

PROSPECTS FOR SOMALIA'S TRANSITION FROM CLAN-BASED POLITICS TO MULTIPARTYISM IN THE 2026 ELECTION

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CONTENTS

Executive Summary	5
<hr/>	
Introduction	6
Research Methodology	9
Organization of this paper	9
Existing legal frameworks and institutions for multiparty elections	9
<hr/>	
Missing legal frameworks and institutions for multiparty elections	13
<hr/>	
Revival of political parties in transition from clan politics	16
<hr/>	
Other Challenges to Somalia’s transition to multiparty politics	19
<hr/>	
Conclusion	23
Recommendations	23
<hr/>	
Bibliography	24

EXECUTIVE SUMMARY

This paper explores the possibilities of Somalia's transition from a clan-based system of the allocation of political authority to multipartyism. In so doing, the paper adopted qualitative methods of data collection and analysis. The paper shows that a transition to multiparty-based elections in 2026 still remains a distant dream, owing to a critical lack of the legislation and institutions needed for this to happen. The legislation missing includes that required for a new electoral model, as well as for citizenship, civil registration, a constitutional court, anti-corruption measures and campaign financing. As it stands in early 2024, the provisional constitution remains unfinalized, making the prospect of putting a new constitution in place in time for the 2026 elections less likely. Challenges, such as insecurity, a lack of political will, inadequate financing, the lack of civic education and the continuation of squabbles between Somalia's federal government and its constituent member states continue to frustrate a transition towards multiparty-based elections. Hence, this paper recommends that the Federal Government of Somalia accelerate its finalizing of the provisional constitution—a move key to overcoming the many challenges arising from its current incomplete state—and embark on legislative reforms in the areas, such as citizenship, mentioned above. Furthermore, the federal government and its constituent units should prioritize the holding of local level elections to set the stage for multiparty-based elections at the national level.

INTRODUCTION

Political parties emerged in Somalia in late 1947, while the country was under British Military Administration, their number was growing steadily at this time.¹ Parties participated in elections held during the Italian Trusteeship Administration (1954–1959).² The parties that emerged during this period had divergent political tendencies: nationalist, regionalist, and clannist.³ Multiparty politics continued in Somalia's post-independence era, particularly in the first nine years (1960–1969), and the number of parties mushroomed exponentially. They were accused, however, of being extensions of clans.⁴ This was partly because some parties identified themselves with clans and/or sub-clans. Numerous parties contested the third and last democratic elections, held in March 1969, but only a few secured seats in the 123-member National Legislative Council. Roughly 64 parties,⁵ most of them briefcase parties,⁶ fielded about 1,000 candidates in Somalia's last democratic parliamentary election in 1969.⁷ In it, the Somali Youth League (SYL) secured a landslide victory, while a handful of parties won only a few seats.⁸ Members of parliament from the smaller parties crossed the aisle to join the SYL.

During the period of multiparty politics (1960–1969), the SYL dominated Somalia's party landscape. It won a majority in all the elections held and formed governments. Multipartyism did not help Somalia transcend narrow clannish allegiances, however, or emphasize the common interests that united all Somalis. Instead, in part it deepened tribalism. Despite this, elections were held on schedule under civilian government rule and power was transferred peacefully, though the SYL remained in power after each electoral cycle. Because of this, Somalia earned the

1 Mohamed Haji Mukhtar, 'The Emergence and Role of Political Parties in the InterRiver Region of Somalia From 1947 to 1960 (Independence)', *Ufahamu: Journal of African Studies*, 17/2 (1989): 77.

2 Paolo Tripodi, *The Colonial Legacy in Somalia, Rome and Mogadishu: From Colonial Administration to Operation Restore Hope*, London: Palgrave Macmillan, 1999, 66-89.

3 Lewis, I.M. 'Modern Political Movements in Somaliland I'. *Africa: Journal of International African Studies*, 28/3(1958): 244-261.

4 Tripodi, *The Colonial Legacy in Somalia, Rome and Mogadishu*, 110.

5 Mohamed Trunji, *Somalia: The Untold History 1941–1969*, London: Loohpress, 2015, 525.

6 These are parties that sprang up in the run up to the parliamentary elections and dissipated immediately after the electoral cycle finished.

7 I.M.Lewis, *A Modern History of Somalia: Nation and State in the Horn of Africa*, Boulder & London: Westview Press, 1988, 204.

8 Lewis, *A Modern History of Somalia*, 204.

reputation of being the first democratic country in Africa.⁹ The Somali democratic experiment came to an end following a coup led by Major Mohamed Siyad Barre on 21 October 1969, just a few days after the assassination of President Abdirashid Ali Sharmarke in Laascaanood.

In the immediate aftermath of the coup, Siyad Barre abolished political parties (among other of the country's democratic credentials) and went on to rule the country with an iron fist for 21 years. The authoritarian rule of Barre was dismantled by clan-based armed militias in 1991, and the country plunged into outright chaos.

