

Report

Political Dispensations in Somalia: A Dangerous Path

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Somalia's top diplomat reassured the UN on Tuesday of the country's "unwavering commitment" to credible elections

Abstract

Due to pressure from the international community, the government, after it failed to stabilize and lead the country to democratic elections, presented an alternative selection process. Under such a process, each of 135 traditional leaders would nominate 51 clan members that would choose each parliamentarian of the first chamber of 275 seats. Moreover, each of the six clan-based state presidents would designate each of the 54-member seats of the second chamber to a sub-clan and then nominate two to four individuals so the parliaments of the regions would pick one for each. The combined members of the two chambers (329 altogether) would choose a president in November 2016. This report explains and analyses the political dispensation in Somalia. It argues that Somalia's political dispensations are marred by gerrymandering, manipulations and corruption. Finally, the report calls for the international community to safeguard the process and pressure Somalia's incumbent government to respect it.

Introduction

In his report to the UN Security Council on September 27, 2016, Michael Keating, Special Representative of the Secretary General for Somalia (SRSG), admitted that the "scope for political manipulation of the process remains high."⁽¹⁾ Yet, while noting potential negative implications of the delayed political dispensation, the SRSG defended the skewed process, arguing that it is "imperfect" but it is still a credible arrangement that will provide the

country's political institutions the "enhanced legitimacy" they need. The SRSG got this wrong.

Gerrymandering the Political Dispensation

Keating's reading is too optimistic at best, albeit it is consistent with the general narrative the donors want to hear. Obviously, President Hassan Sheikh Mohamud has comparative advantage because he is in power, and he co-opted the presidents of clan regions by overriding the parliament and replacing it with what he calls "National Leadership Forum (NLF)." (2) He purchased the support of Ethiopia and Kenya with controversial concessions that the Parliament has not ratified. (3) Moreover, his opposition is weak and divided as none of his competitors articulated new and workable ideas. Yet, instead of engaging fair and transparent race, the president, with the help of his "electoral committees" and his fellow-members of the NLF chose to manipulate the process to the extent of gerrymandering his come-back.

The so-called "electoral committees" at the national and regional levels are populated with the friends and employees of the president and the forum members who are leading it from behind. (4) Such a body cannot be fair and neutral to all political forces. Thus, nobody trusts them. The tainted "electoral committees" are using delaying tactics and arbitrary selections to benefit the president and his supporters. (5)

Additionally, as part of his campaign to stay in power, the president has recently made many politically motivated appointments (6) (ambassadors, ministers and senior public servants) and through the forum members and his interior minister tampered with the list of the traditional leaders.(7) Moreover, media and opposition groups have experienced repression and intimidation from the security forces. (8) On October 15, the Security forces closed down the Xog-Ogaal newspaper in Mogadishu and arrested its editor, Abdi Guled. (9) Some groups were denied to organize a meeting in public hotels, albeit the president latter re-assured the opposition groups they can meet. Most importantly, the level of corruption in the country has reached the highest for the last four years. (10)

Dashed Hopes

Somalia's political dispensations came at critical time when the hope for political progress and change is at its lowest among Somalis. Despite the high-level corruption and vote-buying used in the process ⁽¹¹⁾, Somali people have given president Mohamud a great opportunity in 2012. However, besides slow and poor decision-making throughout

his tenure, the president has not utilized his time of office effectively. For the first two years, he wasted much needed time in changing prime ministers and blaming previous administration for all that went wrong. Additionally, the president spent a lot of the time touring capitals of the world. Worse, the president spent his last two years of office in campaigning for his return. In other words, there is very little to show for the last four years in terms of political, security and economic progress.

The president's misplaced priorities led to three results. First, minimal effort was spent on building and/or respecting the constitution or the political institutions. The parliament was the first casualty as the president undermined this institution when he used it, through corrupt means, for removing the prime ministers he appointed. ⁽¹²⁾ The legislature lost credibility and whatever support it could get from the Somali people and the international community. For the four years, the parliament has passed few legislations. Eventually, with the help of the international community, the president has over-rided the parliament ⁽¹³⁾ and created the "National Leadership Forum" which is a parallel institution that took over the functions of the legislature and that of the Council of Ministers.

