

20160407: SPECIAL REPORT #6: SOMALIA ELECTION 2016 – The Road to Villa Somalia

After a four month standoff, on Apr 03, a breakthrough was achieved between the Federal Government of Somalia (FGS) and Puntland in support of the 2016 electoral process. The agreement was described by the UN Special Representative of the Secretary General (SRSG), Michael Keating, as a 'landmark agreement' who said that '2016 is an important stepping stone towards a one-person, one-vote elections in Somalia in 2020'. The deal is an important achievement, and is complemented by the mandate extension of UNSOM until Mar 17, 2017, to support preparation for a fair and transparent electoral process in 2016. While one major obstacle to the legitimacy of the election process has been removed, potential road blocks lay ahead. Meetings are expected from Apr 09, on technical requirements to enable elections to be implemented. The electoral process will be subject to a Federal Parliament vote on Apr 15. Against the backdrop of the FGS-Puntland deal, presidential contenders are emerging, while political accommodation and controversy continues to rumble over the formation of federal member states (FMS).

FGS Puntland Agreement has been described as a 'decisive move away from the 4.5 model' by SRSG Keating. In addition to consultative meetings, it is understood that the International Community held firm on its position of no extension, which left Puntland with little choice but to accept the 4.5 model or risk backing itself into the position of a boycott. The timing of the agreement appears to have been unexpected to Somalia's President Hassan Sheikh Mohamud whose office issued a press statement at the signing congratulating the 'draft' and calling the agreement subject to approval. While the agreement contains assertions that 4.5 clan model 'shall cease with the elections of 2016', the deal does not deviate from the electoral process presented on Jan 27,¹ and provides Puntland's endorsement to the selection of the Lower House of Parliament using 4.5.² Additional agreed details include the selection process for members of the Federal Parliament will take place at FMS regional capitals, traditional elders will select the electoral college that will reflect community members and women, and female candidates shall be included to contest the seats.³ The Upper House election shall take place before the Lower House in accordance with the proposed election model. The 2016 electoral model is subject to approval by Parliament, due to take place on Apr 15. Art 3.1 and 3.2 of the Apr 03 deal stipulates that the 2020 federal elections shall be held according to one-person, one vote principle and guarantees that the 4.5 model shall not be used beyond the 2016 elections. While the position on the 2020 polls is unequivocal, previous ultimatums against 4.5 have fallen victim to 'never say never'.⁴ Roadmap 2020 will require significant advancements by the next federal government, with the same ultimate goal that the current government has failed to achieve under its four year mandate. IGAD's signature as guarantor of the deal also raised some criticism over the prospect of the 2016 process being Somali led and free from external, international agendas backing presidential contenders.

The final signed document appears markedly different from an earlier leaked draft, which provides an invaluable insight into the prevalent issues likely to affect these and future elections in the country.

National electoral committees that will be responsible for overseeing the election process and critical to the credibility to the polls, are yet to be established. Meetings are expected to commence from Apr 09 to begin the selection process. Committee appointments will likely face competition and require approval by FMSs then endorsement by Parliament.⁵ The logistics of holding these consultations and committees will also not be a simple arrangement. Committee mandates, while outlined in the provisional constitution, will be subject to possible

¹ Federal Government of Somalia "Communiqué On the Electoral Model for 2016 Election" Jan 27, 2016.

² 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 so-called 'minority' clans. The 4.5 formula was used by a group of clan elders to select the current parliament. The formula also stipulates that the President, Prime Minister and Speaker of Parliament must all come from different clans.

³ It is important to note female representation no longer includes reference to a 30 per cent quota for women as stipulated in Jan 27 communiqué.

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.

⁵ Agreement between the Federal Government of Somalia and the Government of Puntland State of Somalia, Apr 03, 2016: Art. 1.2: The FGS Puntland deal states that an agreement has been reached for the committees to consist of FGS and FMS representatives

challenges over their role in the voting process and the lack of recourse to challenge their decisions, given the failure to establish a constitutional court.

Constitutional review process is highly unlikely to be achieved before Aug, in spite of assertions by Parliament Speaker, Mohammad Osman Jawari, that this will be the priority of the eighth and final session of this parliament. Any attempts to rush the process and circumvent consultations are likely to be met with resistance that will impact on the election timetable. The requirement for engagement on the review with FMS and nationwide consultations have made little headway and it is unrealistic to expect the stated aims of 'broad based consensus and Somali ownership' can be achieved within four months,⁶ and while key sub-state entities remain outside the electoral process, including Ahlu Sunna Wa Jama'a (ASWJ) and Khatumo. There remains deadlock over the FGS move to prevent and declare void contracts made directly between FMS and companies, with little prospect that a national resource sharing framework will be established without further disputes, which is an integral part of the constitution. The scant reference to the provisional constitution in the signed Apr 03 accord may indicate recognition that finalising a consensus-based constitution will take time and is likely to continue to be a major challenge for the next government of Somalia.

Status of the national capital remains unresolved. On Mar 29, a group of elders and sitting MPs, professing to represent the Hawiye of Banadir, resolved that Mogadishu belongs to the Hawiye and asserted it was only clan permitted to rule the city. The statements sparked widespread condemnation on social media. The lack of official condemnation from other Hawiye elders or the government, however, is likely to do little to quash rumours and stereotypes of a politically dominant Hawiye seeking control over national resources that flow through the capital. The status of Banadir and concerns over centralisation of power in the hands of a few, and of a single clan, has given rise to alternative governance models being mooted, where separation of powers involves their physical location in different regional capitals. The process to determine the status of Banadir (Mogadishu) within the federal map could stir clan tensions and be detrimental to the country's prospect of a smooth election process. It may also have a direct negative impact on the political campaign for prospective contenders from the Hawiye clan, including President Hassan Sheikh Mohamud.

