

Somalia's 2021-22 Political Transition

Lessons learned for
future democratization

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1. Introduction

Since 2012, when the internationally recognized Federal Government of Somalia (FGS) replaced the Transitional Federal Government (TFG), Somalia has sought to expand its process for selecting its leaders towards more democratic forms. So far, progress towards universal suffrage has been limited, whilst electoral processes have become serious conflict flashpoints, distracting from other core state-building and development tasks.

Amidst a challenging context, the selection of political representatives and leaders for the FGS has repeatedly involved indirect mechanisms, as opposed to 'one-person-one-vote' (OPOV) elections, using the 4.5 formula of clan representation that the FGS inherited from the TFG. In 2012, 135 elders selected 275 MPs, who in turn elected Hassan Sheikh Mohamud as President. While OPOV elections were part of the internationally backed 'Vision 2016' transition framework for the FGS under Hassan Sheikh's administration, these ultimately proved unfeasible. Instead, President Mohamed Abdullahi Mohamed 'Farmajo' was elected in 2017 by MPs who had been selected via an indirect electoral mechanism involving clan elders and electoral delegates across every federal member state. Around 14,000 people participated in the 2016/2017 process, which was characterized by significant levels of vote buying and political interference.

After the peaceful transfer of power to President Farmajo, hopes were again raised at the prospect of conducting OPOV elections for the first time in post state-collapse Somalia. However, a significant expansion in the election model was ultimately unsuccessful. Instead, disagreements around the electoral process led to heightened political instability and conflict. When an election model was finally implemented, despite improvements on paper, it was subject to the same criticisms as the previous process. The start of a new political cycle with the election of Hassan Sheikh for a second term as President therefore presents an opportunity to reflect on this most recent process to avoid further conflict around elections and consider opportunities for expanding political participation going forward.

In this vein, this paper presents a series of lessons identified from the delayed and protracted indirect elections for Somalia's Federal Parliament and Presidency that took place between 2021-2022. The paper is intended to inform dialogue among Somali political actors and the wider public on how the next political transition could be undertaken in a way that minimises conflict, increases free and fair competition and maximizes public representation. This paper is based on:

- A review and synthesis of the Platform's extensive analyses of the election process.
- A summary and analysis of publicly available election data collated on the process and analysed by the Platform.

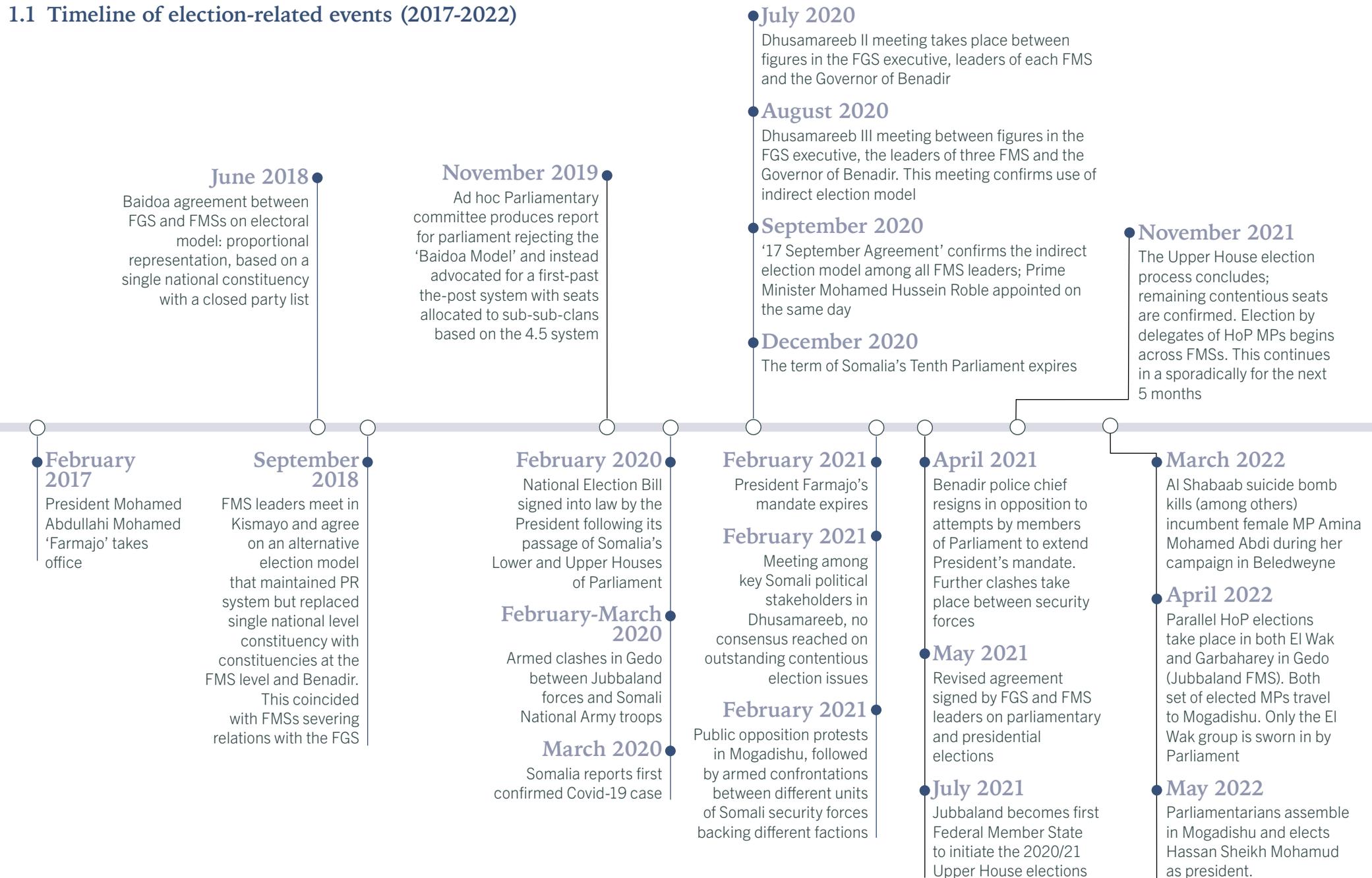
- Data on citizen perspectives from interactive radio debates and town-hall meetings/focus groups supported by the Platform and facilitated by the Somalia Non-State Actors Association (SONSA) and the Puntland Development and Research Centre (PDRC) in cities across the Federal Member States (FMS).