Second, because of the incumbent government's insensitive, local-mindset ⁽¹⁴⁾ and Mogadishu-centric approach, tribalism sky-rocketed for the last four years driving clan emotions very high. From 2012 to present, different communities in different parts of the country felt excluded and marginalized. The widely perceived clannish approach of Villa Somalia has permanently damaged the hope for creating a national and inclusive project. For instance, Jubba region conflict almost led the country to a renewed Hawiye-Darod conflict because the president did not understand the tribal sensitivities and vulnerabilities.

Moreover, recently, the president failed to handle the Somaliland issue sensitively when the president and his fellow NLF members were allocating the poorly conceived seats of second chamber. The question here is not whether Northerners in Mogadishu represent Somaliland or not; it is sending a gesture of goodwill. At the time of writing this report, the politicians from the north that are in Mogadishu have boycotted the selection process until this issue is resolved. Finally, there were also cases where many Somalis questioned the composition of the president's delegations overseas. Besides the behaviour of the government leaders, other factors such as the adoption of the Ethiopian designed clan federalism project and lack of public participation in constitution-making contributed to the rise of the tribalism and sectarianism in the country.

(1) Finally, the government has missed the mark when it comes to controlling corruption.

To the contrary, wide spread corruption has repeatedly been reported. Somalia is still one of the most corrupted countries in the world. ⁽¹⁵⁾ More importantly, the government

leaders' search for sources of money to steal ended up in selling public properties to their supporters.

Potential Negative Implications

Understandably, the hope is all-time low. There is a widespread discontent among Somalis with the incumbent government and its forum of clan leaders. Moreover, Somali people do not have a say in the selection of the next government. Hassan Sheikh Mohamud and his friends understand this fact and want to exploit this opportunity to their advantage. For many, what is going on in Somalia is not fair political dispensation where all political forces can participate in the process; it is a power-grab because the government controls the committees that are overseeing it and the eight members of the NLF have the final decisions. Moreover, the government leaders control the financial and public media institutions. Perhaps, one clear indication of how the president and NLF members are manipulating the political dispensation is the result of the selections of the representatives of the Galmudug, one of the regions, for the second chamber – almost all of the eight seats went for the president's friends and allies. Same will happen in some of the other regions such as Hiiraan-Shabeelle.

If the current process is taken to its logical conclusions, the likely scenario is that Villa Somalia will completely hijack the dispensation. Such an outcome might lead to three results. First, inter-communal violence might start again. This is a possibility. Back in 1969, the leaders of the government at the time manipulated the elections. As a result, many people were killed during and after the election, including high profile assassinations. This led to the military to take-over the power. Similarly, when President Siyad Barre refused to share power with the political forces, many groups opted for an armed opposition. In other words, greedy politicians who wanted to maintain power at whatever cost led the country to where it is today. Unfortunately, President Hassan Sheikh Mohamud cannot see these dangers as he is determined to stay in Villa Somalia at any cost.

Second, the quota for the representation of women may not be secured. The proposed political process allocates seats of the first and the second chambers to clans and sub-clans. This poorly conceived institutional design does not often produce women as leaders or parliamentarians. The current leadership understands this fact and did not do anything to rectify it. The rhetoric of forcing clans to select women have not taken women's participation forward in the past political dispensations and it might not do it this time too.

Interestingly, the NLF members established unnecessary 54-seats second chamber that will have the same functions and representations as the first chamber. Then they arbitrarily assigned these 54-seats to sub-clans within the clan-regions and selected their friends and allies to fill these seats. Ironically, only after the UN representative pressured, the members of the NLF selected some women for the chamber they control. Apparently,

the presidents of the clan regions are not committed to women's participation. Can we then expect the traditional clan elders to support women's participation? In fact, if Somalia's political class is serious about women's participation, the 30% quota has to be taken out of the hands of the clans and sub-clans permanently. Perhaps, one way of rectifying this is adding new 100 seats for women where men or clans are not allowed to touch. President Hassan Sheikh Mohamud and his friends rewarded themselves with 54 seats, why not also add seats for women?

Moreover, Hawiye and Darod clans dominate the second chamber while some segments of the society such as Banadiri communities are not represented and others like Digil and Mirifle and Somaliland clans are under-represented. Additionally, the clan system does not often produce competency. Instead, clans use different logic and calculations that are not consistent with the modern day citizenship-centred model of governance. While it is imperative to accommodate clan identity within the political system, embracing it and basing all of the seats to clans is misguided approach. This system is not sustainable because it is based on group identity, not equal individuals who are citizens.

