a blind eye to al-Shabaab's passage to the north for alleged reasons ranging from their own immediate safety to purposefully supporting the destabilisation of Puntland.⁸ Puntland mobilised its security forces and engaged al-Shabaab as militants arrived in Gara'ad, Mudug and Suuj/ Garmaal, Bari. Puntland was to some extent fortunate as the situation played to its tactical advantage with al-Shabaab units confined to coastal areas with limited logistics, no heavy weapons, and vulnerable to being surrounded. Puntland has appeared successful at destroying and detaining units of al-Shabaab at this time, however the fighting is not over and there are reports of further units seeking to move north, with limited indication that other administrations, Somali National Army (SNA) or AMISOM are mobilising to take action.⁹ In addition, there has been an uptick of low level al-Shabaab attacks in Golis Mountains, Galkayo and Bosaso, indicating that other al-Shabaab units are seeking to exploit any possible security vacuum caused by the offensive in the coastal areas, posing an elevated near term threat of terrorist attack to key cities in Puntland.¹⁰ The prospect of al-Shabaab opening up a northern front will require already stressed military assets to be spread to another area and affect the stability of an area of the country that has been less exposed to the al-Shabaab insurgency.

The Puntland Factor The only recognised federal state continues to oppose the chosen election process, with the likelihood that Garowe will believe itself in a stronger negotiating position following its response to the Mar 2016 incursion by al-Shabaab. While Puntland mobilised and engaged with militants, the initial response by the FGS and international community appeared muted. Both have subsequently applauded Puntland's swift actions. It is anticipated that FGS-Puntland relations will emerge further strained, with Puntland likely to be emboldened by its perceived self-defence without external help,¹¹ and is expected to staunchly stick to its position on the elections. The incursion is also likely to be exploited by senior influential figures on the political scene that were actively involved in the mobilisation while Puntland President was out of the country at the time. Any impending challenges to President Gaas' leadership is unlikely to change the administration's position towards 4.5, which has seen public opinion and political leaders increasingly galvanise around calls for a regional basis for the elections. In spite of Puntland's opposition, it is unlikely that it would boycott were polls to go ahead, rather refusal to come on board could further stall the 2016 elections.

Support towards AMISOM Notwithstanding its tactical advantage and the elevated threat, Puntland has shown its ability to defend against the al-Shabaab incursion and to mobilise its security forces at short notice, while operating on a minimal budget compared to that of AMISOM. This may add weight to its rejection of any AMISOM deployment

⁵ Somalia Provisional Constitution: Art 49, para 5 & para 6 respectively.

⁶ On Mar 20, Federal MP Dahir Hassan Abdi, in an interview, called on Hiraan to pursue a one region based federal state: 'They said constitution only permits two regions and more to form a Federal state but my contention is, we know by fact that Galmudug state consists of one region and half, so why we cannot have our own state [sic]'.

⁷ On Mar 14 and 15, dhows with militants embarked from Harardhere, South Mudug and landed near Gara'ad, North Mudug and Garmaal, Bari, respectively.

⁸ See Roble, F., 'Critical times for Puntland of Somalia' Wardheer News March 21, 2016 (<http://www.wardheernews.com/wp-content/uploads/2016/03/Critical-time-for-Puntland-By-Faisal-Roble.pdf> Accessed Mar 22, 2016).

⁹ There are reports of further al-Shabaab movements from Jalalaqsi, Hiran region, through coastal regions in Galmudug, possibly with intent to move north.

¹⁰ Since Mar 17, there have been at least two attacks in the Golis Mountains, one attack in Galkayo, and one attack in Bosaso claimed by al-Shabaab.

¹¹ This perception is not entirely true with the FGS sending a consignment of weapons to Puntland and Puntland President Abdiweli Mohamed Ali Gaas successfully soliciting supplies from Ethiopia's Somali region. During al-Shabaab's movement north between Mar 16-20, with pockets of fighting and reports of al-Shabaab units readying the move north at the time of writing this report on Mar 23, Puntland has rejected any AMISOM support, contending that it has been able to mobilise its own forces to combat al-Shabaab.

in preference for direct support to its regional force. AMISOM's calls for a 'boost' of money in advance of the elections against this backdrop is likely to be portrayed as admission of its failings and add to its opponents, many of who perceive it as an expensive venture profiting troop contributing countries (TCCs) while diverting much needed assistance to develop the SNA. Popular civilian support is an important tenet to AMISOM's presence in the country and its perception as an objective body, capable and willing to fulfil its mandate to support conditions conducive to hold elections in 2016. Evidence that TCCs, namely Ethiopia and Kenya, are personally supporting non-state and state entities, including some that have engaged in armed confrontations with federal government forces, in order to meet their individual country interests, continues to complicate political dynamics. There is a realistic prospect that anti-AMISOM sentiment may heighten as elections approach, which may be exploited by al-Shabaab elements and local political spoilers, and may negatively affect its ability to secure strategic areas during elections.

Prospect of term extension The failure to make progress on the election model could result in renewed calls for a technical extension for Parliament. This would not automatically preclude the presidential election, which is based on candidates voted for by MPs. There are indications that MPs may seek a two year extension of the Federal Parliament, while wanting the presidential election to proceed in Sep 2016. President Mohamud would be unlikely to accept this and may argue that a failure to progress on an election model would also undermine the requisite components for a presidential election, on the basis of a joint sitting of the Lower House and Upper House, which is yet to be established, as outlined in the PFC. A two year delay would see Puntland administration's term align with the Federal State, as well as enable other interim state politicians to improve their regional standing. While the international community has expressed opposition to any term extension and it is unlikely to be supported by citizens,¹² it is an open secret that a cross-section of political elites are in favour. There are rumours that some regional leaders may be willing to accept a two year extension to the federal parliament, so long as presidential polls take place. Any push by MPs for a parliamentary extension while calling on presidential elections to proceed will be a critical indicator of levels of support to the incumbent President.

Moving forward (T minus 5 months) While firming up institutional entities are the necessary building blocks to advance towards 'more inclusive' elections, initiation just a few months before polls are scheduled to take place appears to be an insurmountable feat. No other contenders to President Mohamud have officially declared their intent to challenge for the presidency, with the exception of Somali-American, Fadumo Dayib. It may be that they are waiting till the April vote to see if the election model moves forward before investing in the process. In the meantime this will allow President Mohamud to build his platform of support ahead of his re-election bid. The prospect of al-Shabaab establishing itself in northern regions of the country, would not only open up a northern front, but would also facilitate supply routes from Yemen and the Arabian Peninsula, impacting on security for Puntland and Somaliland, as well as the rest of Somalia. While the group is on the defensive, al-Shabaab has proven its resilience, and on this occasion with its unprecedented movements may be marking another potential evolution in its asymmetric campaign. AMISOM, SNA and regional forces' ability to be proactive and respond to the security challenges posed not only by al-Shabaab, but other criminal elements and political spoilers, are likely to have a significant bearing on the election process. With only five months left till Aug, and not until Apr before parliament is due to vote on the election process, add Ramadan into the mix, Somalia as well as the international community may soon find itself in a situation where an extension may become the only conceivable path out of the prevailing political quagmire.

¹² In Dec 2015, the Heritage Institute for Policy Studies (HIPS) published a report 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.