Since the disintegration of political order, efforts have been made to put the country back together. Clan-based representation became the determining factor in allocating political authority, and clan-based power-sharing became more openly entrenched after a large peace conference held in Arta, Djibouti, in 2000.¹⁰ This system, known as 4.5, involves four major clan families—Hawiye, Darod, Dir, and the Digil and Mirifle—receiving equal representation in parliament, while a coalition of other clans—known as ‘the 5th clan’—each receives half as much representation. Somalis have held six indirect elections between August 2000 and May 2022 premised on this logic.

In most of these indirect electoral processes, clan elders have had the power to determine who represents their sub-clan in parliament. This has resulted in the exclusion of many potential candidates who aspired to secure a seat. The process changed a little, however, with the introduction of a limited electoral college in 2016. Albeit still indirect, this authorizes elders to choose 101 clan delegates from a major clan and 51 from a minor to (s)elect a representative for the national legislature.

In order to move from this primordial form of political dispensation to universal adult suffrage—which is the right of most adult citizens, men and women, to vote in political elections—the Federal Government of Somalia, led by President Hassan Sheikh Mohamud (2012–2016), was mandated to hold direct elections. It fell short of achieving this.¹¹ However, it managed to enact the Political Parties Law and to establish the National Independent Electoral Commission (NIEC). The administration continued with the system of exclusionary indirect elections, passing on the baton to its successor, the government of President Mohamed Abdullahi ‘Farmaajo’. The Farmaajo government expressed its intention to dispense with indirect

9 Abdi Ismail Samatar, *Africa's First Democrats: Somalia's Aden A. Osman and Abdirazak H. Huusen*, Bloomington: Indiana University Press, 2016, 1.

10 Mark Bradbury and Sally Healy, eds., ‘Whose Peace is it Anyway? Connecting Somali and International Peacemaking’, *Accord, Conciliation Resources and Interpeace*, issue 21, 2010, 13. Accessed 27 July 2023, <https://www.c-r.org/so/learning-hub/whose-peace-it-anyway-connecting-somali-and-international-peacemaking-somali#:~:text=Edited%20by%20Mark%20Bradbury%20and,civil%20society%20and%20women%27s%20organisations.>

11 Harun Maruf, ‘Somalia: No Popular Elections in 2016’, *VOA*, 29 July 2015. Accessed 12 March 2023, <https://www.voanews.com/a/somalia-says-no-popular-elections-in-2016/2883749.html>.

elections and instead hold one-person-one-vote elections.¹² Despite this, however, it made no tangible efforts to do so, beyond revising the political parties and elections laws, a process that led to political bickering.¹³

Anticipating that they could be part of the new democratic dispensation, new political parties sought to register with the NIEC; in 2023, the number of registered parties exceeded 100. The parties are all based in Mogadishu and stand accused [by their critics] of being dominated by the Hawiye politicians who founded them and lead them. As such, their formation is contested and reminiscent of 1960s political parties.

President Hassan Sheikh Mohamud, who returned to office in May 2023, has said his government will organize multiparty elections for 2026 and abandon the indirect electoral process.¹⁴

It is against this background that this paper explores the possibility of Somalia's transition from the indirect, clan-based electoral system it has been using for the allocation of political authority since the Arta conference in 2000, to multipartyism, as anticipated, in 2026. The paper examines the challenges that lie ahead of this exercise and how they can be overcome.

The paper illustrates that the transition to multiparty-based elections in 2026 remains a distant dream because the legislation and institutions needed for them to take place are missing. The missing legislation includes the finalization of an agreed, electoral model, plus the need for new laws on citizenship and civil registration, a constitutional court, border delimitation and demarcation, and laws on anti-corruption and campaign financing.

Moreover, Somalia's provisional constitution remains unfinished, making the prospect of multipartyism again less propitious. Challenges, such as insecurity, a lack of political will, inadequate financial resources, and the continuation of squabbles between the federal government and some constituent member state continue to frustrate a transition towards multiparty-based elections. Hence, the paper recommends the Federal Government of Somalia should accelerate the completion of the provisional constitution, a move that would be key to overcoming the many challenges arising from its incompleteness.

The paper also recommends that the government embark on the legislative reforms seen as critical to the process of moving Somalia towards multipartyism after almost 50 years. Furthermore, the federal government and its constituent units should prioritize local level elections to set the stage for multiparty-based elections at the national level.

12 International Crisis Group, 'Staving off Violence around Somalia's Elections', 10 November 2020, Briefing 163/Africa. Accessed 27 July 2023, <https://www.crisisgroup.org/africa/horn-africa/somalia/b163-staving-violence-around-somalias-elections>.

13 International Crises Group, 'Staving off Violence'.

14 Voice of America, 'Somalia's President Commits to Universal Suffrage', 28 March 2022. Accessed 10 May 2023, <https://www.voafrika.com/a/somalia-s-president-commits-to-universal-suffrage-/7015445.html>.

RESEARCH METHODOLOGY

To deeply explore the problem of Somalia's transition from clan-based representation to multiparty politics, the author employed a qualitative approach, as it fits well with such an inquiry. Specifically, a total of fifteen Key Informant Interviews (KIIs) were conducted in Mogadishu between late December 2022 and early January 2023 with officials from provisionally registered political parties, members of the NIEC, federal members of parliament (MPs), academics, and representatives of civil society and of the youth. Additionally, the author systematically reviewed existing literature on Somalia's democratic transition. After concluding the process of data collection, the researcher transcribed the data, organized it and coded it thematically. Nonetheless, it has to be acknowledged that the researcher interviewed a limited number of key informants, which is a fundamental limitation of the study. This was because the security situation in Somalia prevents researchers from conducting interviews with many people across various locations.

