
Somalia's Elections: Transitioning Towards Representative Politics

Michael Keating

Special Representative of the Secretary-General for Somalia; Head of the United Nations Assistance Mission in Somalia (UNSOM)

Chair: Kevin Steeves

Head of Director's Office, Chatham House

8 September 2016

The views expressed in this document are the sole responsibility of the speaker(s) and participants, and do not necessarily reflect the view of Chatham House, its staff, associates or Council. Chatham House is independent and owes no allegiance to any government or to any political body. It does not take institutional positions on policy issues. This document is issued on the understanding that if any extract is used, the author(s)/speaker(s) and Chatham House should be credited, preferably with the date of the publication or details of the event. Where this document refers to or reports statements made by speakers at an event, every effort has been made to provide a fair representation of their views and opinions. The published text of speeches and presentations may differ from delivery. © The Royal Institute of International Affairs, 2017.

Introduction

This document is a summary of a meeting held at Chatham House on 8 September 2016. The meeting discussed the political and security contexts of Somalia's federal electoral and state-building process, and UNSOM's role in coordinating this.

Under the Provisional Federal Constitution, the mandates of the Federal Parliament and of the President of the Federal Republic ended in 2016. With universal elections not yet possible in Somalia, a political transition was necessary to re-constitute and re-legitimize the country's political institutions. Michael Keating, Special Representative of the Secretary-General for Somalia, and Head of the United Nations Assistance Mission in Somalia, discussed these transitional processes. Outlining Somalia's roadmap to universal elections by 2020, and effective sovereignty thereafter, Mr Keating explained the work of the National Leadership Forum and its enabling electoral arrangements, as well as the UN's challenging role in facilitating formation, participation, stability and security.

The meeting was held on the record. The following summary is intended to serve as an aide-memoire for those who took part, and to provide a general summary of discussions for those who did not.

For more information – including recordings, transcripts, summaries, and further resources on this and other related topics – visit www.chathamhouse.org/research/africa.

Michael Keating

The UN is a hugely important player in Somalia's current political developments. Not only is it facilitating Somalis in making the best of the federal state-building project they have chosen, it has also aided in creating coherence in the way the international community engages with Somalia. As such, both Somalia and the international community have a stake in its continued presence. Considering this, the UN's efforts are threefold; including being invested in Somali state-building, encouraging Somalia's progress towards taking responsibility for its own security and supporting socio-economic development. These areas are all interdependent. For example, a lack of consensus in socio-economic development may well cause problems for security investment from the international community and diaspora. Naturally, this will then have negative consequences for state formation.

Overall, the UN's objective is to enable true sovereignty for Somalia. It is not truly sovereign currently. With all its processes and services, it presently takes 4–5 billion dollars to run the Somali state. The Somali state itself only generates 3–4 per cent of this cost. Much of the rest of it comes from diaspora remittances and Somalia's five largest international financial donors the US, UK, EU, Turkey, and the United Arab Emirates. True sovereignty cannot develop in tandem with this dependency. Nor can it develop as long as there is reliance on the African Union Mission in Somalia (AMISOM) and Somalia's neighbours Burundi, Djibouti, Ethiopia, Kenya and Uganda, which provide most troops and policing services. There is no doubt that security is key to bolstering stable governance. Consider Lebanon, in many ways it is a divided country, yet its security forces create national trust and cohesion. Therefore, one of the most pertinent questions to Somalia's current circumstances what can be done to bolster the emerging federal structure in terms of security, rule of law, and policing? In time, the desire is that Somalia needs to take responsibility for its own security. Unfortunately, it is in no position to do so now. Its national army is organizationally and accountably deficient, and as such not acceptable to Somalia's leadership or broader population. There is optimism that security independence can be pursued as Somalia strives to become a stronger AMISOM partner in the short term. However, in many ways AMISOM's timeframe is largely contingent on Kenyan and Ugandan internal politics. AMISOM will have

to leave at some point. The associated reasons and potential consequences are contingencies that the international community should be prepared for.

Speaking again to this sense of aforementioned interdependence, the country's nascent federal architecture, that is to say the foundations of Somalia's governance, will, in turn, be the platform to make possible the organization and governance of this much-needed security responsibility. Since early 2015, the Somali National Leadership Forum (NLF) has been convening to discuss pertinent collective decision-making, and to finalize models for Somalia's election processes. Comprising the president, local heads of regions and states, and various other political players, the forum has already discussed issues of electoral representation and the participation of various territories, not least the uncertainty surrounding Hiraan and Middle Shabelle regions.

It should be stressed that the elections that Somalia is orienting itself towards are first and foremost a political process. These elections will not be normal, and should not be judged as such. All aspects of the country's model as they stand have been forged from lengthy discussions and deliberation within Somalia, with minimal UN imposition. Despite this lengthy forging, all this represents is a mid-point between 2012 and the proposed universal elections in 2020. In 2012, 135 men chose 275 MPs in the lower house and then proposed universal elections in 2020. In this transitional period, the 135 are currently selecting 51 electors for each parliamentary seat. In addition, 30 per cent of these electoral college appointments, as well as the appointments of the colleges themselves, are reserved for women.