The paper presents lessons from how the election modality for 2021/22 was eventually agreed through a political process; how it came to be implemented through the multiple stages of indirect elections; and finally, how this was perceived by the Somali public.

Overall, the analysis demonstrates that the recent elections were Somalia's most flawed and destabilizing since the FGS was established in 2012. Whilst the successful conclusion in May 2022 and the transfer of power to a new president has brought some sense of renewed stability to the country, this analysis seeks to encourage reflection amongst Somali stakeholders on how to avoid similar patterns of delays, instances of armed conflict, and political interference. Lessons from this analysis for political transition and democratization going forward can be summarized:

- Agreeing a more inclusive electoral model in Somalia was fundamentally a *political* challenge, which requires significant political dialogue and elite alignment to achieve – the quality of the process is therefore most likely to be determined by the consensus around the process, rather than the specific model chosen.
- Political factions will use different (and competing) institutional forums to push separate agendas.
- The 2021-22 indirect mechanism for electing Upper House MPs through FMS legislatures gave significant power to FMS executives to either control election outcomes, or in fewer cases, make the process more open and competitive.
- Each phase of the House of the People elections represented new opportunities for FGS and FMS leaders to influence immediate outcomes, with a wider objective in mind – the election of the next federal president.
- Expanding the field of clan authorities participating in the indirect electoral process led to greater confusion and controversy over the legitimacy of elders vis-à-vis particular clans/sub-clans, increasing the scope for elite manipulation.
- Regulation and provisions designed to increase female participation and representation within the electoral process failed to achieve the agreed 30 per cent quota and were exploited by elites for their own political motives.
- The indirect election model encourages political actors to focus from the start on the 'end game' of selecting the President, further detaching candidates competing for parliamentary seats from local issues and representing specific constituencies.
- The 2021-22 electoral process was not seen to benefit ordinary people, and many felt that the elections heightened tensions and distracted political attention away from other pressing issues.
- Political parties played no formal role across the entire election process. Rather than simply being seen as a pre-requisite for one-person-one-vote elections, further developing and formalizing Somalia's political party system could have had a positive impact on the indirect process.

1.1 Timeline of election-related events (2017-2022)



2. Key lessons learned

2.1 Expanding democratization in Somalia is a *serious political challenge*, which must accommodate a range of competing interests and overcome significant contentious issues

The legislative and political process that established an indirect model for Somalia's 2021/22 elections was protracted and acrimonious. Different political groups promoted contrasting electoral modalities that were seen as either favouring their own interests in re-election or damaging the chances of their opponents. At the same time, any process to agree on an election model had to reach consensus on handling some extremely challenging issues, such as the lack of clarity on the status of Mogadishu, or al-Shabaab's continued influence across significant swathes of territory.

The legislative and political process for agreeing the 2021/22 election model failed to overcome these challenges and produce a fully articulated model of universal suffrage with sufficient consensus. Instead, key details of electoral design were sidestepped or left incomplete, including the definition of constituencies, and the formalization of political parties. The importance of early, collaborative and inclusive political dialogue that can address contentious issues necessary for election design and enable elite consensus should therefore be considered paramount in the next political cycle.

At each stage of the process, the serious political challenges to advancing democratization, whether competing short-term interests, or longer-term contentious issues, were clear. On coming to power in 2017, President Farmajo's administration was potentially better placed to build on the expanded suffrage achieved in 2016, and certain milestones towards democratization reached by the previous administration. These included establishing the National Independent Electoral Commission (NIEC) in 2015, and passing the Political Parties Law in 2016, enabling the registration of temporary political associations. However, early in Farmajo's term, several other relevant steps were not achieved, including establishment of a constitutional court and completion of the constitutional review by 2018, relations between the FMS and the FGS had deteriorated, partly due to the alignment of different Somali actors in relation to the Gulf Cooperation Council (GCC) split. In addition, the security situation had not improved significantly.

In this context, considerations of election design and implementation became highly politicized, with different political groups advocating for models that served their interests or ideological approaches. In August 2017, through an informal (technical) electoral taskforce that it set up, the government began working on developing the modality for the next elections. The taskforce proposed a proportional representation model involving a single national constituency and a closed party list. In part, this was a pragmatic effort to deal with challenges around constituency definition, the lack of clarity of the status of Mogadishu, and al-Shabaab's continued control of territory. The taskforce was then expanded to the FMSs and became the Federal Negotiation Technical Committee (FNTC), which worked to support agreement between

FGS and FMS on the election model and other issues. The proportional representation model was initially accepted by all FMS leaders in Baidoa in June 2018. However, amidst rising centre-periphery tensions, they soon withdrew their support and subsequently agreed on an alternative model that maintained the PR system, but involved constituencies at the FMS level, as well as Benadir, thereby giving the FMSs greater control and certainty around the process.

Despite the lack of agreement, the informal electoral taskforce began drafting an election bill in the second half of 2018, based on the Baidoa agreement, and in May 2019, the cabinet approved a draft bill for parliament to review. The bill was based on the Baidoa Model, but with two controversial changes: Article 12 stipulated the direct election of the President of Somalia, while a new Article (56) allowed for an undefined term extension for both the president and parliament in the event of 'national crisis'. These changes attracted speculation that the government's focus on OPOV elections was in fact an effort to trigger a term extension and led to a further politicization of the issue.

The bill was approved by the cabinet and was tabled in the House of the People (HoP), which then took a different approach focused on maintaining the 4.5 system and protecting the positions of parliamentarians. In November 2019, an ad-hoc parliamentary review committee, established earlier in the year, produced a report for Parliament that rejected the Baidoa Model and instead proposed a first-past-the-post system (FPTP) with seats allocated to sub-sub-clans based on the 4.5 system. This committee also suggested removing the clause specifying the President's direct election and adjusted the extension clause to refer only to Parliament. By February 2020, the National Election Bill, which largely followed the recommendations of the ad-hoc parliamentary committee, had cleared both houses of Parliament and had been signed into law by the President. The version of the bill that was passed, however, proposed a complex combination of OPOV with (formalized) elements of clan-based representation, lacked clarity on key points, and presented multiple technical and administrative challenges. This invited observations that the bill was intended to scupper, rather than support, implementation of OPOV, either leading to a term-extension or a reversion to an indirect election model, which many parliamentarians preferred.

