



## 20160519: SPECIAL REPORT #9: SOMALIA ELECTION 2016 – The Road to Villa Somalia

With three months left before Somalia's elections are due to begin, the 2016 election model is yet to be approved by the Federal Parliament. On Apr 15, UN Representative to Somalia, Michael Keating, said "Somalia's political future is on hold until this model is approved". The proposal followed months of stakeholder consultations and tense negotiations between Federal Member States (FMS), cabinet and international community, with the last remaining dissenter coming on board in the signed Garowe agreement on Apr 03, and endorsed by the National Leadership Forum (NLF) on Apr 12. The proposal has been before a parliamentary electoral review committee for 18 days, with reports that, far from rubberstamping the model, a raft of amendments are being drafted. This is setting the stage for a political standoff between the FMS and Parliament, which may jeopardise not only the ability for a transition process to take place in Aug but, arguably, the country's near term political stability. This Special Report identifies the possible amendments, likely reactions and scenarios for moving forward against the backdrop of the increasingly complicated federal state map.

**Parliamentary approval** Since Apr 30, the election blueprint has been before parliament, where it is being reviewed by a 26 member parliamentary committee comprising former and serving MPs. Procedurally, the model requires approval by the federal parliament before it can be implemented. Rather than endorse the proposal as had been hoped by regional states and the international community, there are indications that the committee plans to recommend significant changes to the model. The committee was to present their amendments to the House for discussion on May 18, but delayed reportedly due to objections and possible plans to engage Puntland over the addition of Banadir MPs. While it may still be subject to change before it is presented to parliament, revisions are expected to focus on five key areas:

There are indications that proposed amendments are likely to include reducing the size of the **Electoral College** to nominate each MP. Proposed numbers have been reported as between 10 and 31 which would reduce the initial proposed number of delegates participating in the Lower House elections by at least 38 per cent.<sup>1</sup> No reason has been offered for this amendment but it suggests that MPs are keen to reduce the number of people they will be required to influence in order to be appointed. Another possible change is to remove the requirement for **Member State Presidents sign off** on the final list of appointments to both houses. While on paper this change should not make any difference to the final appointments as the sign off is described as a procedural affair, it will eliminate possible manipulation by regional leaders to representatives in parliament. This is indicative of the disconnect between the incumbent MPs and regions and wider tensions over the level of authority perceived as tipped in favour of the regions in the proposed election model. This clause is likely to draw protests from the FMS. The committee may also call for the proposed independent dispute resolution to resolve election disputes to be dropped and for this role to be deferred to the 135 **traditional clan elders**, also responsible for selecting the electoral colleges, thus reducing independent oversight of the election process. The committee has raised concern over compiling the finalised list of traditional elders, which will reportedly fall to the Ministry of Interior. The quota for females has not been mentioned and was conspicuously omitted in relation to the MP seats for the Lower House in the Apr 03 agreement on the election model.<sup>2</sup>

Major changes to **the Upper House** have been mooted, including its removal. The Upper House seats are entirely nominated by regional administrations.<sup>3</sup> The opposition is based on nominated allies of FMS forming the Upper House and its oversight function over the existing Lower House, stemming from the resistance to influence afforded to the regions over the functioning of Parliament. Instead of its removal,

<sup>1</sup> Amendment calls for the size of each electoral college to be reduced to 10-31 from 50 members, who will be responsible for appointing one MP. There are 275 seats in the Lower House. This means that a total of 8,525 delegates will take part in the Lower House elections, as opposed to the proposed 13,750.

<sup>2</sup> NLF (2016) 'National Leaders Forum Communiqué' Apr 12, 2016. Refers to the electoral college comprised of 30 per cent women, but no reference is made about a 30 per cent quota of seats for women in the Lower House. The Upper House maintains a 30 per cent reservation requirement for females.

