

POLICY BRIEF



Somalia Election Brief – Making Elections Relevant

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of EDINBURGH



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This research is supported by the Peace and Conflict Resolution Evidence Platform (PeaceRep), funded by UK International Development from the UK government. However, the views expressed are those of the authors and do not necessarily reflect the UK government's official policies. Any use of this work should acknowledge the authors and the Peace and Conflict Resolution Evidence Platform.

PeaceRep Somalia research aims to deepen the understanding of the country's fragmented predicament, ten years after the establishment of the Federal government and in light of the continued pervasiveness of conflict and political instability, both domestically and regionally. Our research themes include: sub-national governance through checkpoints; justice and security in Somalia; building on the Galkayo 'local' agreement; emergent conflict and peace dynamics across the Somali regions (Ethiopia, Somalia and Kenya). The programme will continue to analyse and engage stakeholders around peacebuilding processes and in relation to events that unfold in real time.

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The authors are extremely grateful for the input of several anonymous reviewers.

Design: Smith Design Agency

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Executive Summary

- ▶ Somalia's current election process is mired in disputes very similar to those that occurred under the previous election cycle; the centre (Mogadishu) attempting to control election outcomes while the peripheries (led by Kismayo) attempt to resist in order to enable their own manipulation of the outcome. In neither case is the quality or integrity of the elections a priority.
- ▶ The recurrent election crises in Somalia reflect the failure of Somali elites to have made meaningful progress on power and resource sharing arrangements while international and regional actors share responsibility in this predicament given their multiple positions, conflicting policy priorities and inability to navigate the underlying political landscape.
- ▶ The post-9/11 counter-terrorism environment in Somalia continues to shape incentives and possibilities, in particular by forcing many actors behind the 'state-building' agenda, while limiting the space for civil society and a wider framing and discussion of Somalia's political and developmental trajectory.
- ▶ In spite of the wider corrupt and predatory political environment, Somalis at the individual and clan level continue to resist the increasing manipulation they see taking place by political elites. However, they need support.
- ▶ Discussions concerning changing the election model in Somalia are, we argue, missing the point. There is scope for improving the implementation of the current model before introducing more complicated models that serve further delays and obfuscation.
- ▶ In terms of elections, three suggestions are made, in order to stimulate public discussion on possible ways forward:
 - Let clan-based voting constituencies choose where to hold elections for their own seats.

Allowing clan constituencies to choose where to hold elections for each of their seats would limit the ability of government elites to control and manipulate the system – it would put the election process more in the hands of the people (via their respective voting groups).

- Extend the time between the election of Members of Parliament (MPs) and the election of the President.

Having a 'cooling off' period of, for example, one-year, between the election of MPs and the election of the President might create a space within which the parliament can mature and make it difficult for a Presidential candidate to maintain control.

- A stronger stance by the international community.

The international community is by association discredited in the public eye with these illegitimate election processes. A stronger stance, in public, would demonstrate to local populations that it sees the same issues that they do. It should explore what mechanisms it can use in this regard.

Introduction

The catalyst for this brief is the widespread concern around the integrity of elections in Somalia, a recurring feature of the country's political predicament. Each election cycle follows a similar pattern with (false) promises made around aims to improve the next elections followed by wrangling and delays and little or no progress made on the actual conduct and integrity of the elections.

The conditions in which elections are conducted are just one example of the wider disconnect between the rhetoric of implementation and reforms and the underlying reality of power and agendas of the political elite in the country. Furthermore, this reflects a continued inability of the 'international community' to reconcile its support for the Somalia government at its national and sub-national levels. This brief speaks to issues raised by Andrew Ellis, an electoral specialist, concerning the interplay of political and technical dimensions of elections, drawing on the PA-X Peace Agreements Database.¹

The brief brings attention to the nature of Somalia's political settlement and elite bargain as this provides a useful starting point and reality check on the wider political culture which has evolved over the last ten plus years as part of Somalia's internationally supported federal government. We conclude with some suggestions to consider in improving election processes.

