



Talobeeg Consulting Services

Background Report: Peace Building, State Formation and Democratization in Somalia

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1. Introduction

1.1. Executive Summary

This report covers the overall context in peacebuilding, state-building and democratization of Somalia and is compiled by Talobeeg Consulting Services – a Somalia based think tank institute whose vision is an improved capacity of society to desire their destiny through research, youth empowerment and civic engagement, education and skills training, inclusive governance and economic prosperity.

The report summarizes the Somalia conflict and stability trajectory from 1991 to 2019, State Formation efforts, the completion of Federal Member States, the existence of national constitution and its challenges as well as the democratic institution of the country are the basic building blocks for good governance and services delivery. The reports concludes the democratization process including the case of Somaliland and Puntland and the way forward for the free, fair and transparent one man, one vote elections to occur peacefully in Somalia in 2020.

This report is a compilation of several works including the activities undertaken by the firm and is widely based on publications and reports on the subjects. All works cited are indicated in the reference section of this report.

1.2. The Reporting Agency

Talobeeg Consulting Services is a Somali think-tank which was founded in January 2012 for the purpose of empowering society through research, civic engagement, inclusive governance and economic prosperity by a group of social activists who felt the need to working in community development, governance and humanitarian settings. TBF works on large pool of expertise from different fields.

The firm is an active member in many humanitarian and development forums in Somalia including African Diaspora Youth Network in Europe (ADYNE), and Global Campaign for Education. Talobeeg plays active role in development of private and public sector reforms in Somalia. It is also a project partner with UN, International NGOs and number of Government Ministries.

While the civil society sector is rapidly growing in post-civil war Somalia, the question of services delivery, equality and civic engagement in decision making remains an obvious concern for both local community and keen external change agents. Talobeeg Founders were inspired by the need to have local change agents, with viable vision, dedication and commitment to build an alternative society that is peaceful within itself and with its neighbors, a society that respects rule of law and human rights, where social development programs benefited for all various part of societies particularly women, children, youth and vulnerable groups to reduce socioeconomic and political gaps, where public participation in governance system, environmental protection, access to quality education, primary health care and rule of law are ensured for all.

The firm works in Somalia where the pivotal role of government had been absent since 1991, where social services are at their weakest, education and health scores the lowest and extremism, piracy, child soldering, youth unemployment and illegal immigration are at their peak while efforts of local educated youth is highly required. Talobeeg assumes the responsibility to take the lead in undertaking relief and sustainable development activities and to link Somali community particularly youth, children and Women to the rest of world.

The organization has adopted a policy of diversification whereby different projects are run by chapters of the organization. We thus have **Talobeeg Academia**, **Talobeeg Youth**, **Talobeeg Consultancy** and **Talobeeg Education** for now which all under come to Talobeeg Foundation as different program chapters. Such chapters are created to deal with all projects that can be grouped in to one program portfolio. The academia runs schools that build skills of the local community through short and extensive course. Academia manages Puntland Health, Promotion And Education Center in Bosaso established in 2006 that is successful and is a key to youth empowerment and employment creation.

2. Country Context

Somalia has been a country without a functional state since 1991, when the state's weak monopoly on the use of force collapsed. Somalia has struggled to establish a functioning central government and since 2000, there have been several transitional governments in place. In September 2012, the Federal Government of Somalia (FGS) was inaugurated, and the parliament elected Hassan Sheikh Mohamud as president. The federal government of Somalia has not been able to re-establish a monopoly on the use

of force throughout any part of the country. It largely depends on the African Union Mission to Somalia (AMISOM), which in 2015 totaled 22,000 troops.

A sustained period of political and institutional progress reflects a country in transition out of fragility and protracted crisis. The 2011 Provisional Constitution, the 2012 establishment of the Federal Government, and the subsequent formation of four new Federal Member States are re-drawing Somalia's new federal map and creating the space for a political settlement. Although key constitutional questions remain open, federalism offers a new means to negotiate power and resources and manage developmental imbalances between more stable northern regions and those in the south still emerging from conflict.

2.2. Somalia's Conflict and Political Trajectory towards Stability 1991 - 2019

As a result of 21 years military regime and the uprising of rebel groups led by former military commanders and politicians with the support of Ethiopia, Somalia State collapsed in 1991 and President Said Barre was ousted. The country had undergone years of prolonged civil war and political upheavals in the hands of merciless warlords and clan militias. Mass displacements, outbreak of cholera that claimed the lives of many Somalis, severe recurrent droughts exacerbated by the El Nino, extensive floods and famine 1992 led the country to one of the most tragic starvation in the southern regions. The United States Operation Restore Hope, international community support including UN engagement in humanitarian services and reconciliations which mostly ended in vain and the emergency of autonomous administrations in the northern regions contributed partly to the relative stability of some areas.