<sup>3</sup> NLF (2016) 'National Leaders Forum Communiqué' Apr 12, 2016. Process Upper House: State executives will nominate at least two candidates for each seat. The state assemblies will vote for each seat individually. Presidents of the Federal member States shall duly sign the list of official members of the Upper House of the Federal parliament for their respective States.



an alternative recommendation being discussed is to allocate **Banadir** an equal number of seats as a FMS in the Upper House. The status of Banadir is not resolved, therefore affording it the same status as an existing or emerging federal state could open the process up to other 'new states' calling for equal representation in the house, such as Khatumo or Northeast.<sup>4</sup> Structurally, the Upper House has a fixed number of 54 seats, with eight allocated to each FMS and an additional six seats to be divided equally between Somaliland and Puntland. While on paper these 'additional' seats could be redistributed to Banadir, Puntland would almost certainly challenge this. Politically, this will add to clan tensions and conjecture that the dominant Hawiye Clan in Mogadishu is attempting to gain political influence through the back door, and speculation that this is a bid to reduce the apparent numerically advantageous allocation of seats to the Darood in the existing electoral model. Ongoing major difficulties facing Hiraan Middle Shabelle state formation is likely to lead to uncertainty and weaken the ability to manoeuvre their voting allocation to benefit incumbent President Hassan Sheikh Mohamud. If the change to include Banadir or remove the Upper House is approved, this is likely to prove a fatal blow to any agreement being reached with FMS, many of who have repeatedly expressed concerns over the priority, development and control of donor funds through Mogadishu perceived to be to the detriment of regions.

**Puntland and Jubaland** have issued separate strongly worded statements warning against any amendments, reasoning that the proposed election blueprint followed months of negotiations between stakeholders, regions, the Federal Government, and international community, and therefore has already achieved broad consensus. Puntland has accused parliament of 'deliberate sabotage' of the whole process, called any amendments 'gross violations' and said that it would hold the Speaker of Parliament and supporters responsible for any 'unsustainable outcomes'. Jubaland has accused MPs in the committee of serving their vested interests aimed at postponing the national elections and extending the term of parliament and government. Jubaland has said it will not accept any change from what was agreed. However this stance may soften as a result of the new Jubaland cabinet appointments.<sup>5</sup> Both Jubaland and Puntland have called on the international community to monitor and sanction any deviation from the blueprint. UN Security Council scheduled to visit Somalia May 19, and is expected to attempt to impress the message of international partners for parliament to endorse the electoral model and to proceed with implementation.<sup>6</sup> Of note is the silence from the other FMS of Galmudug, South West and Hiraan Middle Shabelle. This may be linked to their own internal unity issues<sup>7</sup> or that they may be awaiting the outcome of the parliamentary vote before commenting. The leaders were all known to be supportive of President Mohamud, and there remains speculation that an election delay would benefit him with a term extension, which a parliamentary amended election model would likely bring. Another factor involves Ethiopian and Kenyan contingents that have been visiting these federal entities, and have also been reported to be lobbying for their own political interests, outside of the AMISOM mandate.

It appears highly likely that parliament will endorse amendments to the electoral model, possibly as outlined above by sources from the parliamentary committee. Based on the supposition that any endorsement of amendments to the original proposal by parliament will be rejected by FMS, four possible scenarios may proceed.

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<sup>4</sup> On May 16, a statement was issued, purporting to be on behalf of the people of Sanaag and Sool regions, where they declared the establishment of an interim Federal Administration named Northeast Federal State. At this stage the new state does not appear to have wide consensus between the two regions.

<sup>5</sup> Jubaland President Mohamed Ahmed Islam (Madobe) signed a reconciliation agreement with Gedo leaders on Mar 16, part of which involves reconstituting a state cabinet representing all constituency interests. On May 15, Madobe appointed as new First Deputy President Mohamoud Sayid Aden while Second Deputy President retained his position, with other cabinet appointments made public on May 18. His selections will need to meet the expectation not only of the Marehan but of other clan interest groups, including the Rahanweyne that comprise Jubaland. The Federal Parliament came out in support of the Gedo leaders during the dispute with Jubaland Administration, even voting in a favour of a no confidence motion against Jubaland Assembly in Jun 2015.