Interim Federal Administrations continue to struggle with challenges over representation and the seat of power. In spite of claims that President Mohamud's intervention in Beledweyne had resolved the standoff by Hiraan elders, there remain clear divisions with influential factions vowing to continue the boycott of the Hiraan M Shabelle state formation conference in Jowhar. AMISOM and national security forces firing upon anti-FGS protestors, and their involvement in tensions between rival clan militia in Beledweyne, are only likely to heighten animosity and risk further political and clan conflict in the region. Jubaland President Ahmed Mohamed Islam (Madobe) has been granted a third extension to appoint his cabinet ministers, following the 14 point power-sharing accord with Jubaland clans, as he contends with assembling an executive that satisfies existing clan group members, plus Marehan and Rahanweyn communities seeking representation. The 45 day extension will allow President Madobe until May 20 to make a decision, with a risk of the accord fracturing once again should disputes emerge over representation.⁷ Galmudug Interim Administration (GIA) has made little progress towards rapprochement with ASWJ in Galgadud. While the FGS-Puntland deal appears to have settled support towards the 2016 electoral process, albeit with varying levels of enthusiasm, a failure to establish representative FMSs, given their prime role in selection of the Federal Parliament, is likely to undermine the credibility of the new government with a risk that some groups will not recognise its authority.

Puntland President Abdiweli Mohamed Ali's (Gaas) U-turn on opposition to 4.5, while welcomed by the Federal Government, international community and other interim administrations, is likely to expose him to criticism from Puntland Assembly and a possible public backlash, given his earlier opposition based on the inherent 'unfairness and

⁶ Ministerial High Level Partnership Forum, Istanbul, Feb 23-24, 2016: Point 8.

⁷ The previous extension time was due to expire on the 5th April 2016.

unconstitutionality' of 4.5. Indeed, this is the platform being used by former Puntland President Abdirahman Mohamed Farole to launch his presidential campaign for 2016.⁸ Puntland's recent military success against al-Shabaab may have relieved some of the immediate pressure on Gaas' leadership. However, the period also witnessed senior influential figures, like Farole, succeeded in regaining influence in the decision making of the administration, and may attempt to exploit current levels of unpopularity towards Gaas and his authority. Any impending challenges to President Gaas' leadership, along with the recent uptick in al-Shabaab attacks and elevated terrorist threat in Puntland, are likely to affect intra-clan tensions and stability of the region.

Parliamentary approval The next step is for the endorsement by parliament scheduled to take place on Apr 15, to pave way for the implementation of the election model. While Puntland support has removed the remaining obstacle to the polls from the FMS, it is not certain that parliament will sanction the 2016 process without challenge. It is possible that incumbent MPs may reject the process which provides for each seat to be selected by an electoral college and, in accordance with the Apr 03 deal, that each seat for the Lower House shall be contested by a number of candidates,⁹ rather than a total of 135 clan elders who selected 275 seats in 2012. If parliament fails to approve the model, this will almost certainly force a delay. It is possible that parliament or a contingent of MPs may attempt to derail the elections in an effort to seek an extension of parliament's mandate, but given previous attempts and consistent messaging by the international community, this is unlikely to be accepted, which could lead to further near term political instability.

What next? (T minus 4 months) The status of Somaliland remains in limbo, with limited progress towards international recognition, or reconciliation with Somalia, and the status quo is expected for the medium term. The period saw FGS donate US\$1 million in aid to Somaliland for drought relief, in what many saw as a politically motivated manoeuvre, which was denied by FGS, claiming there were no other agendas. The status of FMSs, Banadir, the technical committees, and the holy month of Ramadan means that even with parliamentary approval, it will be a struggle to achieve an election process by Aug. Some sort of technical roll over is anticipated. The impending entry into the race of up to ten or more prospective presidential contenders will see the country enter a period of political theatre with candidates engaging with FMSs' leaders to drum up support, in addition to the state level political horse-trading expected to accompany selections to the Houses of Parliament. There will also be a series of high level meetings scheduled from Apr 09 that will see large numbers of VIPs in Mogadishu, and other regional state capitals. This is likely to heighten election fervour and clan tensions, with a possibility that al-Shabaab and other political spoilers may undertake targets of opportunity with the increased presence of high level delegations traversing the country. While the dispersal of the voting process across FMS regional capitals may go some way to mitigate the elections being compromised by a single event, an increased tempo of attacks against government officials, politicians, and elders may grow uncertainty over the environment being conducive to hold the 2016 election process in specific localities of the country. The FGS-Puntland agreement recommends that the location of the FGS presidential elections and House leaderships be selected on basis of a 'safe and conducive location'.¹⁰ In Mogadishu, there have been a number of recent attacks in Hamarweyne this past week, and while some of this may be attributed to the withdrawal of NISA and handover to the Banadir administration and Police, the high number of VIPs near government areas will most certainly increase the threat of attack. Given the series of hurdles that lie ahead which could further impact on the credibility, legitimacy and risk of conflict surrounding the elections, the prospect of Somalia's transition taking place before the end of Sep continues to appear uncertain.

⁸ In a press conference on Apr 03, Farole criticised the current Federal government led by President Mohamud for failing to fulfil its pledges such as ending the 4.5 clan formula and implementation of Federalism.

⁹ Agreement between the Federal Government of Somalia and the Government of Puntland State of Somalia, Apr 03, 2016: Art 1.6; Art 2.3 also provides that each seat in the Upper House shall be contested by an agreed number of candidates including females.

¹⁰ Agreement between the Federal Government of Somalia and the Government of Puntland State of Somalia, Apr 03, 2016: Art. 2.8.