In early 2000s, several failed reconciliation conferences in Ethiopia, Egypt and Djibouti, Islamic Courts Union (ICU) adopted a system of sharia-based Islamic courts became the main judicial system, funded through fees paid by litigants. Over time the courts began to offer other services such as education and health care. The courts also acted as local police forces, being paid by local businesses to reduce crime. The Islamic courts took on the responsibility for halting robberies and drug-dealing, as well as stopping the showing of what it claims to be pornographic films in local movie houses. The ICU expanded its operations between 2006/2007, defeated the most prominent warlords in Mogadishu and triggered aggression against the newly established Transitional Federal Government (TFG) of President Abdullahi Yusuf in Baidoa which resulted external interventions of Ethiopian troops and emergency of Al shabaab insurgents as the aftermath and the deployment of African Peacekeeping Mission (AMISOM) in Somalia. With the presence of foreign troops from Africa and the new transitional government elected in the Djibouti, Somalia

stepped towards facilitating institution building in the centre of the government – Mogadishu. Ministries and agencies for services delivery were established. However, the government was stormed by parliamentary motions of removing Prime Ministers similar to its predecessor. Sharif Sheikh Ahmed ended his term with the third PM with the success of holding the first presidential election in Mogadishu on September 2012 since 1967 when last democratic President Abdirashid Ali Sharmake was elected. The next government continued facilitating establishment of four new federal members States as commanded by the provisional constitution.

2.3. The traditional clan system

The traditional clan system is evolving, but remains a factor in shaping political and socioeconomic realities. Somalis have historically relied on clan for protection, and tend to perceive responsibilities and rights in collective rather than individual terms. With the collapse of institutions in the early 1990s, clan re-emerged as an important basis for conflict management through arbitration based on xeer – literally “there is an agreement between us”. At the local level, xeer has helped to regulate access to shared resources such as grazing areas and water; at the national level, clan played a role in establishing the makeup of the Parliament. While population movements and conflict have weakened traditional authority structures, the role of the clan is evolving, but is expected to continue to play an important role even alongside the emergence of more formalized governance institutions.

For centuries, Somalis have gathered under acacia trees to witness justice being delivered. Using this traditional customary law or xeer, clans hear cases and provide justice. Even though many Somalis in urban areas use the court systems with a formal system of law, a significant number, particularly in rural areas and in south and central Somalia, rely on xeer or Islamic Sharia law, or a merger of the two. However the traditional laws aren’t very friendly towards women or minorities and focus on compensation rather than corrective measures. In some places in Somalia, access to qualified and competent law enforcement and legal aid is still non-existent. Currently, less than one-third of Somalia’s judges and prosecutors have a law degree. Judges have a limited understanding of criminal laws and court procedures, and are poorly equipped to hear complex criminal matters. To improve the capacity and effectiveness of the courts, we support long-term legal education. This boost in the number of qualified law enforcement officers, lawyers and judges will build a robust legal system. To obtain more knowledge about the kind of law being used, UNDP is introducing community justice centers, starting off in Puntland’s main towns.

2.4. The Rule of Law

Formally, as a parliamentary model of governance, there is no clear separation of power between executive and legislative branches. However, the key element creating a “fused” executive and legislative parliamentary systems – party cohesion – is entirely absent in Somalia. Members of parliament represent their clans or themselves through 4.5 formulas but are not disciplined by a ruling party. Parliament can and does rebel against the dual executives (the president and prime minister). Informally, there is a robust system of checks and balances that plays out along clan lines, manifested in the regional member states and the Somali Leadership Forum or National Security Forum. In the forum, major political issues have to be negotiated and regional member states have the ability to walk away, hence have a degree of veto power. This constitutes a sort of checks and balances system that is extra-constitutional but effective.