Finally, if the incumbent leaders return to power through corruption and gerrymandering, there will not be a political capital post-the-tainted selection process. In the past, dispensations resulted a political change that ejected incumbent governments from power and installed new leaders. These changes have often raised the hopes of the people and created a political capital, at least for the first year or two. Although the leaders and governments have not capitalized on this opportunity, the euphoria that the change brings is good for the system. Unfortunately, the current process is not fair and transparent. There might not be political capital after the selection exercise – may be this is the reason driving the donors' demand for the current dispensation. This alone, even if there is no violent inter-communal conflict, is sufficient to lead to the failure of next government.

A less likely scenario is that after all of these manipulations, the incumbent politicians might lose. Three rationales are often provided. First, in the past, an incumbent leader has never returned to power in the Somali politics. In 1967, even the well-respected incumbent President, Adan Abdulle Osman, did not succeed to defeat President Abdirashid Ali Sharmarke. In other instances, incumbent politicians were also replaced after dispensations of 2000, 2004, 2009 and 2012. This view points out the 2012 dispensations where some of the leaders at the time (Former President, Sharif Sheikh Ahmed, Former Prime Minister, Abdiweli Mohamed Ali and Former Speaker, Sharif Hassan Sheikh Aden) who manipulated the system lost the raise.

Second, another view that is prevalent within the political class suggests that the loyalty of those that become parliamentarians is not to individual leaders that helped them win the seat. Instead, the office of the presidency is for sale. Votes were sold in the open

market to the highest bidders. So if someone with a large amount of cash is in the raise, the incumbent leadership can be challenged. However, many believe that the incumbent politicians will not lose this raise because of lack money. They have raised a lot of money from various questionable sources. Finally, there are progressive voices that advocate for the disruption of what Professor Ahmed Samatar called the “Hawiye and Darod duopoly.”⁽¹⁶⁾ This means, the president will be chosen from communities outside the Hawiye and Darod clans. This would be a significant development in the Somali politics. But, overall, the scenario of defeating the incumbent leaders in their own game in which they are refereeing is not likely.

Ending the Villa Somalia Manipulations

Somalia is somewhat under indirect trusteeship of the divided international community.⁽¹⁷⁾ Therefore, Somalis expect the SRSG Michael Keating to pressure the incumbent leaders and the forum members he helped create to run a clean race and respect the communities to choose their representatives. The late and half-hearted call to disqualify former warlords is not sufficient. In addition to that, those that are responsible for the corruption and politicized clan and sectarian violence must be named, shamed, sanctioned and disqualified. Defending Villa Somalia and the presidents of the clan regions will send the wrong signal that it is ok to rig the selection process.

In order to improve the chances of success for the process, the government, opposition political forces and the SRSG-led international community should work together to try to achieve three simple but useful tasks. First, all political forces should unite to fast-track the dispensation and complete the selection of the parliamentarians by the end of October – this is not only desirable; it is also possible. Moreover, there must be independent observers and all selection events must be video-recorded so those that choose the parliamentarians can be identified and vetted. Second, since the government does not have mandate, all major political and financial decisions that have been taken after September 10, 2016 (the end of the mandate of the government) has to be revisited. This is necessary given the fact that the government has abdicated its responsibility to govern in a fair and transparent manner. Finally, for the remainder of the period, a care-taker administrator that is not seeking political office should be installed until a new government comes to office.

In short, Somalia’s political forces and the international community have the responsibility to make sure that Somalia does not slide-back to another round of inter-communal conflict. Allowing President Hassan Sheikh Mohamud, the presidents of the regions and their “electoral committees” to hijack the process and control the agenda and the forums of the communities can lead to a dangerous path. Let us hope that Michael Keating and the international community he leads will use the influence they have positively.

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(Accessed October 15, 2016); There are too many appointments – latest is the minister of telecommunication, Minister of Health and Minister of Education and several ambassadors. Ironically, two of the three ministers replaced two of the three women that were in the cabinet. Moreover, a number of security officials were appointed including the NISA director.
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