The challenges inherent in the bill were not just the result of short-term political interests – they also represented a series of quandaries making agreement on electoral design extremely challenging, especially relating to constituency definition, and transition away from a clan-based system. The bill left constituency definition and the geographical unit for representation (states, regions, or districts) undetermined. The pre-1991 administrative boundaries are heavily politicized, and many new districts have been unofficially established since then. This is further complicated by the fact that the status of Mogadishu remains unclear – whether as a capital city, region or FMS. Additional agreement would also have been needed on electoral management in areas controlled by the Somaliland Government and Al-Shabaab. Moreover, the bill was unclear on the process for electing representatives from Somaliland, who, although forming a significant bloc in parliament have limited access to (or legitimacy) in the geographical constituencies they are supposed to represent.

The bill received widespread support in Parliament, despite these complexities and ambiguities, as it was seen as more amenable to MPs interests, either triggering seat extensions, leading to a reversion to an indirect election model they were more familiar with, or at the very least bringing about an election that would be based on the 4.5 system from which they had benefitted. The reaction amongst the FMS however, ultimately led to the failure of the bill. Most notably, Puntland and Jubbaland continued to resist efforts to implement OPOV elections, favouring an indirect model over which they had more control, and which would undermine President Farmajo's re-election

bid. Other FMS leaders, despite closer alignment with President Farmajo, also had sympathies towards an indirect election model. Moreover, the bill mandated the NIEC to manage election implementation, which the FGS regarded as the only viable option, whilst Puntland and Jubbaland advocated for their own electoral management bodies to play a role, giving them more control and assuaging fears of interference from Mogadishu. Even amongst parliamentarians who had voted for the bill, many argued that although the legislation was suitable for defining the process for elections in general, an alternative would still have to be sought for 2020/21. Some even speculated that the bill was purposefully designed to lack procedural clarity with the intent of forcing the use of an alternative (indirect) process, or even require an extension of parliament, to the benefit of sitting MPs.

This political deadlock was exacerbated when Covid-19 struck in early 2020, further hampering preparations for OPOV elections. The suggested electoral timelines, already ambitious, stipulated that elections would conclude before the end of Parliament's term on 27 December 2021, and even a delay of a few months in starting voter registration would have required a technical extension of its current term. At this point, then, despite the passage of electoral legislation, it was becoming clear that a sufficient political consensus had not yet emerged to expand suffrage in Somalia, and that time may have run out to achieve this. Indeed, from this point on the conversation increasingly turned to agreeing on an indirect election modality.

2.2 In Somalia's institutional context, negotiations over the election modality became fragmented between an extra-constitutional FGS-FMS dialogue and a parliamentary process

Throughout, the political process to agree election design was frequently contested between different institutions, rather than being created deliberately by an inclusive range of relevant actors. Initial efforts by the FGS and FMS executives through the FNTC and the Baidoa agreement in 2018 were ultimately fruitless as parliamentarians – bypassed in these earlier efforts – took a radically different approach. Subsequently, there was confusion around how a political dialogue between the FGS and FMS should relate to the legislative process in parliament, with different actors seeking to emphasize one of these processes over the other to gain influence. Following the signing of the electoral law in February 2020, the HoP leadership continued to support the President's agenda to pass the regulations recommended by the Joint Parliamentary Committee on several contentious areas in the elections law, whereas the Upper House – more aligned with the FMS leaderships – appeared to attempt to stall this process, calling for urgent dialogue with the FMS before the NIEC presented its operational plan for elections. In this context, there was no single forum for national discussion, and ultimately the parliamentary process to confirm the electoral modality failed. Subsequent meetings in Dhusamareeb signaled a return to the FGS-FMS dialogue that bypassed Parliament. However, the House of the People's vote of no confidence in Prime Minister Hassan Ali Khaire in late July following the second Dhusamareeb conference, could be seen as an effort by the President to re-assert control over the election debate by using parliament.

By August 2020, the FGS-FMS dialogue process gradually became the main centre of attention again. An agreement reached that month at the third Dhusamareeb meeting, between key figures in the executive, the leaders of three FMS and the Governor of Benadir, led to agreement on an indirect election model, with some notable changes from 2016/17, such as an increase in the number of election locations and delegates. An important compromise agreement was reached a month later with the '17 September Agreement', which confirmed the indirect election model and achieved elite consensus across the FMSs, whereby the number of electoral delegates per

seat was changed to 101 and delegates would vote in 2 locations per FMS. The 101 delegates for each of the 275 HoP seats would all be from the clan/sub-clan that the seat was already allocated to, and at least 30 per cent would be women. The agreement eliminated the NIEC's role, instead stipulating that a two-tiered election management system would be used: a Federal Election Implementation Team (FEIT) that would oversee the national process, while State Election Implementation Teams (SEITs) would be responsible at FMS level for implementing the elections, including verifying delegate lists and managing the voting itself. This gave more influence to FMS level actors and helped ensure Jubbaland and Puntland's buy-in. There was also agreement in principle for an Electoral Dispute Resolution Commission (EDRC) to be formed.

However, implementation of the agreement would then prove challenging, with contention growing around appointments to the election management bodies, continued tensions over the prospects of voting in Garbaharey, and the process of managing the election of Upper House seats.¹ The failure of the Dhusamareb IV conference in early February 2021, led to a final attempt by President Farmajo to re-assert his authority by organizing a vote in parliament in April to extend his term for two years to deliver OPOV elections. It was only after the 27 May agreement between the FGS and FMS, that the supremacy of this forum for negotiations around the elections was confirmed.

2.2 Agreeing and implementing elections can be major flashpoints for political instability and conflict

The process of trying to agree an election led to perhaps the most acute political crisis in recent Somali history, that threatened to return the country to major armed confrontation. From December 2020 through January 2021, consensus between Somalia's elite stakeholders on the electoral process grew increasingly elusive, and progress stalled despite efforts to renew dialogue, de-escalate tensions, and seek compromise. The tenth Parliamentary term expired at the end of December 2020.² However, there was no way to proceed with election implementation as Puntland and Jubbaland withheld their nominations for the FEIT and maintained that establishing their SEITs was contingent on the withdrawal of FGS-aligned troops from Gedo, which hampered the start of the selection process. Contention also remained around the composition of the SEIT for Somaliland.