There is no countrywide rule of law and secular legal institutions are in a nascent stage. Additionally, there is no countrywide agreement over the basic framework, institutional structure or composition of a legal system. The FGS has not put much effort into designing, debating or implementing a legal framework, or providing legal services to its citizens. However, over the last decade, successive governments have re-established state courts at the district level in Mogadishu and in other cities. Though many of these courts operate under the regional authorities or clan groups, and their procedures and frameworks are not harmonized. The courts are responsible for criminal and civic laws. Additionally, there is an appellate court and a Supreme Court in Mogadishu. Puntland and Somaliland both have established an independent and formally structured hierarchical court system. The courts in Somalia and Somaliland run parallel to two other legal systems: customary law (Xeer), which is negotiated on a case by case basis and implemented by elders; and the Islamic Shariah law, which is interpreted quite differently in different courts and locations. Different versions of Shariah law thus exist and there are tensions about the interpretation of the Islamic law.

3. Federalism at Glance: The Reconstruction Process

Since the mid-1990s, a series of peace efforts have made slow but significant progress toward restoring legitimate government. Federalism is defined as both a structure and a process of governance that establishes unity on the basis of consent while preserving diversity by constitutionally uniting separate political communities into a limited, but encompassing, polity.

There is now consensus among Somali leaders that a federal system of government provides the best chance of bringing together the fragmented state. The idea of a federal system of government was first proposed in 2004, when the interim federal charter was adopted. It gained momentum with the adoption of the Provisional Constitution in August 2012. The Constitution lays the firms for the creation of a viable federal system of government through the FGS. However, much remains to be done to fashion the constitutional framework into a workable multilevel government architecture that can support both economic growth and improved standards of living for the people of Somalia. Somalia's journey from a unitary state to a nascent federal system of governance has been long and difficult. The term federal did not appear in a Somali constitution until 2004, but in many respects Somalia has been on a journey to federalism for more than 30 years. In 1995, a report by two respected scholars of Somalia recommended four models of decentralized government, including federation, confederation, and a consociational power-sharing arrangement (Lewis and Mayall, 1995).

3.1. State Formation and Election Process

The provisional federal constitution, which was adopted in 2012, constituted Somalia as multiparty democracy based on the separation of powers. The FGS developed in the **Vision 2016** the strategic framework for the democratic transition in 2016. Albeit international donors put considerable pressure on the FGS to reach these highly unrealistic goals, the FGS did not put significant effort into the organization of a constitutional review or preparation of elections. The FGS organized a leadership forum in September 2015, in which the president, prime minister, speaker of the parliament and the members of the transitional federal administrations discussed the modalities for the upcoming election. The forum released a communiqué stating that the conditions in Somalia are not yet conducive for general elections. Instead, a National Consultative Forum was held in December 2015 in Mogadishu, but failed to agree on the modalities for the selection of members of the Lower and Upper House of the parliament. Instead, President Hassan Sheikh announced in March 2016 the re-adoption of what was called 4.5 principles. Accordingly, the 275 members of the federal parliament are selected on the basis of a power-sharing arrangement that provides the four clan-families an equal number of seats,

while minority groups together receive half of the number of representatives of one of the four clans. While the Puntland administration initially rejected these modalities, it later in April agreed after a visit of an international delegation comprising representatives of the major donor states. Puntland however received the right to approve the list of members eligible to be elected in Puntland to the Lower House of parliament. In the next National Leadership Forum in April 2016, other regional presidents also received veto powers over the elected members of their states for both the Upper House and Lower House.

The national leadership forum also agreed to pursue indirect elections. On May 21, 2016, President Hassan Sheikh endorsed a new electoral model that combined an Electoral College model with the 4.5 power-sharing mechanisms. Elders from 135 clans and sub-clans nominated 275 electoral colleges, each composed of 51 delegates representing different clan groups. The electoral colleges which in total composed of 14,025 delegates were placed in the three regional capitals and Mogadishu, and mandated to elect the 275 parliamentarians for the Lower House. The members of the Upper House were elected by the regional assemblies, which take a similar clan-based power-sharing agreement into account.

Two temporal institutions for the implementation of the election were swiftly established: the Federal Indirect Electoral Implementation Team (FIEIT) responsible for the oversight and overall planning of the electoral process, and the State Indirect Electoral Implementation Teams (SIEITs) to conduct the electoral process in the established and emerging federal member states. The election process was due to start in September 2016, but was delayed. It was accompanied by massive corruption; payment of bribes to elders and delegates; intimidation of candidates; manipulation of election lists, including the list of elders; vote-buying; and manipulation of results. The selection of parliamentarians was eventually completed in December and parliamentarians were sworn in by the chief justice on December 27, 2016. The new parliament elected a speaker on January 9, 2017, and presidential elections were held on February 8, 2017. Members of both the Upper and Lower House had to decide between 23 candidates. Mohammed Abdullahi Mohamed (Farmajo) who served between 2010 and 2011 as prime minister in the Transitional Federal Government won a majority of votes in the second round of voting who then appointed Hassan Ali Kheire as the Prime Minister.