ORGANIZATION OF THIS PAPER

This paper is organized into four main sections, plus a conclusion and recommendations. The first section looks at existing legal frameworks and institutions for multiparty transition. The second section builds on the first one and zooms in on the legal frameworks and institutions missing for a multiparty transition. The third section examines the reinstitution of political parties after an absence of almost 50 years from the Somali political landscape. This section takes into consideration a number of different perspectives on the possibility of transitioning from clan power-sharing to a party-based political system in the next federal elections. The fourth section highlights the major challenges lying ahead of Somalia's transition to multiparty politics in the next election cycle. The paper concludes and presents recommendations for policy discussions on efforts to transition Somalia from exclusionary—and unpopular—clan power-sharing to a more inclusive and participatory party system.

EXISTING LEGAL FRAMEWORKS AND INSTITUTIONS FOR MULTIPARTY ELECTIONS

Since the outright collapse of the Somali state in 1991, Somalia has been without the legal instruments or institutions necessary for multiparty elections. Rather, the newly reconstituted state has been operating along traditional clan lines from the year 2000. Somalia has had three transitional governments between 2000 and 2012 and permanent governments from 2012 onwards. The mandate of the first permanent government, led by President Hassan Sheikh Mohamud from 2012 to 2016, was to prepare the country for universal suffrage, among other things.

Somalia's provisional constitution, adopted in August 2012, has been the only legal instrument used to establish the right to elect and be elected (Article 22(2)). The provisional constitution provides for a federal democratic republic, based on inclusive representation, a multiparty system and social justice. Yet, more than ten years later, legislation and institutions to translate

these constitutional rights into practice were not in place.

Amid the obvious absence of statutory legislation and institutions, in 2015 the Federal Government of Somalia (FGS) began to lay the groundwork for electoral instruments and institutions. It enacted the law establishing the electoral commission in February 2015. This law comprises four chapters and 28 articles that broadly provide for the establishment of the commission and its rules of procedure and introduce provisions that include, among others, a budget, staff salaries, allowances and other rights. It also looks at conflict of interest. The making of this law paved the way for the subsequent establishment of the NIEC, the institution in charge of the conduct of national elections in the country. The federal parliament approved a nine-member electoral commission in July 2015.¹⁵ Of the nine commissioners, two were women. The commissioners were sworn in on 22 July 2015.

The establishment of a national electoral commission was followed by the enactment of the Political Parties Law in 2016 (Law No.19 of June 2016), an important piece of legislation needed for the commission's arduous mandate of conducting national elections.

The Political Parties Law comprises 38 articles and four schedules. It governs the provisional and full registration of political parties; the rejection of multiple registration attempts; the alliance and merger of political parties; the composition of individuals allowed to join political parties; the rights and privileges of political parties; deregistration; financial governance; and resolution processes for disputes among parties.¹⁶ With regard to the four schedules contained in the law, the first concerns the code of conduct for political parties; the second is devoted to the contents of the charter and the rules and regulations of political parties; the third emphasizes the basic requirements needed for coalition agreements; and, lastly, the fourth sets out the rules for committees for dispute resolution, discipline and appeals within a party.¹⁷

The legislation is the first Somalia has had on political parties since Siyad Barre's military junta abolished them in 1969 and an attempt to break from the clan-based political system the country has been practising since 2000, when the third Somali republic was installed at Arta. This law has symbolic value as it enables the reintroduction of political parties to the Somali political landscape in a context where clan discourse and identities were, for more than two decades, the only outlet for political mobilization and the struggle for political power. The introduction of such a law facilitates alternatives to clan identity-based politics.

Although Hassan Sheikh Mohamud's first government (2012–2016) had ended its term in office

15 ConstitutionNet, 'Vision 2016 in Autumn 2015: What Can Still be Achieved in the Somali Peace- and State-building Process?', 30 October 2015. Accessed March 2023. <https://constitutionnet.org/news/vision-2016-autumn-2015-what-can-still-be-achieved-somali-peace-and-state-building-process>.

16 Farhan Isak Yusuf and Mahad Wasuge, 'Getting the Party Started: Re-instituting Political Parties in Somalia', Governance Brief 05, Somali Public Agenda, 2019. Accessed 12 March 2023, https://somalipublicagenda.org/wp-content/uploads/2022/03/SPA_Governance_Briefs_04_2019_ENGLISH-1.pdf.

17 Farhan Isak Yusuf and Mahad Wasuge, 'Getting the Party Started'.

with the enactment of the two laws—one for political parties and the other for establishment of the national electoral commission—it failed to complete the requisite legal framework needed for elections. The fact that the constitutional review and electoral legislation were as ‘unfinished business’ meant Somalia had to continue with the clan dispensation for another parliamentary term and a new government.