Amidst increasing acrimony, Somalia's main political leaders met in early February 2021 in Dhusamareb in an unsuccessful effort to resolve the deadlock. This led to the passing of the 8 February deadline and the formal end of President Farmajo's term without a clear way forward and the legal status of the FGS open to interpretation and politicization. Following the expiry of Farmajo's mandate, members of the Council of Presidential Candidates (CPC) began to mobilize to challenge the legitimacy of the government. Despite this tension, efforts were made to salvage the process. A technical committee that the CPC had appointed and tasked with resolving remaining contentious issues – including the composition of electoral implementation bodies, the Gedo elections, and the process for selecting Somaliland's seats – did meet in Baidoa.

Despite the progress being made, the Baidoa meeting coincided with CPC preparations for a demonstration in Mogadishu against the President, which came alongside the first major flashpoint around the process. The day before this was scheduled, a confrontation between forces loyal to Yusuf Mohamed

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1. The fact that Prime Minister Mohamed Hussein Roble was appointed by the President on the same day as the 17 September Agreement was interpreted by many as a sign of Farmajo's attempts to dominate negotiations through installing a PM who it was (initially) assumed would be compliant with his agenda.
 2. MPs had, however, already approved their own extension until the eleventh parliament was appointed, albeit with questionable legal authority.

Siad 'Indha'Adde' and FGS forces led to violence in central Mogadishu. Conflict re-erupted the next day during the demonstration led by opposition figures, ruining any chance of the agreements reached by the technical committee being endorsed.

By late April, Somalia came close to another serious armed confrontation in Mogadishu as security forces split along political lines following President Farmajo's efforts to engineer an extension to his term. An abortive attempt was made by some HoP MPs to approve this and for direct elections to be held within two years. Previously, loyal members of the security forces came out in opposition and were dismissed by Villa Somalia. Protests held on the nights of 16 and 17 April turned violent when troops aligned with opposition figures clashed with forces supporting the FGS. On 25 April, attacks by pro-FGS forces on the residences of two Presidential candidates in eastern Mogadishu led to the mobilization of more opposition-aligned troops from nearby regions and the fighting spread to southern and western Mogadishu. At this point, Somalia's post-2012 federal political settlement was in the greatest danger of collapsing into all-out conflict, and the situation only returned from the brink when almost all domestic constituencies declared their opposition to extending Farmajo's term, including FMS leaders previously aligned with the President. Villa Somalia had also failed to secure international support from the African Union and faced diminishing financial resources. By the beginning of May Farmajo requested the HoP to repeal the previously voted on extension and announced that the Prime Minister would henceforth lead on the electoral process.

Following the de-escalation of tensions that this enabled, a new meeting of leaders was called, and on 27 May 2021 a revised political agreement on elections brokered by PM Roble was signed, ending the months-long dispute over implementing the 17 September agreement. While this new agreement was built on the 17 September one, it also incorporated some of the more recent recommendations made by the Baidoa technical committee. As before, there remained aspects of implementation that required further clarification, such as the delegate selection process, the electoral security arrangement, and the women's quota. Also uncertain were the prospects of reconciliation and the holding of elections in Gedo. Nonetheless, it was the 27 May agreement that would finally enable the indirect electoral process to move forward.

2.3 The quality of Upper House Elections was determined by FMS leaders

The electoral model for selecting MPs for the Upper House of Parliament involved FMS presidents nominating candidates, who were then voted on by members of the FMS' legislatures. This indirect mechanism gave significant power to FMS executives to handpick senators, however, in a small number of cases, FMS leadership used this power to make the process more open and competitive. Characterized by high levels of elite manipulation and simulated electoral competition, the implementation of the Upper House process gave an early indication of how the elections for members of the House of the People would subsequently play out.

Upper House elections began in Jubbaland in July 2021. In most cases FMS leaders were able to use their power to ensure close allies won seats in the Upper Houses. In some cases, this involved effectively blocking prospective candidates from registering to compete, but in most cases, it meant FMS executives and legislatures agreeing victors before the process, along with a commensurate price for votes. Although the process for the Upper House election was meant to ensure each seat had at least two competitors, the practice whereby a placeholder candidate (malxiis, 'best man') withdrew just

before the vote was widespread. In many cases, preferred candidates won with large majorities.

In the case of the Upper House Seats from Somaliland, influence was split between different political groups allowing for some greater competition around a few seats. Hirshabelle was also a slight outlier in this regard and showed that with sufficient political will, there could be an open contest based on the model agreed. President Guudlaawe declared to the State Assembly that the Upper House elections would be open to a broader range of candidates than had occurred elsewhere. The FMS President released a list of 33 candidates for the Upper House on 8 September and the contest continued until early October. Although this was the most open FMS Upper House appointment process, it also reportedly involved the most money changing hands, with multiple complaints and irregularities recorded.

2.4 Ad-hoc electoral management bodies (EMBs) were easily politicized

The bodies mandated to manage the 2021-22 election were either used as vehicles for political elites to handpick candidates aligned with their interests (SEITs) or were left functionally toothless (FEIT and EDRC). SEITs were overwhelmingly led by and composed of allies of their respective FMS executives. With regards to dispute resolution, only listed candidates could bring complaints which prevented the EDRC challenging malpractices at the early stages of the electoral process, such as the alleged blocking of specific individuals from registering their candidacy for seats. Later on in the process, the EDRC's ineffectiveness meant that any major dispute had to be escalated and resolved via elite political discussions, heightening the politicization of the process.

The role of the EMBs was shaped by the specific political dynamics of the time. Compared to the similar process in 2016/2017, FMS administrations had become a more established presence in the political landscape and were more polarized in their positions towards the FGS leadership, increasing their interference in the process. Indeed, as the guidelines and timelines put out by the FEIT were repeatedly ignored, its role in the HoP electoral process grew increasingly limited. The SEITs, largely under the control of FMS leaders, and subjected to less scrutiny than the FEIT, assumed leading roles in manipulating the HoP elections. The loyalty of most, if not all SEIT chairs and power brokers, to their respective FMS presidents was widely recognized. The SEITs for Somaliland and Benadir were configured differently, which was not surprising given their ambiguous positions within the federal system, giving greater scope for FGS actors to manipulate their electoral processes. Control of the Somaliland SEIT was particularly strongly contested.