3.2. Formation of Federal States

The emergence of four new Federal Member States (FMS) 2013-2016 is re-shaping the political landscape. Arguably the most significant change in Somalia's context in the last five years has been the emergence of Federal Member States, a development that follows the pattern set by Puntland in the 1998. A federal governance model will allow regions to run their own affairs, thereby avoiding some of the disadvantages of centralization during the 1970s and 1980s. Nevertheless,

uncertainties remain over the assignment of functions to different levels of government, pending a final constitutional settlement. Moreover, federal institutions need to win the trust of all stakeholders, as they seek to assume increased authority, not least over the command and control of the security sector. The state formation process was a positive sign, but it needed to be accompanied by the development of robust intergovernmental relations. The state formation process was fragile and fraught. The Provisional Constitution envisages that the constitutional review process defines intergovernmental relationships, but it is yet to play a role in intergovernmental negotiations.

Transparent wealth- and resource-sharing arrangements are also very key to establish trust. In 2018, there have been positive steps towards reaching agreement on the ownership and management of fisheries and hydrocarbons revenues as well as structures and forums for transferring financial resources. Relations between the Federal Government and the regions will remain fluid and asymmetric for years to come, even as inter-government cooperation arrangements emerge. Federal Member States are envisaged in the Provisional Constitution to be the principal sub-national federal authority. The four states that emerged were: Jubbaland, South-West, Galmudug and Hirshabelle. While the process was largely driven by local leaders, the Federal Government and international community facilitated the process, which ultimately requires the ratification of Parliament based on confirmation of the regional borders. In June 2018, regional and federal leaders reached agreement in Baidoa on a resource-sharing deal for hydrocarbons. The arrangement is due to be enacted through legislation. Article 54 of the Provincial Constitution grants the Federal Government powers over foreign affairs, national defense, immigration and citizenship, and monetary policy. All other powers are to be negotiated by the Federal Government and FMSs. Despite these constitutional roles, the fragility of the current system of government is evidenced by the fact that the Member States announce the severing of relationship with the FGS as of the case of Puntland had made this twice or thrice since 2012, resulting in a parallel political process to resolve disputes. Similarly, only months after the interim Southwest administration was formed, it set up customs posts between the Benadir region and the new state. The action resulted in a dispute between the Benadir region, the interim Southwest, and the FGS. Early in 2015, the Federal Parliament voted to disapprove the composition of the newly constituted Interim Jubba Administration (IJA). In response, the IJA announced that it would sever its ties with the FGS. The Interim Administration of South West State (ISWA) also took issue with the composition of the IJA regional assembly. Frictions have also arisen between

Puntland and the FGS over the formation of the Galmudug Interim Administration. Such examples highlight the need for mechanisms to resolve government to government disputes.

3.3. The Constitution of the Federal Government of Somalia

For the first time in 50 years, Somalia owns an invaluable asset that spells out the rights and duties of each citizen and binds all Somalis together with their national administrations: a constitution. Approved on 1 August 2012 and endorsed by a National Constituent Assembly made up of selected political and community representatives from across the country, this Provisional Constitution serves as a guide for Somalia's nascent political institutions. It also defines the structure of the government and powers of the administrations.

The country is currently in the rare position of implementing this Provisional Constitution, while at the same time trying to review, revise and ratify it to create a final National Federal Constitution. For now, the Provisional Constitution is the legal firm for the country until its mandate ends in 2020.

The Government is beginning its journey of reviewing the Provisional Constitution. This is not an easy task, but it presents a tremendous opportunity for the Government to engage its people in determining the future of the country. To this end, Somalis will undertake a comprehensive constitutional review process that covers additional issues that they would like to know more about, such as the division of powers among the states, intergovernmental fiscal relations and the management of Somalia's natural resources among others.

