

Political Dialogue in Somalia

Reaching consensus on elections during COVID-19

SOMALI DIALOGUE PLATFORM

Despite progress in some significant areas, Somalia's politics continue to be shaped by stark differences between key political players. This is most evident in the ongoing disagreement around one-person-one-vote (OPOV) elections, the framework for which is timetabled to be finalized by parliament in June. At the same time, the effects of the global COVID-19 pandemic have accentuated political uncertainty and threaten to exacerbate tensions. In this context, urgent political dialogue between key actors towards cooperation more broadly, and consensus on election design and implementation specifically, remains imperative. This briefing describes these unfolding dynamics, and offers some suggestions for Somali stakeholders, and international actors, on the way forward.

Changing political dynamics

The global COVID-19 pandemic and the spread of the disease in Somalia is significantly influencing the country's political trajectory. The outbreak has placed extreme pressure on state institutions, which have limited capacity and resources to respond. While there has been some notable cooperation between the Federal Government of Somalia (FGS) and Federal Member States (FMS), there are concerns that aspects of the response have become politicised. At the same time, the spread of the disease, in combination with restrictions on movement, has contributed to the shutdown of some crucial opportunities for much-needed dialogue between the FGS and FMS, particularly on the issue of elections.

The outbreak has also delayed the return of parliament, as well as the work of the joint parliamentary committee tasked with resolving outstanding issues related to the election law. This has had a critical effect on election planning, creating a sense of uncertainty amongst Somalis regarding the country's political trajectory as it heads towards the end of the parliamentary term on 27 December.

This new uncertainty is interacting with an already complex set of political dynamics nationally. On the one hand, the FGS reached a critical milestone on debt relief and made security gains in Lower Shebelle. Galmudug state saw moves towards peace and reconciliation after a fraught election in January, violence in February and years of political tensions. In Jubbaland, a new political agreement was also struck between the state administration and major opposition figures there.

On the other hand, military conflict and mobilization in Gedo has escalated, revealing the extent of antagonism between Jubbaland and the FGS. The rapprochement between the state administration and the opposition may also prove to be too narrow to enable an inclusive political settlement in the state, and may in fact exacerbate tensions with the FGS. Nonetheless, the calls for dialogue by Jubbaland's leadership offer a possible entry-point towards de-escalation.

The stand-off between Puntland and the FGS has also continued. Puntland held a consultative conference in Garowe, including a delegation from the FGS, which led to a proposed meeting between President Mohamed Abdullahi 'Farmaajo' and President Siciid Deni of Puntland. The meeting, however, did not take place, ostensibly due to the COVID-19 outbreak. This represents a major blow to advancing political consensus, especially as fundamental political differences remain regarding constitutional issues and the upcoming elections. The proposed meeting does, however, demonstrate that there is scope for talks, and the recent initiative put forward to build dialogue at a technical level may renew momentum towards rapprochement.

Tensions have also been raised in Mogadishu between the FGS and the opposition. This was most evident when opposition rhetoric against the current administration intersected with protests against heavy-handed police action to enforce a curfew, enacted as part of the COVID-19 response. There is a risk of further unrest in the capital as the country heads towards elections, especially if no lasting rapprochement is established between the opposition and the FGS. Spikes in localized clan conflicts in Kismayo and Wanlaweyn also demonstrate that local- and state-level political settlements remain fragile and combustible. The design of the current election model means that seats will be contested at a district level, posing the risk that local-level conflict dynamics, such as these, will be exacerbated as the electoral cycle advances.

Progress on elections

Amidst these complicated political dynamics, Somali institutions are continuing their efforts to deliver OPOV elections. The president signed the election law on 21 February, and since then a joint parliamentary committee has been constituted, making some progress on resolving outstanding issues in the law. The National Independent Electoral Commission (NIEC) has continued electoral preparations, including designing voter registration and coordinating with the National Electoral Security Task Force (NESTF) on electoral security. The NIEC has also provided technical support to the parliamentary committee.

This progress on technical and legal preparations has been severely hampered by the COVID-19 outbreak. The work of the parliamentary committee has been delayed—the committee is now set to complete its work by 6 June. All work, including crucial stakeholder consultations, is happening remotely. The delay to parliament’s return on 6 June will also setback the finalization of the legislative framework for elections. The NIEC, which was legally required to provide a presentation to parliament outlining an operational plan for election implementation by 27 May, has also had its presentation delayed by a month due to the delays to parliament re-convening. This puts further pressure on electoral timelines.

At the same time, there is no political agreement on the electoral model. Some Somali stakeholders argue that the electoral law has already been decided on through constitutionally mandated institutions. Whilst this may be correct, without buy-in from the FMS and the broader political elite, the election process runs the risk of lacking credibility and provoking conflict. Furthermore, though some argue that technical implementation of the elections should begin as soon as the legal framework is finalized, others are concerned that this risks exacerbating divisions and are calling for dialogue to resolve outstanding issues prior to implementation. Political dialogue aimed at reaching agreement on the elections thus remains critical, especially as the COVID-19 outbreak may require Somalis to agree alternative scenarios if elections are not possible before the end of the parliamentary term.