The government of President Farmaajo (2017–2020) came into power with a promise to, inter alia, organize popular elections in order for Somalia to transition from clan, identity-based politics.¹⁸ The Farmaajo administration left behind little legislation and few institutions that would allow elections to be organized in time. The legal assignment left on the desk of the Farmaajo government was the task to conclude the remainder of the electoral legislation and constitutional review processes. It did not make much progress in finalizing the constitutional review, which was geared towards putting a transition to multiparty politics in place.

Nonetheless, the most important legislation was the enactment of electoral laws that would make room for an electoral model that accommodated the sensitivities of Somalia’s post-conflict status. The Farmaajo government formed an inter-ministerial technical committee, comprising members of the federal government and federal member states, to explore an appropriate electoral model for Somalia.¹⁹ As a result, the committee opted for proportional representation (PR), specifically the closed list system, (political parties put forward a fixed candidates’ list in which voters do not have preference), and accordingly drafted an electoral bill in June 2018 that was submitted to the council of ministers.²⁰

The draft electoral bill was met with criticism and objections from federal member states and politicians, both from within the government and the opposition.²¹ In the face of mounting opposition, the council of ministers relayed the bill to parliament for deliberation and approval.²² Following this, the speaker of the lower house formed a 15-member, ad-hoc committee to review the bill on 20 July 2019.²³ The committee spurned the draft bill and instead adopted the First-Past-The-Post (FPTP) model—where voters cast a vote for a single candidate and the candidate with the most votes wins the election—an electoral system that, in effect, preserves clan constituencies.²⁴ The lower house approved the electoral bill with the FPTP model on 28

18 Hamza Mohamed, ‘What is Delaying Somalia’s Elections?’, Al Jazeera, 10 February 2021. Accessed April 2023, <https://www.aljazeera.com/news/2021/2/10/what-is-delaying-somalias-election>.

19 Ayare Elmi, ‘The Politics of the Electoral System in Somalia: An Assessment’, *Bildhaan: An International Journal of Somali Studies*, 21/102 (2021):102.

20 Elmi, ‘The Politics of the Electoral System’, 102.

21 Elmi, ‘The Politics of the Electoral System’.

22 Mahad Wasuge and Partha Moman, ‘Review of Somalia’s Draft National Election Bill’, Governance Brief 04, Somali Public Agenda, 2019. Accessed 14 March 2023, https://somalipublicagenda.org/wp-content/uploads/2022/03/SPA_Governance_Briefs_04_2019_ENGLISH-1.pdf.

23 Elmi, ‘The Politics of the Electoral System’, 103.

24 Elmi, ‘The Politics of the Electoral System’.

December 2019.²⁵ The upper house approved it in February 2020, followed by the president signing it into law on 21 February.²⁶ As well as passing this electoral law, which the Farmaajo government enacted after three years in office, the lower house approved amendments to the Political Parties Law on 22 July 2020.²⁷

Legal experts point out the critical flaws inherent in the above-mentioned legal frameworks and institutions. For instance, according to one critic, the Political Parties Law and electoral laws were reviewed and enacted hurriedly, and the new electoral law was tailored to benefit the president's and prime minister's personal ambitions.²⁸ Moreover, according to the critic, the commission was in practice under the control of both the government that established it in 2015 and the subsequent government of Farmaajo (2017–2022).²⁹

Thus, the key informants interviewed for this study agreed that Somalia's new legal frameworks and institution, (including the NIEC) was not enough to move Somalia along the treacherous path towards a multiparty-based, popular vote. They attributed this to not having an electoral model that was fully agreed upon as different political actors had advocated and pushed for divergent models that they seemed to believe would serve their interests well.

25 'Somalia Passes Controversial Law Ahead of 2020/2021 polls', Garowe Online, 28 December 2019. Accessed 9 March 2023. <https://www.garoweonline.com/en/news/somalia/somalia-parliament-passes-controversial-electoral-law-ahead-of-202021-polls>.

26 Mohamed Olad Hassan, 'Somali President Signs Historic Election Bill', VOA, 2020, February 21. Accessed 11 March 2023, https://www.voanews.com/a/africa_somali-president-signs-historic-election-bill-.

27 Ahmed Mohamed, 'Somali Parliament Approves Amendment on Political Parties' Bill', July 2020, Halqaran. Accessed 10 March 2023, <https://halqaran.com/somali-parliament-approves-amendment-on-political-parties-bill/>.

28 Interview with legal expert, Mogadishu, 4 March 2023.

29 Interview with legal expert, Mogadishu, 4 March 2023.

MISSING LEGAL FRAMEWORKS AND INSTITUTIONS FOR MULTIPARTY ELECTIONS

It appears, through interviews with different respondents, that Somalia's existing legal frameworks are not strong enough to support Somalia's transition to multiparty-based, electoral politics. The danger is that this leaves Somalia stuck in the status quo of clan politics. The study participants indicated that Somalia had legal and institutional gaps that need to be filled if it is to be steered gradually towards a democratic, party-based system with universal suffrage, the system under which most adult citizens would be allowed to vote.