The revised Federal Constitution should ideally represent the opinion of Somali communities at large, ensuring all the people of Somalia - old and young, and from all demographic backgrounds - play a role in legitimate politics. A law enacted by the Parliament formed a Parliamentary Oversight Committee and Independent Constitutional Review and Implementation Commission, both of which will work to finalize a constitution that fully represents the citizens' will ahead of the next elections. Alongside these key institutions, the FGS have created the Ministry of Constitutional Affairs whose mandate is to promote and facilitate political and public consultations including tasks of the federal government, federal member States as well as the political, social and cultural organizations and the Somali society in order to devise an open, transparent and inclusive atmosphere of the constitutional review process in collaboration with the Parliamentary Oversight Committee and the Independent Constitutional Review and Implementation Commission.

From 13 to 15 May 2018, the National Constitutional Convention was held in Mogadishu with the participation of the Federal Government leadership and representatives from the federal member states. The convention brought together more than 300 participants from across the country, diaspora and civil society, including women's organizations, the United Nations and the international community. It provided an unprecedented opportunity to deepen and broaden ownership of the review process and build consensus around principles and timelines for an inclusive, Somali-owned review process. Addressing the Convention, the Prime Minister, Hassan Ali Khaire, described the constitutional review as a critical opportunity to promote unity.

Building on the momentum generated by the Convention, a joint retreat was held on July 2018, co-chaired by the Minister for Constitutional Affairs and the Minister for the Interior, Federal Affairs and Reconciliation. It brought together key political stakeholders, including members of the Federalization Negotiation Technical Committee, to enhance coordination and alignment of tasks in the implementation of the road map on inclusive politics. The retreat was opened by the Prime Minister and included discussions on the legislative and constitutional implications of the political agreements reached so far, and on the priorities going forward. A retreat was subsequently convened by the Ministry of Constitutional Affairs in Nairobi August 2018 and discussed, among other topics, the allocation of powers and justice in a federal Somalia.

3.4. Rights to Association and Political Participation

As clearly stipulated in the provisional constitution of Somalia, every person has the right and freedom to associate with other individuals and groups. This includes the right to form and belong to organizations, including trade unions and political parties. It also includes the right not to associate with others, and a person cannot be forced to associate with any other individual or group. Citizens are also granted the right to form political parties and to participate in the activities of political parties while she/he can elect and be elected for any position within a political party and the government.

The country's provisional constitution offers opportunities for the Somalia people to exercise their rights. The implementation of the laws of the land is power of self-governance begins and ends with the people, who have the power, where necessary, to hold public institutions and public servants accountable.

3.5. Stability of Democratic Institutions

The Provisional Constitution states that Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people and a multiparty system and social justice. The federal government has committed itself to democracy, but has not put much effort into translating this commitment into practice. The indirect electoral model that was applied to parliamentary elections is far from democratic and reinforces the political elite's control. However, it also demonstrated an attempt to widen the democratic space, as the selections of political representatives were no longer restricted to elders. A positive sign has been the smooth transition of power to a new president. The Somali public is politically weak and fragmented by clan affiliation. Cooperative organizations or interest groups that operate independently of either the clan system or religious affiliation are rare in both Somalia and Somaliland. Social conflicts are mostly perceived and articulated as conflicts between clan groups. That said, Somalia today is in many ways a "mediated state" in which the weak federal state must negotiate with a range of non-state actors (e.g., clans, militias and businesses) for indirect influence in areas it claims to control.

The combination of weak institutions, and large numbers of young people excluded from services and economic opportunities, is an enabling factor for Al Shabaab in southern Somalia. In the absence of effective rule of law, Al Shabaab can extract protection rents to finance its operations. In Somaliland, local reconciliation, the establishment of basic rule of law and more accountable public finances have delivered more revenues, service delivery and stability. The Constitutional Review Commission has been formed, but it has not been able to operate effectively because of resource and capacity limitations.

Strong, reliable and responsive public institutions are the roots of a country, which serve as the firm for growth and feed the branches of progress in political, social and economic areas. However, developing institutions - or these roots - in both conflict and post-conflict settings is not easy. In the fragile and highly volatile context of Somalia, successful reform of public administration requires several inputs, including strong domestic leadership and objectives that are modest, focused and incremental. A culture of greater accountability and transparency needs to be fostered. Political agreements need to be translated effectively into peace and state-building at grassroots levels, through strategies of broad social inclusion and national ownership. Additionally, political, material and technical deficiencies need to be flagged and addressed.

Change is emerging in the way Somalia's institutions are being formed and run as a result of the support provided by the UN and international community. They are now defining their scope of work, establishing internal structures and ways of working, and engaging with other institutions in overlapping or related areas of work. Somalia's political institutions are progressing from crafting policies towards policy implementation and engaging the civil society, while starting to deliver services on a larger scale, in a more consistent and sustainable manner. Still, next to these success stories, there are cases where improvements seem distant.