In the absence of an institution with greater judicial legitimacy, the EDRC was intended to determine whether election rules had been broken and the results should be invalidated. Despite overwhelming evidence of rule breaking, no results were overturned, and the EDRC appeared to largely legitimize the heavily manipulated processes. A change of EDRC leadership in January 2022 made little difference to its approach. The EDRC initially received complaints against, investigated, and ultimately cleared six candidates, including the seats contested by the Deputy Prime Minister and the acting Director of the National Intelligence and Security Agency (NISA). According to the EDRC's procedures, however, only candidates or delegates were eligible to submit complaints, and only after paying a fee of USD 3,000. The eligibility clause prevented many aspiring but allegedly blocked candidates from submitting

complaints and, as the EDRC had dismissed all cases submitted to it, the fee disincentivized complaints from those who were eligible to lodge them.³

2.5 An expansion of the number of traditional authorities in the process coincided with an increasing lack of legitimacy of their role.

In the 2021-22 election model, candidates for each HoP seat were voted for by a set of 101 delegates, who had been selected by a 5-person committee, 3 of which (in theory) were to be elders from the clan the seat was allocated to. A lesson identified from this process is that expanding the field of clan authorities participating in the indirect electoral process, compared to the 2012 and 2016 processes, led to greater confusion and controversy over the legitimacy of elders vis-à-vis particular clans or sub-clans. It also increased the scope for political interference in the process.

In 2012 a list of 135 'traditional elders' was tasked with appointing 275 Members of Parliament (MPs). Although limited and flawed, the selection of the 135 elders followed the 4.5 formula and was widely accepted at the time. In 2016, a slightly revised group of 135 elders — with some of the original members having passed away and a few contested replacements being made by political leaders at the time — were tasked with selecting the 51 clan delegates (per seat) who would elect a candidate.

This '135 elders' institution was abandoned for the 2021/22 elections, and the number of delegates tasked with electing parliamentarians was increased to 101 per seat. According to an agreement reached in August 2021, delegates would be selected by a 'delegate selection committee' comprised of at least three 'elders' and two 'civil society' representatives from the same sub-clan as the contenders for the seat. When the HoP election process began in November 2021, delegate selection committees had not been publicly disclosed, and 24 MPs — from Galmudug, Somaliland, and South West — won their seats during this period. Following the National Consultative Council (NCC) meeting in January between the PM, FMS Presidents, and the Mayor of Mogadishu, SEITs were required to publish delegate selection committee appointments, adding some nominal transparency. However, although the letters appointing delegate selection committees were signed by the SEIT chairs, it was never clear who was responsible for selecting members, or the criteria used to select them.

Recognition of elders' status and eligibility to represent clans in the elections was also transferred to the SEITs, further empowering FMS leaders to dominate the process and appoint loyalists. More than 630 elders participated as members of delegate selection committees, of whom only 10 (≈1.6 per cent) could be identified as having been among the '135 elders' who participated in either the 2012 and/or 2016 elections.⁴ The definition, role, and titles for those considered clan elders varies considerably both between clans and across geographical regions. Hierarchies exist among elders that differentiate between those representing entire clans to those representing the lowest level of sub-clan allegiance, the *diya/mag* (compensation) paying group. A significant majority of the more than 630 elders involved in the delegate selection committees were best described as *nabadoon* ('peace-seeker'), a term which has historically been used to describe the lowest level of elders. Opening the process up to these elders, in contrast to the earlier list of 135 who held more senior positions within the clan hierarchy, ensured a far broader field of selection, but arguably reduced its legitimacy. The inclusion of representatives of 'civil society' in the delegate selection committees, without

3. At the end of March 2022, the EDRC disseminated a list of a further five cases that were either dismissed without investigation, considered invalid, or apparently withdrawn by the complainants.

4. However, more than 40 may have been 'recycled' for 2 to 3 different delegate selection committees.

a clear definition of what that constituted, further ensured a wide recruitment pool.⁵

Indeed, the Platform identified many instances in which the role of traditional authorities was hotly contested. In several instances, communities argued that the elders sitting on the delegate selection committee assigned to their seat were not legitimate, and it appeared that those wielding political influence were able to select 'elders' that were amenable to their interests. In some cases, elders deemed hostile to administrations were maneuvered out positions well before the elections took place. There were also cases of FMS leaders cutting deals with elders in order to influence electoral outcomes. The incorporation of the delegate selection committees into the process therefore provided ample opportunities for leaders to appoint favourable individuals, while also limiting their accountability to the broader clan. As a result, while the expansion of individuals who would qualify to be selected as delegates could be seen as making the process more inclusive, it also created greater opportunities for manipulation by political elites.

2.6 A lack of transparency in selection and management of delegates led to deviations or perceived deviations from the rules

With the number of delegates for each of the 275 seats increasing from 51 to 101, the 2021-22 election doubled the number of people casting votes in comparison to the 2016 process. The recycling of delegates for multiple seats, however, meant that the number of people actually voting was undoubtedly smaller. In addition, their appointment was characterized by a lack of transparency and limited accountability. Furthermore, the conduct of the elections suggests that increasing the number of delegates did not reduce levels of vote buying, rather, it simply increased the number of people who expected to be paid.

Photos taken during the elections and posted on SEITs social media pages show a mix of men and women of varying ages being registered as delegates, including some who appeared under-aged. As with the 2016 elections, the identity of delegates was not made public, and security concerns arguably justified this. Both the SEITs and FMS security forces were required to vet all members, ostensibly to ensure that delegates were not associated with extremist groups or had a criminal record. However, the availability and accuracy of cross-referencing systems to check such records in Somalia are extremely limited. Furthermore, allegations that delegates were often rotated and recycled for multiple seats on certain days were supported by images uploaded by the SEITs. Sources directly involved in the processes acknowledged that during the contests for their clan's seats at least some delegates would change clothes and switch places, receiving separate payments for each contest they were involved in.

2.7 The majority of MP elections were pre-determined outcomes, limiting open competition

The final phase of the HoP election process was characterized by efforts to mimic genuine competition for a large number of seats, which often failed to mask what were pre-determined outcomes. A key lesson is that the protracted elections process across the FMS created opportunities for significant manipulation. The elections took place in a piecemeal and sporadic fashion between November 2021 and April 2022. This fragmented scheduling enabled all political actors — the FGS and FMS leadership and both presidential and

5. FEIT guidance from August 2021 had referred to individuals 'such as scholars, business people, teachers, doctors, aid workers and people with special needs'.

parliamentary candidates — to monitor the process in slow motion, learn from their counterparts' victories and failures, and more effectively choreograph subsequent contests. Not surprisingly, political interference played a large part in determining the results for most of the seats. The introduction of a second voting location for each FMS created opportunities for greater open competition in some places, or further destabilized an already fragmented process in others. The protracted timeline also served to test the patience of international partners who were providing funding to support the process and were desperate for it to reach a conclusion. Unfortunately, international partners' impatience at how long the process was taking also increased their tolerance of subversive tactics and willingness to overlook the failure to meet the 30 per cent women's quota.

