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Somalia Elections 2016: The way forward



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SOMALIA ELECTIONS 2016: THE WAY FORWARD

Somalia is on the road to a new beginning. Today, the focus of all discussions within Somalia and among its partners in the international community is the proposed and upcoming Somali elections of 2016. Although this was the dream from the beginning, it is clear that the expectations of one man one vote by 2016 will not materialize and this ambition has been postponed until 2020.

Somalia has experienced one of the worst and most violent civil wars in modern history. As a result, public and private institutions alongside other formal governance structures were destroyed and non-existent for over two decades. The violence led to those Somalis who could escape leaving while those who were less fortunate endured decades of lawlessness and state collapse. Although Somalia was lawless, Transitional Federal Governments from 2000 to 2012 ensured continued and sense of statehood. The first TFG was formed following the Arte process in Djibouti which involved the participation of tribal elders. This continued until 2012 when 135 Somali clan elders elected a parliament consisting of 275 Parliamentarians who in turn elected the current President, Hassan Sheikh Mohamud. Many critics questioned the difference in the election processes between the first internationally recognized Somali Federal Government and its Transitional predecessors raising questions of legitimacy.

One of the key pillars of President Hassan Sheikh Mohamud's policy pledges and aspiration was universal suffrage by 2016 within Somalia. This goal from the beginning was ambitious and little effort was made to highlight this point by the government. However, political disruptions in the form of disputes between the President, Prime Ministers, Parliament and the Centre and Periphery, have no doubt delayed many of the Government's policies and plans, including the one man one vote and state formation process which it inevitably relied on.

The Government of the Federal Republic of Somalia admitted late last year that one man one vote was not viable given the enormous challenges to its implementation. This message was surprisingly welcomed by the international community and many other

stakeholders. The feeling was that clearly any election was better than no elections in this crucial juncture in Somalia's slow and painful recovery.

After challenging series of National Consultative Forums held in the Regional States, the capital Mogadishu and with a special arrangement made for Somaliland, the Somali Federal Government announced on 28th January 2016 it was adopting an agreed upon election model for 2016.

The election model took into consideration the bicameral system of parliament as envisaged in the Provisional Constitution 2012. The Lower house will consist of 275 MPs chosen along the traditional 4.5 model and the Regional States will appoint all the 54 members of the Upper House. 48 Members of the Upper House will be equally distributed among Somalia's existing and emerging Federal Member States. The remaining 6 members will be distributed equally between Somaliland and Puntland in recognition of their political status and maturity according to the Somali Federal Government.

A continuing goal from the 2012 elections is the need to include women in the election process and to fulfil the 30% quota for their representation both in the Lower and Upper House. This quota was missed by a large margin in 2012 and will need a real push from all stakeholders and participants to bring to reality.

To have the slightest hope of been representative, the 2016 electoral process must safeguard the rights of minority clans both in the Lower and Upper Houses. Promoting and entrenching democracy in Somalia requires that all Somali citizens see themselves in the governance structures, policy processes and public and private offices.

The fact that Somalis today are discussing and preparing for elections which are more inclusive than in the past is a welcome progress. Democracy based on justice, fair representation and nationwide consensus will ensure Somalia leaves behind its dark past and accelerates further towards the path of stability, peace and progress. However, all these depend on the implementation of the proposed electoral model.

For a successful implementation of the 2016 Somalia electoral model, the following are a must:

- ✓ The process must be wholly Somali led with international partners playing only a supporting role. Any interference will delegitimize the entire process and risk creating distrust between the Somali People, Government and the International community.
- ✓ The Federal Government should spare no effort in continued constructive dialogue with federal states which have objections on the said electoral mode.
- ✓ Each Parliamentarian must be selected by the most representative and largest number of people to include all sub-clans. Given the logistical and financial challenges as well as the need for transparency and a fair process, we propose that 30 electors with reputable standing in their communities, excluding the elders who contributed to their selection, elect each Parliamentarian.
- ✓ Although a total number of electors per candidates is difficult to state, the larger the number of votes, the more legitimate the mandate within the respective Regional Administrations and Central Government.
- ✓ The 135 Clan elders selecting the Electoral Colleges must ensure equitable and inclusive representation. The Clan elders must undergo thorough vetting to determine their suitability and eligibility for the role.
- ✓ The Clan elders and all members of the Electoral Colleges must swear under oath to safeguard the process and its values against spoilers, corruption and bias. Those who fail in this duty must be disqualified from the entire process.
- ✓ Given the importance of the Islamic religion to the Somali people, all clan elders and Electoral College members and candidates must be sworn in by respected religious scholars across Somalia.
- ✓ The 30% quota for women parliamentarians is most welcome. Somalia's women must be empowered and supported to play all their societal roles. However, all clans must have female representatives without exception otherwise this will be a failed policy and exercise.
- ✓ All Parliamentarians, male or female, must be qualified and of good character to represent their constituents. The electorate is advised to select those that will best serve their interests and fulfil their duty to the public and advance the development of their country.

- ✓ The electoral process must be organic, grassroots and community based. There should be minimal interference from the Central Government and Regional Administrations.
- ✓ The Somali Federal Government, Regional Administrations and other institutional stakeholders must start the consultations for the intended implementation plan for the elections with the help of the international community.
- ✓ Election results are not always agreed on. To address disputes and in the absence of a Constitutional Court which was supposed to be formed earlier in the process, other legal mechanisms must be established. A temporary measure is the High Court hearing and deciding on disputes until such time as the required mechanisms are effectively functioning.
- ✓ The Political Parties laws must be finalized urgently to progress from the Regional and Clan based election model to a political party system in 2020.
- ✓ The public must be convinced of the need and roles for the Upper House. There is already a confusion of Constitutional mandates and in the absence of a clear Constitution assigning roles, there is a real risk of the Upper House becoming another Lower House. This will only make governing Somalia more confusing, difficult and further paralyze Government decision making going forward.

Somalia's upcoming election is no doubt exciting and a possible game changer for the country. As hopeful as the prospects for a successful election are, there are key challenges to overcome or work alongside to ensure successful implementation of the electoral model.

Security is always a challenge and this must be prioritized in all areas participating in the elections and for all participants especially, Electoral College members and selected clan elders as well as elected Parliamentarians.

To ensure a fair process and promote and advance transparency, the Somali Government must invite all interested election observers from the international community to

participate. The Somali people must also be given a front row seat in this electoral theatre which will surely determine their future.

Education and training are crucial elements of the democratization process. The public must be given the opportunity to understand and make informed choices for the proposed 2020 one man one vote. The success of any election depends on public participation especially in a post conflict society, riddled with clan mistrust like Somalia. Therefore, election and active citizenship education, awareness and sensitization must be prioritized by all stakeholders.

The preparation for Election 2020 must start immediately. Priority among enabling activities, in line with the above point of education, is a census for the population and voter registration. A fundamental consideration is whether or not the Somali Diaspora and those Somalis displaced across the world will be able to participate.

Finally, whatever the fair outcome, all Somali people will be winners if there is no post-election disintegration and tribal disputes. This has not been the case in the past but given the high stakes, there could be a slight possibility.

By simply participating in this historic process, all the people of Somalia will be winners. The strengthening of the democratic culture in Somalia will ensure there will be more opportunities to compete and win public office for all interested groups and people. With democratic processes leading and shaping Somalia, social and economic development will only increase. This in turn will lead to progress and prosperity for the entire people of the nation.

The upcoming election is a game changer for Somalia. The Somali people must rise to this fundamental challenge to change the direction of their country and improve their own lives.

By: Act for Somalia

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