Opposition politicians, civil society actors and development partners—to whom this gap in legislation and institutions is apparent—have been calling for party-based, universal elections, as a step towards shunning the practice of clan-based power-sharing. Pundits are aware, however, of the current impracticability of such an endeavour, given Somalia's circumstances and the missing legal and institutional frameworks that are pre-requisite for elections.³⁰

Interviewees identified the legislation and institutions that are still missing and without which a popular vote is not possible by any stretch of the imagination. Thus, these institutions need to be put into place to facilitate the country's slow movement towards multiparty-based, universal suffrage. Among the legislation missing that interviewees listed was critical legislation on citizenship and civil registration, on a constitutional court, on the delimitation and demarcation of electoral boundaries, and on campaign financing.

First comes the citizenship law, at the top of the missing legislation—a bedrock for any future attempts to hold elections. Somalia has retained a citizenship law (Law No. 28 of 22 December 1962) developed during its post-colonial civilian government, which existed until the collapse, in 1991, of the military regime that had overthrown it in 1969. This law reflects Somalia's ambition to unify all ethnic Somalis under its blue flag. The five stars of the flag represent five territories—Italian Somaliland, British Somaliland, Western Somalia in Ethiopia, the Northern Frontier District (NFD) in Kenya, and French Somalia (now Djibouti)—into which

30 Elmi, 'The Politics of the Electoral System', 103.

British, French, and Italian colonial powers partitioned the Somali nation.³¹ The citizenship law recognizes all Somalis as nationals of Somalia regardless of their place of inhabitance. The law prevails even though realities on the ground have changed significantly since 1991. Most notably, Somalia has adopted a federal form of government, and its political class is not as irredentist as it was in the preceding two civilian and military governments (1960–1991).

With no other legislation applicable to current citizenship dynamics, all persons of Somali extraction can obtain a Somali passport and vote in elections. This raises some eyebrows: Interviewees point out a need for a new citizenship law that clearly identifies a Somali citizen for whom electoral law could be relevant. Some argue that, were elections conducted under the existing citizenship law, Somalis in neighboring countries, such as Kenya and Ethiopia, could cross the borders and cast their votes. This could be politically advantageous for clans with sizeable communities in Ethiopia's Somali Region and Kenya's former North Eastern Province.

Politicians have been wary of introducing new citizenship laws to overcome the issue of who will be eligible to vote in future elections, as this involves many sensitivities and controversies. Some clans are particularly concerned about this because they have significant numbers of cross-border kinsmen. These groups may be interested in maintaining Article 1 of the 1962 citizenship law recognizing all ethnic Somalis as Somali nationals, as it gives them political clout in electoral competition. On the other side of the argument are clans with no cross-border kinsmen, who favor limiting citizenship to those who live in the territory of Somalia.

Amid these differences, the question of citizenship remains unresolved in Somalia, one with implications for organizing nationwide, popular elections because identifying who is eligible to be registered to vote is a pre-condition for holding them.

Second, Somalia lacks a constitutional court, an institution important for the country's political stability and the adjudication of disputes arising from elections. Most interviewees said the absence of a constitutional court meant Somalia was not ready to hold elections with universal suffrage because, they argued, a constitutional court would be fundamental to settling electoral disputes and endorsing results so they had legitimate force.

Consecutive Somali governments have been promising to establish a constitutional court since 2012, but none could deliver it. Critics say that politicians avoid forming one because they fear it could keep a check on their power and limit extra-constitutional political ambitions before and during elections. In early 2024, a constitutional court was not yet in place, though Somalia's incumbent government has pledged it would establish one.

Third, anti-corruption and campaign financing laws were cited as essential for the country to hold elections, and particularly to enhance the credibility of the electoral exercise. In 2019, the

31 Mohamed Haji Mukhtar, *Historical Dictionary of Somalia*, Lanham, Maryland and Oxford: The Scarecrow Press, Inc., 2003, 5.

then chair of the NIEC, Halima Ismail, presented a list of nine pieces of legislation, including an anti-corruption law, to the former speaker of the lower house of the federal parliament, Mohamed Osman Jawaari, after he had inquired about filling the missing gaps so elections could be held.³² Somalia is famous for the corruption which is being permeated in all sectors.³³ Somali voters have long been denied the opportunity to exercise their democratic rights in voting for their representatives, and vote buying has been present, even prevalent, in Somalia's indirect electoral process.³⁴ And this money, which politicians trade for votes, is allegedly dished out by some foreign countries with interests in Somalia.³⁵ The enactment of the campaign financing bill would help identify where politicians should be permitted to get their funding, how much they can accept, and how they can spend it.³⁶

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- 32 Heritage Institute for Policy Studies, 'Somalia: In Search of a Workable 2020 Electoral Model', July 2019. Accessed 24 June 2023, https://8v9of1.p3cdn1.secureserver.net/wpcontent/uploads/2021/01/HIPS_report_english_version.pdf.
- 33 Transparency International and Michelsen Institute, 'Overview of Corruption and anticorruption in Somalia,' U4 Expert Answer, Transparency International, 2016. Accessed 2 July 2023, https://knowledgehub.transparency.org/assets/uploads/helpdesk/337_Overview_of_corruption_and_anti-corruption_in_Somalia.pdf.
- 34 Mohamed Ibrahim Shire, 'A sense of History and Urgency as Somalia Moves to Elect a New President', The Conversation, 13 May 2022. Accessed March 2023, <https://theconversation.com/a-sense-of-history-and-urgency-as-somalia-moves-to-elect-a-new-president-182959>.
- 35 Brendon J Cannon, 'Foreign State Influence and Somalia's 2017 Presidential Election: An Analysis', *Bildhaan: International Journal of Somali Studies*, 18/ 21 (2019):21.
- 36 Interview with legal expert, Mogadishu, 4 March 2023.