An analysis of the available data on election results clearly shows a pattern where competition was extremely limited and managed around most election seats. Complaints were made on multiple occasions that individuals, including incumbents, were blocked from registering as candidates with reports that some were physically prevented from travelling to the election site when registration opened. An estimated 94 per cent of seats were contested by just two candidates, and for at least 83 of the 238 seats contested by just 2 people, a candidate withdrew before voting could begin, despite having presumably paid the registration fee. This meant around one third of seats were completely uncontested. This strategy was prevalent for the Somaliland elections where almost 70 per cent of the seats were won following candidate withdrawals. The winning margin for seats with two candidates was also high, suggesting that results were already agreed beforehand. Of the 117 seats contested by two candidates, and for which sufficient information was provided, the victors won an average of 82.9 per cent of the votes, and 24 seats were won with a margin of 90 per cent or above. The average winning margin for all 194 seats, for which sufficient information was provided, was 86.7 per cent, with at least 71 candidates winning more than 96 per cent of the votes, and 36 candidates winning 100 per cent. One explanation for the high rate of candidate withdrawals and high winning margins for many seats was the widespread use of placeholder malxiis candidates, a practice used during the 2016/17 elections, revived for the 2021 Upper House elections, and then expanded for the HoP elections.

Another important lesson from the implementation of the process is the need for a standardized format for the SEITs/FEIT to report electoral information and results. The varying ways in which results were reported reflected irregularities in the process, both across different SEITs and even between different seats elected in the same place on the same day. Full results, including the number of votes cast, the number of votes received by victors, and the number of lost/spoilt ballots, were provided for only 70.5 per cent of the 275 seats, while for 22.5 per cent of the seats, only the victor's name was announced and for 6.5 per cent of the seats only the number of votes received by the victor was reported.

2.8 Some limited space for open contestation

While the outcomes of delegate votes were effectively predetermined by political interference in the majority of seat races, there was also evidence that for about 16 seats, the competition was genuine and open: 11 in Hirshabelle, 3 in Galmudug, and 2 of the Somaliland seats voted on in Mogadishu. These seats were contested by at least two candidates, the winning margin was narrow, and voting went to second or sometimes third rounds. Several factors appear to have contributed to more open competition:

- Incumbent MPs had lost the confidence of their clan and the delegate selection committees opened the seats to other serious contenders who could replace them.

- Some seats were viewed as political priorities for the incumbent administration, the FMS leaders/stakeholders, and the opposition, making it more difficult to limit competition to a single candidate.
- Sub-clans could not agree on one candidate to replace the incumbent, therefore opening the process up to genuine competition.
- Importantly, the willingness and capacity of specific clans to mobilize armed forces in some of these locations (e.g. Hirshabelle and Galmudug)

For the two aforementioned FMS, the addition of the second voting location, Beledweyne and Gaalkacyo respectively, allowed for open competition for seats by a clan that was in opposition to the FMS leadership and able to exclude them from the process, often through mobilizing armed forces along clan lines. In Beledweyne, while the dominant clan was able to prevent the FMS administration influencing the election, this did not prevent violence, and an Al-Shabaab suicide bombing in March 2022 targeted and killed the incumbent female MP Amina Mohamed Abdi during her campaign.⁶

2.9 In a highly politicized context, considerations of women's representation were de-prioritized

In the Upper House, female candidates were elected to 14 out of 54 seats (26 per cent), a one seat increase on the 2016 election⁷. However, in the House of the People, only 54 of the 275 seats were taken by women (19.6 per cent) significantly lower than in 2016 (24.4%) and below the 30 per cent quota pushed for by international backers of the process and agreed to by Somali political stakeholders. It should be noted however, that the indirect mechanism (with quotas) has produced a larger number of female parliamentarians than direct OPOV elections in Somaliland, as no women were elected to its Lower House in its May 2021 election.

Concerningly, certain regulations designed to increase women's participation and representation within the electoral process were exploited by elites. For example, provisions to reduce the cost to female candidates were reportedly used to reduce the costs of simulating electoral competition for outcomes that were already pre-determined. This occurred in both the Upper House and HoP elections and many female candidates were included as the dummy or placeholder candidates (malxiis) described earlier. This strategy reduced the cost of registration fees for placeholders, as the registration fee for female candidates (for the HoP) was USD 10,000 compared to the USD 20,000 for men. There was also the expectation that female placeholder candidates would be less likely to renege and go through with the elections instead of dropping out. This cynical exploitation of a mechanism for increasing female representation reduced the costs of stage managing the election.

For the Presidential election (analysed below) the candidate registration fee of USD 40,000 likely contributed to only one woman putting her name forward, Fawzia Yusuf Adam. This illustrates the need to explore mechanisms to increase the number of female presidential candidates, while recognizing that such measures may have the unintended consequence of enabling new forms of manipulation, as were apparent in the Parliamentary elections.

6. A critic of Farmajo's government, Abdi had accused authorities of trying to stop her from running for parliament, partly because of her calls for an investigation into the killing of a female NISA officer who went missing in June 2021, causing a national controversy.

7. Saferworld (2017) 'Somalia's 2016 Electoral Process Preliminary report of the Domestic Election Observer Mission' <https://www.saferworld.org.uk/downloads/somalias-2016-electoral-process---deom-report-final.pdf>

2.10 The election of the President was much more competitive, whilst vote-buying had limited impact on the result

Much of the political and financial capital investments by FGS and FMS leaders in their contestation of the 2021/22 parliamentary elections were related to the desire to exert influence over the final outcome: the election of Somalia's next president. A key lesson is that the indirect election model itself makes it inevitable that political actors will focus from the start on the 'end game' of the presidency. Arguably, this further distances those competing for parliamentary seats from local issues and representing their specific communities/constituencies. Although Somalia has been reconfigured as a federal state, the presidency in Mogadishu still wields significant power and remains the major political prize. The lack of constitutional clarity on FGS-FMS revenue sharing further exacerbates this problem. Relating to the indirect election of the President, two specific lessons can be identified: first, formal rules and regulations for campaign finance are needed, and secondly, there need to be safeguards and transparency around the sources of campaign funds and how they are spent.