3.6. Democratization Process in Somalia

3.6.1. Democratization in Somaliland

After the independence in 1960, British and Italian Somalia joined together and the colonial borders were not removed. In 1991 Somali National Movement (SNM) captured and controlled Somaliland, but after two years it had turned the power over to a civilian administration which came to govern up until the time of general elections in 2002. The first decade of Somaliland's self-declared independence was, as with many newly formed states, a problematic time that came to set the path for future development. Between 1991 and 1997 there was an extensive process of national dialogue regarding how the construction of Somaliland's political representation should proceed. Even though two minor conflicts, between different sub-clans broke out in 1992 and 1994 due to disagreements about power distribution, the peace-talks continued and managed to secure peace in the Somaliland region.

A vast number of negotiations and two main peace conferences –one in Borama 1993 and one in Hargeisa 1997 –would come to form the political landscape of today's Somaliland. During this time of negotiations, few factors contributed to the national acceptance of their legitimacy. Firstly, the peace-negotiations were locally conducted. All meetings were held within Somaliland's borders, making them more accessible and allowing more people to participate. This also gave room for all of Somaliland's clans and sub-clans to be represented and heard in the talks. Furthermore, the conferences were to an overwhelmingly majority funded by local people or the diaspora. This meant that the conferees were accountable only to the local population, and the topics discussed were thus limited to local problems and solutions.

At the Borama conference in 1993 the groundwork for Somaliland's governmental system was laid through the production of a Peace Charter and a Transitional National Charter. The Peace Charter took its firm from the Somali xeer (the customary law of

obligations and punishments applying to each clan) and formed a national implementation of it; while the Transitional National Charter was based on a beel system (a clan or community conference). Based on these traditional systems there was a formal recognition of the role of clan elders. The power sharing in Somaliland thus became institutionalized based on clan representation through Guurti (a council of clan elders). Through the Charters the Somaliland parliament came to consist of two Houses, the Lower House with elected representatives, and the Upper House with Guurti elders. The Guurti's role was to serve as a peacemaking institution, as a check point of the Lower House, to elect the president and vice president, and safeguarding moral and religious values.

Even though Somaliland has had a seemingly good democratic development since its self-declared independence 1991, with power allocated according to results from the general elections, there are still numerous problems facing the northern Somali region. One of the problems standing in the way for democratic development is the reoccurrence of delayed elections. Before the presidential election November 13th 2017, every general elected political institution in Somaliland had extended their constitutional mandate. The one institution facing the most difficulty in its future reelection process is the House of Elders, Guurti. The current seats in the House were assigned at one of the peace conferences in either 1993 or 1997, meaning that they have served for a term of over 20 years.

Primarily, the fact that Somaliland lacks an electoral system for its Upper House means that it is incomplete in its appointment system and is thus missing a crucial concept for any emerging democracy. This has led to these seats of the Guurti becoming object of a heredity system, and taking a step away from democratic elections (Gatimu, 2014, page, 39). As mentioned, 75 of the House's 82 seats were appointed at the Borama conference in 1993; and the rest at the Hargeisa conference in 1997, and have since never been reelected. Due to the long time span, only about 10% of the original members are still in office, and the rest has been inherited by sons or other immediate family of the original members (ISS and APD, 2017, p. 13).

3.6.2. Democratization in Puntland State of Somalia

Upon its establishment in 1998, the founders of Puntland State pledged to carry out a transition from a clan-based political system to a democratic multiparty system through free and fair elections. However, promises of democratization and multiparty politics still remain largely unfulfilled due to multiple political and social challenges that have forced successive administrations to fall back upon old systems of clan-based politics and clan rotation schemes.

It was identified that four main challenges facing the democratization process in Puntland are (1) Diverging public perceptions and understanding of democracy (2) Ongoing political reliance on the clan system, (3) Political uncertainties in the greater Somali context and (4) Lack of commitment to reforming institutions. Despite these overarching challenges Puntland has made some progress towards democratization in recent years. It has carried out intensive public awareness-raising campaigns through civic education. Other key developments included Parliament's approval of the Electoral Commission Law, Political Parties Law, and Election Law, the establishment of the Transitional Puntland Electoral Commission (TPEC) in July 2011, the adoption of the Puntland State Constitution in April 2012. The establishment of TPEC was a major step forward for Puntland's democratization process. It marked a new era for the institutionalization of the process after almost a decade and a half of an ad hoc approach. Soon after its establishment, TPEC managed to hastily register a number of political associations, announce the date of the Puntland local council elections on 15 July 2013, and facilitate an intensive civic education campaign. However, the local council elections were suspended on 14 July 2013 after an outbreak of violence in several locations – a major setback to Puntland's democratization.