REVIVAL OF POLITICAL PARTIES IN TRANSITION FROM CLAN POLITICS

Political parties vanished from the Somali political scene in 1969, immediately after a military junta had usurped power from an elected government. Following its seizure of power, the junta dissolved parties, introducing a revolutionary council and later a one-party system.

After nearly 50 years, the Federal Government of Somalia (FGS) approved a political parties law (Law No. 19 of 27 June 2016), officially reintroducing political parties. Political parties are instrumental to Somalia's attempt to chart a path away from the clan-based politics that have become the only vehicle for political competition in the country since the collapse of the Somali state in 1991.

The promulgation of the Political Parties Law was a welcome move, signalling that Somalia was steadily graduating from clan-based politics. Since the passage of the law, the NIEC has registered 110 provisional political parties.³⁷ Their status will remain provisional until they satisfy provisions in the Political Parties Law, requiring them to qualify as national political parties competing for parliamentary seats across the country. The law laid down stringent conditions: These set a limit on the number of political parties, an attempt to forestall the proliferation of small parties, some of them personality-based. To be eligible for full registration, parties must have at least 10,000 signatories (all of them registered voters) in at least 9 of the 18 regions that existed prior to 1991.³⁸ This means that emerging political parties need to draw support from across clan divides rather than relying on their respective clan strongholds. In theory, this could set the stage for the establishment of alternative routes to power—a move away from clan identity where politicians who are practically being (s)elected to parliament by clan delegates remain unaccountable to either political party or clan. The introduction of political parties could thus help restore democratic norms.

Questions still loom, however, including: How might clan dynamics disrupt a modern, multiparty system? Can political parties really present an alternative to clan politics? These

37 National Independent Electoral Commission, 'Registered Political Parties'. Accessed 8 March 2023, <https://niec.so/en/parties/registered-political-parties>.

38 Farhan Isak Yusuf and Mahad Wasuge, 'Getting the Party Started'.

and other questions are raised whenever the issue of political parties in Somalia is discussed. Interviewees for this study concurred that for Somalia to move from clan-based politics to multiparty politics would require some time. In other words, this transition would be difficult, not an easy, low-hanging fruit. A veteran member of civil society noted that political parties might take shape in the country because there was a need for them, to move away from clan power-sharing. As he put it, 'We [Somalis] cannot anticipate to soon have a strong party system in the country, but parties could establish themselves gradually.'³⁹ This interviewee held the view that political parties ought to be formed at a regional level and compete in local elections, as they did in Puntland in late 2021, when nine political associations fielded candidates for local elections in three districts.⁴⁰ And then political parties did so again in 2023 for 30 districts out of 33 districts.

It is likely that political parties will in future compete for regional parliamentary elections. This reasoning is premised on the idea that once political parties are established, first at local levels, people will adapt to them, and that the parties will inculcate in local people the norms of identifying with a party and running for a local council seat on party ticket. Subsequently, this practice will be carried to the national level. When political parties are formed at the level of the Federal Member States (FMSs), they could form alliances with other parties in other FMSs and, through this process, national parties can emerge.⁴¹

The dominant view of this study's participants is that political parties should emerge from the local level and practise the norms of party politics and elections before they graduate to national parties. Besides, the clan factor will negatively impact the formation and registration of national parties and their operationalization. Some interviewees argue that, if things remain on the same course as they are now, the likelihood of moving away from the 4.5 system (of the four major clans and a half-share of representation for minorities) to multipartyism is limited, because many clans persist in the belief that, if they move to multiparty elections, they will lose their representation in parliament.⁴² So much so that the former leadership of the 10th parliament (2016–2022) had to work hard to continue with the 4.5 system, lest their clans not stand a chance in transitioning from it. This begs the question: what can persuade current MPs of the 11th parliament that transitioning from the status quo will not harm their representation in the next parliament?⁴³

In this vein, a vocal civil society member believed that their concerns could be alleviated by

39 Interview with a veteran civil society organizations member, Mogadishu, 2 February 2023.

40 Rift Valley Institute, Puntland Development and Research Center and Somali Dialogue Platform, 'Contentious Issues Facing the Puntland Local Government Elections', Briefing issue No.2, March 2023. Accessed 8 April 2023, https://pdrcsomalia.org/wp-content/uploads/2019/09/PLGE_Briefing-II_PDRC_Final.pdf.