On May 15, parliamentarians assembled in Afisiyoni in Mogadishu's airport to elect the next president. The outcome of this was a decisive victory for former President Hassan Sheikh Mohamud. Despite the manipulation undertaken by different actors of the parliamentary elections, the presidential race proved to be highly competitive. Out of the 36 candidates vying for the presidency, the focus was mainly on the incumbent and six other political heavyweights, including former presidents Hassan Sheikh and Sheikh Sharif, Puntland President, Said Abdullahi Deni, former Prime Minister, Hassan Ali Kheyre, and opposition leaders Abdirahman Abdishakur and Abdulkadir Osole. Although large sums of money were reportedly paid out by leading candidates, these did not necessarily translate into guaranteed votes. During the second round, there were only four candidates left in the race: Hassan Sheikh, Farmajo, Deni and Kheyre. Hassan Sheikh gained 110 votes in the second round, with Farmajo securing 83, Deni receiving 68 and Kheyre getting 63. In the third and final round, Hassan Sheikh secured the endorsement of Deni, which put him in an unassailable position, winning with 214 votes against Farmajo's 110 votes. A factor seen as critical in Hassan Sheikh's victory was his ability to put together a strong campaign team (including major political influencers in parliament) that was able to build alliances across the political landscape. Whilst all candidates used payments to influence the outcome, undoubtedly including funds from external patrons, no clear pattern emerged to indicate how the financing affected the final result.

Nonetheless, the issue of using funds as part of election processes is worthy of further reflection. Although the Election Situation Room (ESR) stated in a preliminary report on the presidential elections that the process was conducted in an orderly, peaceful, and transparent manner,⁸ they also noted the lack of formal rules for regulating campaign finance and an associated lack of adequate safeguards and transparency around campaign spending and the sources of funds. Further, they pointed out that journalists from private media houses were denied access to the election, restricting their right to report freely on a key public interest issue. Ultimately, however, President Farmajo's acceptance of Hassan Sheikh's victory signified the end of a protracted and conflictual process. Given the political violence across the country that accompanied this process, it is difficult to describe it as a wholly peaceful transfer of power. Nonetheless, Farmajo's acceptance of his

8. The ESR is a monitoring body established by the Puntland Non-State Actor's Association (PUNSA) and Somali Non-State Actors (SONSA). It is supported by Electoral Institute for Sustainable Elections in Africa (EISA).

defeat resulted in a major reduction in the conflict risk and a de-escalation of tensions.

2.11 The public viewed the election process negatively and felt it had detrimental impacts on their communities

In theory, up to 27,775 Somali citizens could have been involved as electors of HoP MPs in the 2021/22 election process. Although the actual number of participants is impossible to verify and was likely lower due to delegate 'recycling', it is probable that the number of Somalis participating was greater than the approximately 14,000 citizens who took part in the 2016 elections. Even if the full 27,775 had participated in the 2021/22, this would amount to approximately only 0.17 per cent of Somalis.⁹ In this context, wider public perceptions around the desirability and legitimacy of the indirect process are vital to consider. Given the data reported below and the wider coverage of the process, it can be argued that the 2021-22 electoral process did not benefit ordinary citizens, and many felt that the elections fueled conflict and drew political attention away from other more pressing issues.

Due to the lack of national surveys or opinion polls, data on citizen perceptions of political issues is difficult to systematically gather. In partnership with the Platform, Africa's Voices Foundation (AVF) implemented a 3-month project between February-May 2022 to broadcast interactive radio shows across 30 radio stations in 6 FMS to promote public dialogue around the ongoing parliamentary elections and gathered citizens' perspectives.¹⁰ The six radio shows included public service announcements, situational drama, interviews with election experts and SMS adverts. A total of 14,773 individuals sent SMS with feedback and answers to weekly questions that were posed by the show about the ongoing elections.¹¹

Responding to the first show's question about whether the elections were affecting people's livelihoods, many participants expressed the feeling that the election had contributed to inflation and increased the cost of living. Respondents also mentioned that the election had diverted focus away from the ongoing drought, while others mentioned it had contributed to unemployment. In week two, a significant majority of participants (around 60 per cent) stated that the elections had led to conflict and bloodshed. On the actual conduct of the elections, a large majority of participants felt that the process was not 'free and fair', and when asked about future elections, responses indicated a widespread desire for higher quality elections. When asked if achieving OPOV in the next elections was a priority in their community, more than half of respondents said 'yes', with some saying that they felt that this would encourage free and fair elections, give them an opportunity to elect good leaders, and potentially combat clannism.

Separate from the AVF radio/SMS data, the Platform also supported consultative forums that were facilitated in Puntland by the PDRC, and in major cities in each of the other FMS by SONSA. These involved around 150 participants and included representatives of civil society, women and youth groups, academics, businesspeople, elders, and politicians. The views shared in these discussions have both informed and validated the wider Platform analyses of the electoral process synthesized in this report. Almost

9. Assuming that there were 27,775 delegates; and that the estimated population of Somalia in 2022 was 16,794,045 people (<https://www.worldometers.info/world-population/somalia-population/>)

10. Participant responses do not cover the election of the President, only the HoP and UH elections.

11. This data is derived from a non-probabilistic sample: those who participated were self-selected amongst potential audiences based on a range of factors such as phone ownership, media habits, literacy, and gender. Certain perspectives of those less able to access radio may not be identified here. 59.8 per cent of those who engaged were between 18-35 years old; the least represented group was aged between 55-99 years (2.9 per cent). 63.9 per cent of respondents were men, with 36.1 per cent women. 49.7 per cent reported to be recently displaced.

all participants viewed the 2021/22 electoral process as being more flawed, manipulated and more destabilizing than the 2016 elections. Views were more split on the desirability and prospects of prioritizing OPOV elections in 2026. Some participants emphasized that planning for OPOV elections would need to start at the beginning of the new presidential/parliamentary term if there was any hope of this being feasible. Other participants felt that greater emphasis should be on facilitating district level OPOV elections as a step towards wider future enfranchisement and building on early experiments in direct local elections in certain districts in Puntland in 2021.