This transitional arrangement is leading towards a 2020 process that will see the entire citizenry casting ballots for the first time since 1969. Other hopeful areas in this mid-point transitional arrangement include an upper house, which seems committed to geographic representation, and which again will strive for 30 per cent female representation. This is not to mention legislation committing all elected officials to party structures by 2018. Lacking in 2012, but present now, is also a code of conduct for acceptable political behaviour. Other recent additions include an electoral implementation team, the Federal Election Implementation Team (FEIT), and various election dispute resolution mechanisms.

Of course there will be conflict and corruption in the process. Yet any situation or political construction that results in a representative president and speaker, and electoral outcomes that are deemed legitimate, will be a huge milestone for Somalia. The creation of a broad sense of legitimacy must precede democratic progress for Somalia. The electoral features of this process may be modest but they are very important for laying a basis for 2020 elections. Indeed, much of the real work only really begins for the country when this has occurred. Granted, it is entirely possible that pursuing all of this will result in its own turbulence. Al-Shabaab is very likely to attempt disruptions. Violence is entirely possible, especially around Mogadishu and there will be a major effort to prevent attacks. Protecting and securing the process will be a major effort and possibly easier in the regions. However, it is an effort that must be undertaken. Somalia, with the help of its international partners, must push through to achieve strengthened political and legal institutions. Only this will allow for real socio-economic progress, and politically acceptable and affordable security independence.

Summary of question and answer session

Questions

You talked about gender representation, but what of the representation of ethnic and other minorities in this process?

Can you discuss the specifics of electoral oversight in more detail?

How can we ensure an inclusive and lasting state formation so that transitions of power in 2020 can be smooth?

Michael Keating

On the subject of ensuring minority representation, it is important to remember that Somalia is not a UN protectorate. As the architecture of the state is solidified at the regional and national levels minority issues should be taken into account. But the UN cannot impose, it can only support, advise and facilitate. The UN cannot dictate to Somali governments how it should include its minorities. Doing so would provoke international criticism, and risk an internal delegitimizing of outcomes in the eyes of a local population, who may not believe they are self-determining. Frustratingly, however, a more moderate approach also often garners international and local criticism for being too hands-off. It is true that there are minorities that are squeezed in terms of political representation. More must be done, but due to the difficulties just mentioned, this process must be left to internal constitutional review. The UN can aid this process by discussing best practices, but it must also allow for self-determination. As for exiles, consistent with the desires of the Somali government and international protocol, the International Organization for Migration has continuously aided in the return of exiles.

In terms of election oversight mechanisms and the monitoring of political misbehaviour, once the NLF concludes its deliberations, FEIT will publish a definitive picture of the electoral model. This will be a big breakthrough, and FEIT has already launched its own website in preparation. As mentioned before, a transitional code of conduct has also been developed, setting acceptable behaviours. In addition, observer groups from up to six international organizations, including the European Union, will be present as field observers. Between them, these organizations will develop criteria to judge the fairness of the process. These criteria will take into account the singular political process this election represents. Additionally, independent electoral dispute resolution mechanisms will soon be deployed. The constitution of these bodies is still being disputed by the NLF. Finding suitable individuals and forms that are above politics and free of partisan distrust has proved a difficult task. While it must be Somali run, the UN has, in this instance, stepped in to guide the process. This is an example of UNSOM playing a role beyond what it is comfortable with. In terms of sanctions and punishment, these are a more difficult issue. There can be disbaring and naming and shaming, but Somalia's political process does not yet seem at the point where it can dole out penalties soundly and stably.

Forming an inclusive and lasting state, which the Somali people and their leadership invest in, will be a long process, but it starts with seeing through this transition process. Somaliland's parliamentary successes will be a lesson. Having citizens witness legitimate voting practice take place will also be crucial in engendering the process with popular senses of credence and legitimacy. For these reasons, Hiraan and Middle Shabelle regions must be, as quickly as possible, included in the inclusive state-building process so that they may participate in this transitional electoral process.

Proper reconciliation is also essential, and so too is the voluntary will of the people. As such, this process cannot be rushed, and external involvement must not overstep its bounds. Nevertheless, if Hiraan and Middle Shabelle cannot be included in finalised state-formation in time, there must at least be temporary, ad hoc provision for their participation. It will take complex steps and allowances like these in the progress towards 2020 to engineer and entrench inclusive and lasting state-building. As before, much of this will be politically constructed. In addition, much of the UN's involvement will be clunky. However, if

an overall acceptance of some broad legitimacy can be engineered, regardless of such problems, it will allow Somalia to progress towards the promise of robust and true sovereignty as a country.