41 Interview with a technocrat at Somali National Independent Electoral Commission, Mogadishu, 22 February 2023.

42 Interview with former federal minister, Mogadishu, 24 January 2023.

43 Interview with former federal minister, Mogadishu, 24 January 2023.

guaranteeing minority rights.⁴⁴ He observed that local elections could serve as an important template for federal elections because their conduct would help identify errors that could be avoided in national elections. Holding local level elections first would also allow the identification of communities left without representation. If federal elections were the starting point of multipartyism, there would be a likelihood of conflict.⁴⁵

This is not a pessimistic view but one shared by a scholar who has been writing on Somali politics for a long time. This scholar argues that clan dynamics will inevitably affect the transition process, particularly for minority groups. The effects will not be limited to the minority clans, however, but also will extend to major clans. Sub-clans with representation in parliament may lose their seats when these open up for competition in their constituencies.⁴⁶

Nonetheless, political parties should be the principle vehicles for political competition, for representation and, critically, the way Somalia could get out of its current system of power sharing. The NIEC has, as of now, registered about 110 provisional political parties waiting to qualify as national political parties. However, conditions, legal and institutional, are not yet ready for a full transition from clan-based politics to party-based politics. The prospect of realizing such a transition ahead of Somalia's next elections [in 2026] faces other challenges as well, as the following section illustrates.

44 Interview with civil society member, Mogadishu, 24 January 2023.

45 Interview with civil society member, Mogadishu, 24 January 2023.

46 Interview with political science academic, Mogadishu, 11 January 2023.

OTHER CHALLENGES TO SOMALIA'S TRANSITION TO MULTIPARTY POLITICS

Besides the facts that institutional frameworks are missing and there is lack of effective political parties, other challenges stand in the way of fast tracking Somalia's transition to multiparty politics in 2026. These include inadequate political will, insecurity, inadequate financial resources, continued squabbles between the federal government and its constituent member states, and a lack of civic education.

The clan-based, 4,5 power-sharing model is not limited to parliament and executive branches of government but rather extends to all government institutions. The 4,5 is applied in civil service recruitment, in the appointment of commissioners for constitutional commissions, and for the appointment of the attorney general, prosecutor general, auditor general, and the director generals of government ministries. Yet, this indirect, clan-based selection system has long been the target of criticism by different actors, including the very citizens who are themselves the victims of its perpetuation.

With this obvious disenfranchisement, and the flagrant flaws inherent in it, the political class in the various governments formed since 2000—particularly the governments that came to power after 2012, when Somalia had an internationally recognized permanent government—recognized the fatal weaknesses of the clan-based arrangement, where politicians seemingly owe their allegiance to their respective clans and claim to represent them in parliament and other government institutions, such as the executive.⁴⁷

There are doubts that Somali politicians are committed to chart a path to multiparty politics that pushes the nation, however gradually, towards inclusive and representative politics. A former member of the federal parliament argues that politicians, including those who are in power and those who seek power, are not interested in multiparty politics because they see this as an obstacle to their pursuit of power.⁴⁸ He further observed that:

47 Somali Dialogue Platform and Somali Public Agenda, 'The role of 4,5 in Democratization and Governance in Somalia: Implications and Considerations for Way Forward', May 2023. Accessed 17 September 2023, https://somalipublicagenda.org/wp-content/uploads/2023/05/SPASDP_Brief_23_2023_ENGLISH-.pdf.

48 Interview with former member of the 9th federal parliament, Mogadishu, 16 January 2023.

One illustration that testifies politicians are not committed to multiparty politics is that successive governments did not institute a constitutional court because they fear that the court limits executive powers, and they don't want to have their power limited.⁴⁹

Politicians are seen to be a major roadblock to transitioning to multiparty politics. According to an academic, politicians argue that the proportional representation electoral model creates party bosses. To them, a party boss would determine which candidates compete in constituencies. Thus, many politicians prefer clan politics, where elders are the 'party bosses'.⁵⁰ This was the fear that led the Somali parliament to reject proportional representation and the closed list electoral system in December 2019 and choose First-Past-The-Post.⁵¹

Another fear that politicians have, this time towards the multiparty-based, One-Person, One-Vote (OPOV) electoral system, is that it is difficult to adjust the clan system to OPOV elections.⁵² People who oppose the transition to multiparty-based, OPOV elections make up the majority in parliament and calculate they will be less represented, while others who feel they have less now than they could have if OPOV takes place, advocate for a transition to it.⁵³

Some point out that Somalia's political elite is involved in the continuation of the status quo of clan politics. Politicians, the argument goes, who have vested interests in the current mode of politics, want to keep Somali citizens divided along clan lines because this benefits them, but ordinary citizens are captive to clan politics and unhappy with it and want a change.⁵⁴

Additionally, insecurity is a major threat to Somalia's state-rebuilding efforts. The militant Islamist group, al-Shabaab, has been the main source of Somalia's insecurity for the last 15 years. Insecurity has been cited as a colossal obstacle to organizing nationwide, multiparty elections. Some parts of the country are controlled by al-Shabaab, which frequently conducts destabilising operations in FGS and FMS-controlled areas. The FGS launched offensive against al-Shabaab in 2022 and succeeded to recover large swathes in Hirshabelle and Galmudug states. However, the group poses a risk to the recaptured areas.