<sup>6</sup> On May 14, a joint press release by the United Nations, the African Union Mission in Somalia, the Inter-Governmental Authority on Development, the European Union, the United Kingdom, Ethiopia, the United States of America, Sweden and Italy expressed their deep concern over the protracted process to approve the 2016 electoral model. Part of the statement read: 'We urge Parliament to understand the mounting sense of urgency and to fulfil their responsibilities in an appropriate manner.'

<sup>7</sup> On May 16, Galmudug State Assembly Speaker Mohamed Hassan Hussein admitted that the Speaker and two deputies had been absent for two months, and the assembly was unable to function. Hiraan and Middle Shabelle state formation conference has failed to engage with key stakeholders leading to protracted delays.



- (1) Federal Government and international partners engage in negotiations with MPs who are persuaded to remove revisions and endorse the initial election model. While there is a small possibility this may happen as a result of coercion and lobbying efforts, most recommendations appeared to be aimed at limiting FMS authority, and reducing oversight and the number of people involved in the elections, in order for MPs to be in a better position to retain their current positions.
- (2) Federal Government and international partners engage in negotiations with MPs but no agreement is reached, resulting in delays. Following the expiry of Parliament's tenure in Aug, a new parliament based on the original election model is constituted. This scenario requires acceptance that there will be some form of technical delay to elections.
- (3) Federal Government and international partners determine to disband parliament before their term ends to enable implementation of the election process. There is a credible argument that the 'sitting duck' parliament is seeking to use a procedural issue to spoil the political process and to extend their tenure, when the election model has been widely consulted on and endorsed. The argument continues that elections would be legitimate even if they were to bypass parliament. This approach would risk a backlash over external influence and sovereignty, particularly in light of evidence that some senior political players who also want a delay may exploit this angle.
- (4) Parliament approves amendments, Jubaland and Puntland boycott the election model, resulting in an impasse and political instability.

The suggested amendments to the election blueprint appear to point to a more fundamental dispute over the distribution of power between the centre and regions, the constitutional model of federalism, and a clear path to re-election by those in current government. Failure to achieve a political solution is not an option. A political impasse would delay the critical security sector reform and integration of regional forces, at a time when al-Shabaab continues to prove its resilience and with signs that Islamic State is trying to establish itself in the country. These threat groups and the strategic importance of the Horn for regional stability between Eastern Africa and the Middle East may be the determinants to persuade the international community that a more sustainable political solution, involving all the main stakeholders, needs to be developed, rather than a stop gap measure that meets few of its original aspirations for the sake of having a timely political transition. However, based on past performance, there is limited evidence to demonstrate that a delay would benefit the country as a whole and lead to a more inclusive election model. Rather, those in power who may be proposing changes are likely to be seeking delays for clan or personal benefit, and to ensure the system best supports their future re-election bids.

Bearing in mind there are just three months left of the mandate of parliament, including the holy month of Ramadan, the possibility of an election taking place on time appears improbable. Even in the unlikely event that parliament winds back its rhetoric and rubberstamps the initial election model as proposed, it will be difficult to implement and hold elections as scheduled. The situation is fraught with challenges that could see the process delayed for a number of months. Although the amount of leverage from MPs and parliament remains questionable, what is clear is that the decision they take could make or break elections proceeding on schedule, and of the hard fought consensus over the election model risks falling apart.

It is expected that political pragmatism will persevere and some form of political transition may occur within the next six months. However, the next parliament and President will need to fair far better in achieving its political mandate and work towards a unified agenda than the incumbent, if it is to successfully contend with the challenges that lay ahead, and further attempts for universal suffrage in the 2020 Somali elections.