Understanding the Political Settlement

A starting point for understanding election dynamics in Somalia is with the nature and realities of Somalia's political settlement and elite bargain. While the settlement that established the federal government has mitigated against large-scale inter-clan violence, there has been very limited progress on core issues of governance. As Ken Menkhaus (2018) starkly outlines, the key features or 'rules of the game' around the political settlement include: ²

- a shared understanding that elites across clan and factional lines will enjoy at least some access to resources flowing through the federal state, even if the lion's share of the resources are controlled by a few dominant Mogadishu-based clans
- an agreement that elites of each clan-family enjoy a monopoly on resources in regional member states where their clan family is dominant
- an accord that power-sharing among the elites is enshrined in fixed proportional representation, known in Somalia as the "4.5 formula"
- a generally (but not universally) shared commitment to maintaining weak rule of law
- a common desire to attract maximum foreign interest in and financial support for Somalia

As part of this elite bargain, Menkhaus argues that political cartels are motivated by maintaining chronic state weakness and insecurity rather than working towards a sustained peace and good governance, further asserting that the same cartels engage in peacebuilding and state building as 'lucrative projects', rather than in order to achieve their stated outcomes. The various and powerful business allies and supporters behind these cartels require a predictable security context but do not want a state with a strong regulatory or taxation capacity. While written several years ago, it is difficult to argue that this framing does not still apply today including in its manifestation in election cycles and that this predicament contributes to the low levels of legitimacy of the government amongst the Somali public.

An additional factor in the Somalia environment is that groups such as Al-Shabaab profit from this underlying political economy and status quo, financially, through their territorial and extra-territorial taxation capacity, and discursively, as they portray the government (and its international backers) as morally bankrupt. Ahmad et al. (2022) goes as far as to describe two key political bargains in Somalia, an elite deal between members of the Federal Government (FGS) and Member States (FMS) (backed by the international community) and a civilian deal which Al-Shabaab establishes with citizens under its influence.¹ While the FGS-FMS elite bargain is often strained, there are considerable incentives to not break it, as Menkhaus points out, and a realization that continued wrangling and the threat of it breaking are in fact productive for certain interest groups. In this light, Tobias Hagmann (2016), in his paper on stabilization, 'extraversion' and political settlements, argues that 'Persistent tactics by Somali elites—mobilizing, appropriating and redirecting foreign resources and agendas—have been at the core of failed state-building' and that this involves the interconnected role of local, national and foreign actors.⁴

Foreign or international actors feed into this political dispensation in different ways. Regional and Gulf states have been actively engaged in Somalia over recent years playing out their respective political fights through proxies in the country; by supporting opposing political entities, whether the Federal Government, Somaliland, Puntland, Jubbaland or other opposition groups.⁵ The latest iteration of this is Egypt and Ethiopia's tensions that have been manifest in Somalia.⁶ Western donors themselves reflect a range of priorities – counterterrorism, maritime security, state-building, development, humanitarianism – which also contribute to contradictory incentives for political elites.

Perhaps the most important contextual framing for Somalia's current political condition including in its relations with international partners is the contradictions inherent in its counterterrorism (CT) positionality vis-à-vis other dynamics. Somalia is still operating under a post-9/11 rubric. We would argue that this CT environment has created two major and opposing camps or 'assemblages'⁷ within Somalia: those that are part of the internationally supported state building project – this includes the resources, narratives and actors that must be seen to be part of this trajectory – and their opposite, Al-Shabaab.

In a deeply insightful analysis of the defection to Al-Shabaab of the poet, Nagiye Ali Khaliif, the American Somali anthropologist, Ahmed Ibrahim, argues that the 'ultimate decision to abandon poetry and resort to armed struggle underscores the poverty of the political scene and the political choices open to young people in Somalia today.'⁸ We refer to this analysis, in relation to the question of civil society in Somalia and its apparent absence from political resistance and reform, including regarding the elections.

While it has always been difficult to define civil society in Somalia, one of its constellations is the internationally supported group of non-governmental organizations (NGO). This group has had periods of more independent and useful action or activism but, as government has evolved, it has weakened and arguably been incorporated into the state-building 'project'; individuals often move between international agencies and government, for example. An Islamic civil society is also active in Somalia, including in religious leadership, education and charitable work, sometimes linked to the Gulf, but also self-financing.⁹ While extremely active, this group is less visible but also fearful of being – inaccurately and unfairly – accused of siding with or being sympathetic to extremists. Members of this constellation also join the government at times, but many are in fact under pressure from both the government and Al-Shabaab as they align with neither. Ahmed Ibrahim's portrayal of this political environment speaks to this predicament – there are two opposing sides and little middle ground for civil society.