3. Conclusion

There is widespread recognition that the process of agreeing the 2021/22 indirect electoral process was highly destabilizing and fraught, whilst the elections themselves were deeply flawed, primarily because of political interference at FGS and FMS levels. Agreement around a more inclusive electoral model remained a political challenge and different factions clearly employed various competing forums and disruptive legislative tactics to advance their agendas. Following eventual confirmation of the process, the significantly expanded field of 'traditional' authorities participating in the indirect elections was arguably less legitimate than the previous '135 elder' institution vis-à-vis the clans/sub-clans themselves. This also increased the scope for elite manipulation, along with the prolonged and sporadic sequencing of electoral events, particularly for the HoP. Efforts to increase female participation and representation failed to achieve the agreed 30 per cent quota and were exploited by elites for their own political motives. Ultimately, the indirect election model itself leads political actors to focus from the beginning on the final objective of influencing the selection of the President. Combined with the aforementioned issues of process manipulation, this has the result of distancing the competition for parliamentary seats from the local issues and specific constituencies that these seats are supposed to represent. It is important to note that again political parties played no formal role in the process.

The lessons presented here are intended to invite nuanced and evidence-based reflection on how to mitigate these political disputes and processual flaws going forward in the next cycle, but in a way that moves beyond the standard binary of whether or not there should be OPOV, or which specific model is a best fit for Somalia. This could involve a more modular but open-ended approach that strengthens or builds institutions (such as parties) necessary for political enfranchisement and representation. Instead of treating these institutions simply as prerequisites for a particular form of enfranchisement (e.g. OPOV), it should be appreciated how they could yield benefits, either in the form of an improved indirect elections process or OPOV, if the latter appears feasible over the next four-year term. Regardless, the most critical component of avoiding the challenges of the previous cycle will be early, collaborative, and inclusive dialogue in which a range of Somalis can come together to overcome these issues.

Credits

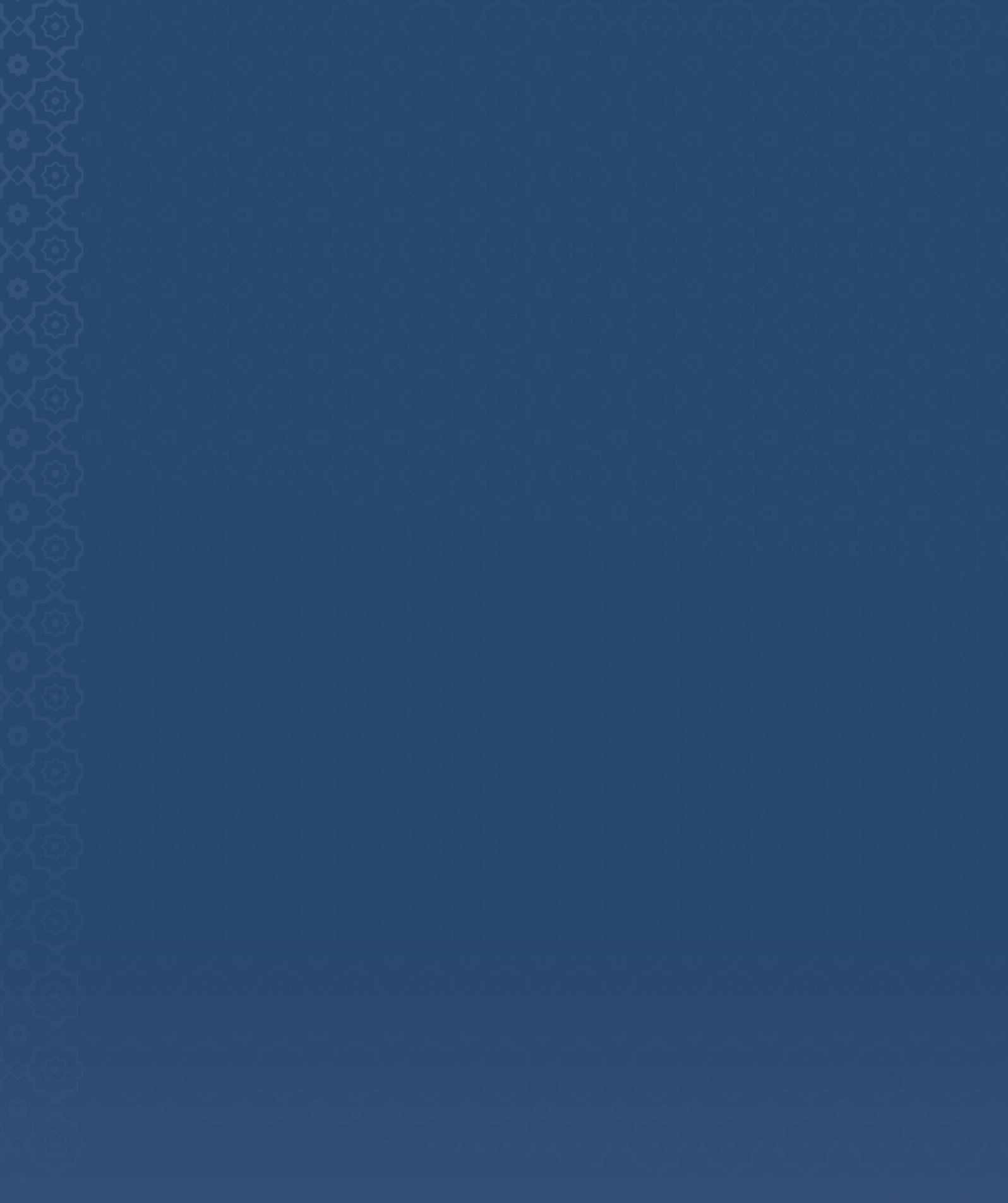
This report is a product of the Somali Dialogue Platform. The Somali Dialogue Platform is a programme which supports Somalis to achieve consensus on contentious political issues and is implemented by the Rift Valley Institute. The Somali Dialogue Platform is funded by the UK Foreign, Commonwealth and Development Office (FCDO), the Ministry of Foreign Affairs of Denmark, and the United States Agency for International Development (USAID). The views expressed do not necessarily reflect the official policies of the UK Government, the Government of Denmark or the US Government. The Platform maintains editorial independence on all its products.

This report draws on background data and information prepared by Somalia Non-State Actors Association (SONSA), the Puntland Development and Research Centre (PDRC), African Voices Foundation and Somali Public Agenda.

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