The clan system is peculiar to Somali society and politics. Clan loyalty supersedes formal loyalties to government and to other institutions. The centrality of clan is reflected in all aspects of life and deeply permeates the political sphere. The political influence of this age-old system constitutes a significant handicap to moving ahead with democratization in Puntland and in Somalia as a whole. Elections through one man one vote approaches became mirage in implementation. The challenges facing Puntland to conduct free, fair and transparent elections as promised many times are summarized below.

Low Public Awareness: Due to widespread illiteracy resulting from the prevalent nomadic lifestyle in Puntland, there is little knowledge of the notions and principles of democracy, political parties, elections, or good governance. Participants in the mapping referred to this unfamiliarity with political parties and elections as a hindrance to the democratic process.

Lack of a Constitutional Court: The absence of a constitutional court from the election process raised serious disputes between the former TPEC and the political associations over how electoral controversies or procedural issues would be settled during the election process.

Lack of Regional and District Boundary Demarcation: Boundary demarcation is a critical issue for elections because they, in theory, take place at the district level. It is impossible to allocate seats and polling stations, in accordance with the constitution, when districts are not marked with clear and distinct borders. When Puntland was established in 1998, there were only 20 recognized districts with clearly de-fined boundaries; now the number of districts stands at 43. Undefined regional and district boundaries – as well as the lack of a population census – are serious problems that can prompt territorial disputes between clans.

Lack of Voter Registration and Voter ID Cards: The number of potential voters should be publicly estimated to avoid electoral fraud and mal-practice and to allocate seats fairly according to districts. Voter ID cards are also important to know who is eligible to vote, as required by the constitution.

Limited Financial Resources: Electoral processes are costly, especially when starting from scratch. Activities like district demarcation, voter registration, production of voting materials, and ensuring a safe environment for the process and the voters all require considerable financial resources and technical know-how. These, however, are limited in the case of Puntland.

There is widespread public support for democratization among stakeholders and the general public, who have embraced the ideas and principles of democracy on the condition that basic Islamic and Somali values are respected. Over the past few years, there has been significant improvement in public awareness on democracy. People are now more receptive to the democratization process and the ideals and principles of democracy. A part of these attitudinal changes is attributed to various actors' involvement in public awareness-raising campaigns in the lead-up to the attempted elections: civil society organizations, government, and domestic and international NGOs. During the most recent electoral process in January 2014, the people of Puntland had a short-lived glimpse of a democratic, multiparty system of governance. Puntlanders were ex-posed to the concepts of democratization, political associations, and different levels of elections, which will make it considerably more difficult for the government not to address some of these key popular concerns. Political parties are indispensable building.

3.7. Democratic Elections – The way forward for 2020

The inauguration on 10 May 2018 of the new Speaker of the House of the People, Mohamed Mursal Sheikh Abdirahman, following his election in April, marked the end of the political impasse that halted the operations of the government for a month. At his inauguration, the Speaker outlined his legislative priorities for the House, including the delivery of a legal

framework for multiparty elections, an intergovernmental relations bill and the completion of the review of the Provisional Federal Constitution.

The National Security Council, comprising the leaders of the Federal Government and federal member states, met in Baidoa on June 2018. They reached a political agreement in principle on an electoral model based on a proportional representation and closed party list system, in addition to an agreement on ownership, administration and sharing of revenues from petroleum and minerals.

Prior to the meeting of the National Security Council, the Presidents of the federal member states had held the second meeting of the Council of Interstate Cooperation on May 2018 in Baidoa. While welcoming the transition plan and recognizing the progress made in discussions on elections and resource-sharing, they urged the Federal Government to provide support for regional forces and indicated their desire to retain the right to seek external support.

The new Federal Government of Somalia committed in May 2017 to national multi-party ‘one person, one vote election’ at the end of the Parliament’s current term in 4 years, the first universal suffrage elections in Somalia since 1969, and the development of the Electoral Law by end of 2018. The National Independent Electoral Commission (NIEC) developed and presented in 2017 a comprehensive five-year Strategic Plan (2017-2021) to plan and prepare for the country’s first universal elections since 1969.