The need to acknowledge and reckon with this post-9/11 environment is urgently required and there is perhaps more discussion and action around this at the moment, including a slowly developing awareness at the ground level that everyday life for many people in Somalia is about navigating the multiple authorities that influence their life and livelihoods, and is not about taking sides in these bigger political contests.

Political and Programmatic Culture and Outcomes

From some perspectives, it is a relatively short timeframe within which to judge political 'progress' and state-building in Somalia. However, an argument can also be made that the political and governance culture that has evolved over the last decade will remain entrenched and extremely difficult to reverse if there is no pressure to change.

A recent commentary by one of the authors of this brief provides an example of the evolution of this political culture and its associated practices within the parliamentary system in Mogadishu, described as the 'taming of the Parliament'.¹⁰ Abdirahman's analysis highlights the tactics by which parliamentary processes have become captured and coopted by incumbent elites. Focusing on the control of bills and amendments in parliament and regarding elections themselves, he states that,

'By the end of [ex-President] Farmajo's term, the parliamentary and presidential election processes were largely under the full control of the FGS and FMS, rendering clans' participation irrelevant, and resulting in the (s)election of MPs with less experience and capacity, typically on the basis of their 'controllability'.

In this environment, MPs are not able to realise their role as an accountability mechanism to the executive, but rather 'cooperate or cower to the wishes of the ruling regime'.¹¹

This problematic governance culture extends to and incorporates different sectors and their associated aid programmes in similar but complex ways. The humanitarian sector, for example, has been going through a period of reckoning, with its internal incentive systems recognised to be just as much a part of the governance culture as the influence of the Somalia environment.¹² The development and security sectors can be seen in the same light.¹³

Evolution of Election Processes and Clan Participation

The Arta process in Djibouti in 2000 remains the basis on which Somalia's reconciliation and power-sharing arrangements were initially made, and which involved wide public participation; the 4.5 clan-based power-sharing model was developed here and representation through traditional systems initially, arguably, worked relatively well, although with significant limitations, as discussed by Somali Public Agenda recently.¹⁴ However, over time the federal and state level leaderships have corrupted the implementation of this model by restricting access to delegates, polling stations and the candidate registration process, in some extreme cases, even using the same set of delegates for the election of different seats.¹⁵

Traditional elders were made the pillar of the election system, initially responsible for selecting the members of parliament – representing each clan or sub-clan – by themselves. One of the problems with this system was that not all clans had traditional leaders, and those who did were experiencing legitimacy issues as the traditional leadership has suffered a prolonged period of challenge to its authorities; from colonial times, under the Siad Barre government to more recently.¹⁶

This has resulted in weakened traditional authority as well as multiple claims to the traditional leadership positions, i.e., elders. As part of this predicament, many politicians have created their own elders to serve their own interests. In addition, elders have been continually bribed and/or coerced to select a specific candidate. Cumulatively, this has led to a crisis of confidence in representation.

That said, measures have been introduced to at least notionally improve participation in elections over time. In 2016 for example,

- ▶ 51 delegates – selected by the traditional elder – were required in order to select the MP instead of the elder himself.
- ▶ All clans/sub-clans were consulted concerning their preferences for which FMS to join (for holding elections – many are dispersed over different FMS. The elections were taking place in the capitals of the FMS at this time).

- The FMS had their own election board as well as a share of/place on the national election board. They were also responsible for the security of the elections. Differences between the FMS were revealed at this stage as Jubbaland and Puntland had an independent security apparatus (from the FGS), unlike Galmudug, Hirshabelle and Southwest State. This meant that the FGS had limited influence in the state elections of Jubbaland and Puntland.
- 54 members of the Upper House were also introduced, the members being selected by the state legislator.