Somali elites have put forward a number of conflicting scenarios for what might happen if elections are not possible before 27 December:

1. A two-year extension of the current government and parliament to allow time for election implementation and resolution of other critical issues.
2. The establishment of some form of government of national unity to achieve the same end.
3. A short technical extension to allow for completion of OPOV elections.
4. A timely indirect election process.
5. Re-election of the national leadership (president, prime minister, leadership of parliament).

Each of these options is controversial, and major political differences exist concerning which is preferable. If any version of these options is pursued without sufficient political buy-in, there is a considerable risk of conflict.

Major differences of opinion also persist regarding the substance of the electoral model as outlined in the electoral law. The discussion on constituency definition and seat allocation process remains fraught due to the complex intersection of geography and clan-based representation in the proposed model. At the

same time, Puntland and Jubbaland remain wary of the model due to the fact it may institutionalize the 4.5 power-sharing system, which they feel is not compatible with universal suffrage and underrepresents their core constituencies. There is, further, a critical tension regarding which and how many seats should be voted on in Mogadishu, with some actors seeking to maximize the number of seats voted on in the city, and others pursuing the opposite objective.

Differences also remain regarding voting for Somaliland seats, and the allocation of seats and voting in the Upper House, though these issues are less contentious. Additionally, though nominal support exists for protecting women's representation, there is a lack of clarity on how this can be achieved without upsetting the clan power-sharing system, which the current election model upholds.

Another key area of difference relates to election management, with Jubbaland and Puntland continuing to reject the legitimacy of the NIEC, despite its legal mandate, and instead calling for their own state-level electoral commissions to be involved in election implementation. The FGS firmly rejects this option. Some form of agreement will need to be reached on electoral management if federal elections are to take place in these states.

Finally, an overlooked issue in election implementation is political party formation. Both the FGS and FMS have limited the operation of political parties in their respective jurisdictions, stalling their development and undermining progress towards elections.

Policy considerations

Advancing political dialogue

To advance much-needed political dialogue, Somali stakeholders and international actors should:

1. *Emphasize the importance of cooperating in the face of the national crisis provoked by COVID-19.* An effective response to a crisis that will affect the health, livelihoods and security of Somalis requires cooperation at the highest level, especially between the FGS and FMS. A vital first step could be a commitment to avoid the politicisation of aid. Building dialogue around COVID-19 can also lay the groundwork for further discussions on contentious issues related to the elections.
2. *Build widespread consensus on any transitional arrangement required to account for the impact of COVID-19 on election planning and timelines.* Somalis from different political groups should discuss the range of options outlined above and identify a suitable compromise. Any decision taken without buy-in will lead to a rapid escalation of conflict risk. Taking this step should not exclude the possibility of holding OPOV elections, provided that any extension required to implement such a process gains sufficient political buy-in.
3. *Use the political opening in Jubbaland as a stepping-stone to opening talks between the FGS and Jubbaland.* This can, in parallel, work to widen the political settlement within Jubbaland. Working with key regional players—Kenya and Ethiopia—will be critical to bringing the two sides to the table in what is a heavily regionalized conflict. If the situation in Gedo is not resolved, broader political dialogue on political transition will be challenging.
4. *Reinvigorate the momentum gained on thawing Puntland and FGS relations.* The prospect of a Farmaajo–Deni meeting should be rekindled as part of the new initiative toward dialogue at the technical level. It may be valuable to have discussions between key advisers and ministers before escalating to a meeting of the executives. The FGS delegation sent to Puntland as part of the Garowe conference, can also function as a bridge between the two sides.

Protecting progress towards OPOV elections

Most political actors in Somalia agree that OPOV elections are, in principle, desirable, and it remains technically feasible to conduct OPOV elections in the near future. The following policy considerations are

directed towards increasing the likelihood that political dialogue results in a scenario where credible and peaceful OPOV elections can take place.

1. *Facilitate the NIEC and the parliamentary committee in advancing contentious issues and developing a viable plan for election implementation.* In particular, political outreach to key stakeholders, such as Jubbaland and Puntland, will be key to maintaining legitimacy. The NIEC must be supported in presenting a feasible operational plan to parliament, based on the realities of implementing an election during COVID-19, perhaps drawing from wider public health and elections expertise.
2. *Ensure political dialogue resolves contentious issues before implementation begins.* Political dialogue remains essential to OPOV elections taking place and avoiding a divisive scenario in which an election is only implemented in FGS-aligned areas. Such dialogue will need to persuade Puntland and Jubbaland to participate in an election based on the 4.5 system, perhaps by agreeing that this is a transitional one-off process. There will also need to be political agreement on contentious issues—such as seat allocation and the representation of Banadir—before implementation can begin, making such dialogue critically urgent.
3. *Establish consensus on electoral management.* The priority should be supporting the NIEC in its political outreach to FMS in order to build trust and demonstrate credibility. The electoral management approach may also need to be adjusted to ensure buy-in.
4. *Enable political associations to begin operating and ensure the political party law is amended.* All authorities—both the FGS and FMS—should allow temporary political associations to operate without restrictions so they can begin fulfilling the criteria for registering as fully-fledged political parties. Ensuring the amendment to the political party law is fast-tracked in parliament is also critical.
5. *Anticipate and prevent localized conflict risk.* Interventions and early-warning mechanisms should be developed to facilitate swift responses to emerging conflicts provoked by election implementation. This may include reconciliation activities prior to campaigning, as well as capacity-building of local-level peace infrastructure with a view to managing post-election conflict.

Credits

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