After the past electoral process, Somalia has in the current inter-elections period a genuine opportunity to stabilize further the country and to advance on its peace building and state-formation agenda which are part of the new government priorities including the commitment of holding universal elections at the end of the Parliament’s term in 2020. This was expressed publicly in May 2017 during the London Conference, where in addition the commitment was made to have the Electoral Law by the end of 2018. This commitment was renewed in the Mogadishu Agreement on 5 November 2017 by the Federal Government of Somalia (FGS) and the Federal Member States (FMS). The commitment from the Federal Government to universal elections was welcomed in the United Nations Security Council Resolution (UNSCR 2358) on 14 June 2017, where the Security Council underscored the importance of UNSOM to support the FGS with the preparation of “inclusive, credible and transparent elections by 2020”, and to take the lead in coordinating international electoral support to Somalia

The choice of an electoral system will be a profound decision for Somalia, and that decision should be made in a consultative, transparent and accountable manner at all stages of the process, including the during the legislative process in parliament when the legislation will be concluded by late 2018. It is furthermore important that the NIEC arrives at a decision, consulted and accepted by stakeholders, on the appropriate voter registration methodology for Somalia at this time –manual or biometric –, so that preparations can begin for implementation of a voter registration exercise in 2019. It is also important that political parties continue to register and organize themselves as effective groupings so that the transition from clan-based politics to policy-based politics can proceed.

In 2018, representatives of the National Independent Electoral Commission visited all federal member states and Benaadir to prepare for the establishment of sub national offices, including the recruitment and deployment of staff. In terms of mapping voter data, the Commission is also preparing the nationwide verification of 1,763 voter catchment areas which could be used as voter registration sites through an intensive field exercise which as planned to commence in the 2018 but was unfortunately hampered by the year long conflict between FMS and FGS.

The federal parliament passed the national electoral law on 20 May 2019 with a landmark of 150 votes. The endorsement of the electoral bill follows a recent failure of the National Security Council conference in Garowe which was held from 5 to 13 May 2019. In the conference, one of the heated up discussions was the electoral law which the FMS argued that it needed a wider proper consultation and requested for its return to public and to the federal states while the FGS President and the Prime Minister insisted a consensus agreement was made in Baidoa and thus unnecessary consultations will hamper the process and create further delays.

Conclusion

Somalia finds itself at the cross roads. Recent development gains on several fronts including expansion of government's presence to south and central regions, completion of federal entities, intergovernmental cooperation and relations, political talks with Somaliland, efforts to normalize relations with international financial institutions and expanding the base of domestic revenues are broadly favorable despite difficult political and security environment.

The FGS currently controls the capital city of Mogadishu. The rest of the country is controlled by the Federal States and Alshabab. The government is not in good terms with its members which occupy the country revenue resources such as ports and major airports except the Mogadishu port and Adan Adde International Airport being the only customs managed by the FGS. It is imperative for FGS to improve its intergovernmental relations with the member states so as to enable expedite priority tasks including the completion of the provisional constitution through consensus means. A major task ahead of the Prime Minister Khair's government is to convene national elections by 2020 with an electoral model that is welcomed by most of the federal states. That is a task already proves challenges since the government is still struggling with stabilization of the capital city let alone neighboring districts which strongholds to Alshabab.

The overall security situation remains volatile and unpredictable. Al-Shabaab-related attacks continue across Somalia, and incidents carried out by alleged pro-Islamic State of Iraq and Levant (ISIL) elements observed. There is fewer security incidents during Ramadan compared with previous years. However, there were incidents ranging from targeted IED attacks, vehicles blasts in Mogadishu to larger-scale attacks against army bases in other regions.

Some progress was made in advancing federalism, despite lingering friction between the Federal Government and the federal member states. On May 2019, the National Leaders conference in Garowe did not produce any fruits. The leaders of Federal Government, federal member states and Benaadir Regional Administration could not agree on all topics discussed including the sharing of power and resources, electoral law which was passed by the federal council of ministers a day before the conference started, and the intergovernmental cooperation mechanism.

President Mohamed Farmajo recently expressed his committed to resuming talks with Somaliland which declared self-proclaimed independence in 1991. The International Community currently engages Somaliland through Special Arrangement facility which has adopted in Brussels.

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