In all states the measures that were introduced to improve the election process were implemented in a way that made elections less relevant to the people, as the FMS colluded with the FGS to deny clans the ability to select their own delegates as well as limited the ability of candidates to access delegates and the polling stations.

In the following elections (2021) there were further measures adopted to, in principle, expand participation but, *crucially, without addressing the malpractices* that were developing:

- The number of delegates was doubled to 101.
- Another layer of selection was added by introducing a five-member committee that selected the delegates instead of one elder notionally expanding the selection process.¹⁷ This committee was appointed by the FMS, handing them more power, and negating the effect of this committee.
- A second voting location was added in each FMS, so that elections would take place in two cities in every state, a measure that was resisted by most of the state leaders since it weakened their grip on the election process.¹⁸

Regardless of these new measures, the underlying control of election-related practices has worsened by most accounts and this appears to have led to a sense of resignation and despair in many circles around the purpose of the elections. In fact, some clans have decided not to participate in elections at all, unmoved by the fact that someone will be chosen to represent them regardless.

Spaces of Resistance and Opportunity

While the previous sections of this brief provide a rather sobering – albeit realistic – picture of the political and governance culture in Somalia, there remain positive stories and opportunities for engagement. Within government itself, at the MP level and in senior positions, individuals with integrity and credibility continue to resist the transactional, exclusionary and short-termist practices they see around them – they were amongst the respondents that informed the 'taming of the parliament' analysis.¹⁹

At the clan level, there are sub-clans/lineages that can and do enforce more competitive election processes around MP selection and are able to resist the tactics and efforts of those in power. However, different clan entities have different abilities to resist powerful political elites. The following real (anonymized) example, provides an indication of how internal dynamics and spaces of resistance operate:

Resisting elite dominance – a vignette

A powerful political figure wanted to be elected as an MP in a recent election and did not want to take any chance of losing – he was willing to use his considerable finances and power to do this. Members of the clan to which he belonged, including traditional elders and influential members of his clan's diaspora, were against his candidacy as they could see his purely personal motivation. They wanted an 'honorable' process that could act as an example for other Somalis and insisted on two conditions:

- ▶ That the 101 voting families per MP should be free to s(-elect) whichever delegate they wished, who would then represent them in the election of their MP.
- ▶ In the polling station, anyone should be free to stand as a candidate (no candidate can be barred).

These conditions were rejected by the person in question as they did not serve his interests. In the event, a large number of the clan elite united against the political figure and used a variety of methods and resources to resist him. They also identified a credible candidate of their own whom they considered to be strong and difficult to bribe. The traditional elders of the clan worked hard to keep their members together while others used their political connections to reach out to people of influence, including members of the federal election board and other influential figures, both allies and opponents of the person in question.

The main problem the clan elites reportedly faced was a sense of apathy and resignation to the reality of how political power operates. The political figure in question paid the FMS leadership in the town where his seat's election was taking place, who then openly refused all the representations made by the resisting clan representatives, instead saying that they will do whatever he wishes.

Ultimately the person in question did not get re-elected. However, this was less to do with the resistance of clan members and their attempts to hold a more legitimate election, but due to control of the voting process by other powerful interest groups who opposed the person in question.

The New Election Bill

The new national electoral bill, in principle, represents a move away from the indirect model to direct one-person-one-vote (OPOV) electoral process. However, few analysts see it as a realistic alternative to a version of the current model, as explained by Glafpol:²⁰

Somalia's national electoral bill represents a significant effort to transition the country from its entrenched 4.5 clan-based power-sharing system to a more inclusive direct electoral process. While the bill aims to broaden citizen participation and introduce direct elections, its implementation faces significant challenges rooted in Somalia's political history and social structures. The proposed reforms must contend with long-standing clan loyalties, power dynamics, and political motivations that have shaped the country's governance for decades. These factors present serious obstacles, as the bill must navigate more than just technical and logistical concerns; it must also confront the deep-seated political realities that define Somalia's electoral landscape.