Indeed, the security situation was the top factor to hinder anticipated, nationwide elections

49 Interview with a technocrat at Somali National Independent Electoral Commission, Mogadishu, 22 February 2023.

50 Interview with political science academic, Mogadishu, 12 January 2023.

51 Interview with political science academic, Mogadishu, 12 January 2023.

52 Interview with political science academic, Mogadishu, 12 January 2023.

53 Interview with political science academic, Mogadishu, 12 January 2023.

54 Interview with civil society member, Mogadishu, 2 February 2023.

in 2020/21.⁵⁵ The security predicament continues to haunt the country and pre-occupies the discussions of both politicians and members of the mainstream population over whether universal elections can be held countrywide. Although the incumbent government has launched armed offensives against al-Shabaab,⁵⁶ it is not clear when these operations will be concluded and whether the FGS will be able to stabilize areas it recovers if al-Shabaab is overpowered.

The continued rows between the FGS and FMSs stem mostly from the provisional constitution, which does not clearly demarcate the power of each level of the federal government, also present trouble for the holding of direct elections and for reaching consensus on the political process.⁵⁷

The rift between the FGS and FMSs was again problematic in Somalia's 2020/21 stalemate over the modality of elections. The Farmaajo government entertained the idea of One Person, One Vote against Puntland and Jubaland presidents. Such squabbles are not yet over but currently continue between the FGS and Puntland. The president, Said Abdullahi Deni, who was again re-elected for a second term on 8 January 2024 attended only four of the eight National Consultative Council meetings—a platform for FGS and FMSs presidents to discuss contentious national issues—and rejected their outcome, including the adoption of presidential and two party systems. Some interviewees blamed FMSs leaders for putting roadblocks in the way of transition. In the last two indirect federal elections, FMSs presidents wielded arbitrary powers to decide who became members of both houses of the federal parliament.

Somalia depends on the donor community to support both its budget and development projects in the country, as the FGS does not collect enough domestic revenue.⁵⁸ Because of this, the international community has been financing indirect elections to ensure that power is transferred peacefully. Interviewees agreed that Somalia cannot afford to cover the huge financial costs of nationwide, multiparty-based elections for the foreseeable future, as it would not even be able to pay the wage bill of its civil servants and army on its own.

Moreover, the majority of Somali people lack a basic understanding of the need for elections and the impact this could have on their livelihoods. They lack an appreciation of what government is—the result of almost three decades of statelessness and weak governments. Civic education is a critical aspect of the design and implementation of an electoral system. Few citizens in Somalia are familiar with a democratic process, after decades without experiencing elections

55 Heritage Institute for Policy Studies, 'Somalia: In Search of Workable 2020 Electoral Model, July 2019. Accessed 24 September 2023, https://8v9of1.p3cdn1.secureserver.net/wpcontent/uploads/2021/01/HIPS_report_english_version.pdf.

56 Interview with civil society member, Mogadishu, 2 February 2023.

57 International Crisis Group, 'Staving off Violence'.

58 Somali Public Agenda, 'Reviewing the Federal Government of Somalia's 2022 Near Billion-dollar Budget: Development Priorities and Donor dependence', Governance Brief 18, 2022. Accessed 27 July 2023, https://somalipublicagenda.org/wp-content/uploads/2022/03/SPA_Governance_Briefs_04_2019_ENGLISH-1.pdf.

held under the principle of universal suffrage.⁵⁹ This necessitates serious efforts to educate citizens about the significance of participating in the political process.

59 Josh Linden, 'Somalia's Democratic Transition: A Framework for Electoral System Design, Administration and Cost of Elections Project, ACE Project, 2012. Accessed 17 July 2023, <https://aceproject.org/regions-en/countries-and-territories/SO/somalia2019s-democratic-transition-a-framework-for>.

CONCLUSION

Although multiparty politics have been absent from Somalia's political landscape since the military regime of President Siyad Barre dissolved political parties in 1969, Somalia now has provisional parties waiting to qualify as national political parties. The reintroduction of official national parties is expected to replace an established system of clan politics, which has been in use for almost two decades. This study found that using political parties as an avenue for political competition depends on conditions that have not yet been satisfied, such as having parties of the national character needed for their registration in keeping with the terms of the Political Parties Law. The shift from clan politics to multiparty-based politics is likewise complex, as it depends on finalizing essential legislations and institutions for this turnaround in Somali politics to become reality. In light of this, fast tracking resolutions on the provisional constitution, establishing a constitutional court, and reviewing the legal frameworks for elections could help shift the process and get it off the ground.

RECOMMENDATIONS

The federal government and federal member states should prioritize the finalization of the provisional constitution and clarify the political process without leaving ambiguities that could lead to political bickering and result in crises. The FGS should complete legislations and institutions critical for the transition to multiparty-based elections.

To prepare the country for embracing multiparty politics, the FGS and FMSs should start clean, local elections in which political parties compete for local council seats and local people elect their local representatives. This type of bottom-up approach builds the confidence people have in a political process and inspires them to detach themselves from clan affiliation, even if slowly, and identify instead with political parties. As part of that process, the government should introduce civic education in school curricula to instill a culture of politically active and politically conscious citizens.

Most importantly, the FGS should finalize the legislation missing for laying the foundations for holding multiparty elections. Parallel to this, it should start the process of registering political parties so that they can establish themselves and get ready for elections that would have to be held beyond this term, as conditions seem to not to favour nationwide, multiparty elections yet because of the existing circumstances cited above.

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