A recent commentary by the Heritage Institute raises further questions as to the motivation behind the OPOV system, stating that, 'However, despite its democratic appeal, many citizens and political actors remain skeptical of President Hassan Sheikh's intentions and his ability to fulfill the promise of OPOV ...'²¹

A more critical perspective would be that the election model has been deliberately chosen to be unimplementable and continues the practice of obfuscation and delay. It should be noted that Hassan Sheikh Mohamud (HSM) opposed the OPOV direction when it was mooted by ex-President Mohamed Abdullahi Mohamed 'Farmajo', as both he (and Farmajo) thought it would be his best chance of re-election. The boot seems to be on the other foot now.

Conclusion

Discussions concerning changing the election model in Somalia are, we argue, missing the point. There is scope for improving the implementation of the current model before introducing more complicated models that serve further delays and obfuscation. Current tensions between the Federal government and the FMS, led by Jubbaland, should also be interpreted carefully. In neither case are the incumbents interested in a more legitimate election process; they are both looking to control elections to enhance their chances of re-election.

As we have indicated, political elites have increased their ability to control and manipulate election processes, just as they have parliamentary processes. Some clan-based groups do attempt to resist these dynamics, with differing and limited degrees of success. International actors are inevitably associated with the government at its different levels and continue to demonstrate limited willingness or ability to resist these dynamics while continuing to support the government in other ways.

The post-9/11 environment in Somalia remains instructive, forcing many actors to play along with the state-building agenda, or risk ostracisation. It provides contradictory incentives with little space for more open and realistic discussions about Somalia's future trajectory.

A Way Forward – Engaging People, Changing the Timeframe, Exerting Pressure

Whether we like it or not, a clan-based form of representation and participation remains the most feasible basis upon which to conduct elections for the time being. We raise three points as suggestions for discussion and consideration, in order to influence current election dynamics:

- a) Let clan-based voting constituencies choose where to hold elections for their own seats.

Allowing clan constituencies to choose where to hold elections for each of their seats would limit the ability of government elites to control and manipulate the system – it would put the election process more in the hands of the people (via their respective voting groups).

- b) Extend the time between the election of MPs/Parliament and the election of the President.

Having a 'cooling off' period of, for example, one-year, between the election of MPs and the election of the President might create a space within which the parliament can mature and make it difficult for a Presidential candidate to maintain control.

- c) A stronger stance by the international community.

The international community is by association discredited in the public eye with these illegitimate election processes. A stronger stance, in public, would demonstrate to local populations that it sees the same issues that they do. It should explore what mechanisms it can use in this regard.

Endnotes

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- ⁹ Khalif Abdurahman discusses these two groups in an earlier blogpost for PeaceRep: <https://peacerep.org/2023/12/14/peace-and-reconciliation-in-somalia/>; See also Dan Maxwell and Nisar Majid. 2016. *Famine in Somalia: Competing Imperatives, Collective Failures, 2011-12*. London: Hurst.
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¹⁴ The origins of this formula are associated with the Sodere conference in Ethiopia (see: Somali Dialogue Platform and Somali Public Agenda. 2023. *The Role of Democratization and Governance in Somalia*. Policy Brief. Nairobi/Mogadishu. (https://www.ecoi.net/en/file/local/2092505Role+of+4.5+in+democratisation+and+governance+in+Somalia_EN_4.5_WEB.pdf)

¹⁵ There are known cases of where the same group of individuals 'change hats' and vote for different MPs (not from their clan).

¹⁶ Somali Dialogue Platform and Somali Public Agenda op.cit. ; Gundel, J. The Predicament of the "Oday". Danish Refugee Council and Oxfam Novib. (<https://cdn.logcluster.org/public/documents/Gundel-The%2520role%2520of%2520traditional%2520structures.pdf>)

¹⁷ The committee was made up of three elders and two civil society members, significantly expanding the numbers involved in selection, but ultimately to little effect.

¹⁸ There are several examples where, in states where there are powerful (well-armed) sub-clans, these groups were able to oppose the aims of the political elite to control elections by bringing clan forces to allow a more competitive vote to take place, or where the FMS President was forced to change the voting location to one he could more easily control.

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About Us

PeaceRep is a research consortium based at Edinburgh Law School. Our research is rethinking peace and transition processes in the light of changing conflict dynamics, changing demands of inclusion, and changes in patterns of global intervention in conflict and peace/mediation/transition management processes.

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PeaceRep is funded by UK International Development from the UK government.



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