

Timely and Decisive International Community Intervention can unlock Somalia Political Gridlock

8 March 2021

Today marks one month after President Farmajo's term ended and Somalia political crises is deepening with no political solution on sight. Since February 8, President Farmajo called FMS for a meeting on three occasions to discuss election impasse without success. UN Security Council had an emergency meeting on Somalia on February 22 and called Somalia's stakeholders to meet and compromise. Somalia's international partners repeatedly called on all signatories of the 17 September Agreement to urgently finalize implementation of the electoral model. The latest initiative and dialogue between the opposition groups and the Prime Minister have collapsed. The Parliament has constitutional relevance to seek a solution to the current political gridlock but both houses of the Parliament remain muted. This protracted deadlock is chiefly about who controls the selection process. So it is not too late to reverse course and avert the Country from going into deeper crises but it requires decisive and timely international partners intervention.

Somalia is already battling humanitarian, insecurity and pandemic crises. The humanitarian situation in Somalia remains fragile. Estimated 70 percent of the population is unemployed and over one million people are internally displaced people (IDPs), poverty is a glaring reality, and drought and famine are looming in some regions. Food insecurity is expected to worsen in 2021 across Somalia. In 2021, 5.9 million people will need humanitarian assistance and the number of people facing acute food insecurity is expected to rise from 1.6 to 2.7 million as the desert locust and floods continue to pose a very high risk to both pasture and crops.

Amid the bickering and political infighting due to the delayed polls, al-Shabab is already taking advantage of this volatile political situation. Al-Shabab, appears determined not only to disrupt the balloting process through violent means, but their attacks have increased. Recent deadly bombing of Lul-Yamani restaurant in Mogadishu exposed government vulnerability and its failures to secure government institutions. Prior to the attack, there was security intelligence warning of an imminent attack but FGS failed to deter the Al-Shabab attack though thousands of government forces were deployed in Mogadishu in anticipation of a planned demonstration. Within one kilometer radius of the restaurant there are many key government institutions including; Main Seaport (source of 45% of FGS domestic revenue), The Central Prison (with large number of Al-Shabab inmates), Martini Hospital (the largest COVID-19 treating facility), Benadir Regional Court, The Serendi Center (Main Alshabab Rehabilitation Center), Police Training College, Waberi District Administration and the First Checkpoint to Villa Somalia. This means Al-Shabab can strike the heart of the government despite FGS posturing.

Pandemic Politics

Worsening health crisis caused by the Covid-19 pandemic added another dimension to the dilemma that FGS was facing, which already resulted in the delay of national elections. Somalia has been hit by a second wave of the coronavirus as it continues to uncontrollably spread in Somalia. Given Somalia's already weak health system and high vulnerability among its population, it is feared that COVID-19 could cause more death. The country's total number of COVID-

19 cases now stands at 8,321 and 302 deaths. It is widely believed that the mortality rate may be much higher than what official reports indicate due to limited testing and the unavailability of reliable data for the pandemic. Some media outlet reported that in two weeks time there were around 300 Covid-19 related burials in one of Mogadishu's grave yard. Now with the resurgence of new variant Covid-19 taking toll on the elderly, the FGS has no serious strategy to fight this deadly disease though it has recently suspended the country's educational institutions for two weeks and banned public gatherings.

Politicians have not hesitated to make the COVID-19 pandemic a political issue and use it to score points on their opposition. The Interim Joint Commission tasked in February 2020 for the Preparation of Rules for Completing the National Electoral Law has temporarily suspended its activities and in April 2020, the opening of the 7th session of the two Houses of Parliament was also postponed due to fears of the spreading of the Coronavirus. This in turn has contributed to the delay of the Parliamentary and Presidential elections (scheduled 27 November 2020 and 8 February 2021 respectively). On 18 February (one day before the opposition planned demonstration), the FGS had banned public gatherings in the country following a spike in Covid-19 cases. Opposition groups dismissed the call and called the public to come out but wear face masks. On 19 February 2021 CPC attempted to organize a mass public demonstration but they were attacked by government forces. Recent protests in Somalia have stirred a debate about whether it is safe to protest during a public health crisis that requires physical distancing. Protesting during a pandemic raises difficult questions. Should the government allow citizens to exercise their constitutional rights safely, rather than curtail those rights?. In an election context, any restrictions on fundamental freedoms may call

into question the ability of FGS to provide a level playing field, in particular during the campaign, and ultimately raise doubts about the legitimacy of the election process.

Political Polarisation

During his term in the office, President Farmaajo has failed to organize national elections that would be acceptable to a majority of political stakeholders in the country. He accused the regional leaders and foreign entities over the impasse and he insisted that he will remain president until a new election date is agreed upon. Somalia's opposition leaders say President Farmaajo had four years to organise an election but he failed to do that and they no longer recognise him as President. They accuse the President of deliberately sabotaging the electoral process to ensure his stay in power. The Farmaajo administration has also weaponised state resources and used state institutions against its opponents. For instance, the government used security forces to arrest front-runner candidate for 2018 Southwest state election and fired against political demonstrations on 19 February in Mogadishu. Opposition groups accused President Farmaajo that he is planning to use thousands Somali forces, secretly trained in Eritrea, to intimidate opposition politicians. As a result, Somalia is in a political turmoil and is facing the risk of armed conflict spiraling out of control.

On the other hand, the opposition group consisting of 14 presidential candidates have sustained pressure on President Farmaajo as they proposed the creation of a national governing council. However creating such entity proved in the past to be impractical given Somalia clan politics and competing interest of Somali stakeholders including members within the opposition group. The proposed council also drifts away from the constitution. In late February, opposition group met with Prime Minister Roble

as they issued a statement saying that both parties have an understanding about the way forward and cancelled planned demonstrations. Unfortunately the talks have collapsed. The opposition group have failed to offer workable solutions to overcome the impasse besides announcing further demonstrations. They are united to unseat President Farmajo and then compete in hastily organized election instead of crafting forward looking national strategy. President Farmajo benefited immensely in the absence of a united opposition with a clear national vision. The opposition group is now threatening to go ahead with their planned demonstration and provide their own security – a recipe for disaster.

Beside the FGS and opposition groups, FMSs have significant influence over how federal elections are held and they are a major part of the challenge as national elections can't be held without their involvement. FMS are yet to be fully and legally recognized as the Constitution requires. FMS leaders are potentially antagonistic to the FGS due to unresolved questions over power and resource sharing between FGS and the FMS. President Farmajo's installation of compliant allies in leadership positions in three FMS (Southwest, Hirshabele and Galmudug) was aimed improve his prospects for re-election. But Puntland and Jubaland remain fiercely apposed President Farmajo's quest to centralise power.

Opportunities for Unlocking the Election Gridlock

1. There is dismay among Somalis about the current political situation and wide public support for an intervention as Somalia political stakeholders repeatedly failed to compromise and meet public expectations.
2. Current administration constitutional term ended and it's posturing about state

sovereignty is contingent on international recognition, protection by AMISOM and generous financial budget support of international partners. International partners should use their leverage to effect a political deal.

3. UN and AU must, under Responsibility to Protect (R2P) principles and obligations ,exercise their mandate to prevent Somalia political crises turning into humanitarian crises.
4. Among other undertakings, Somalia has committed to improving governance in order to reach the HIPC Completion Point. The World Bank and IMF should remind Somalia authorities that holding free and fair elections is corner stone for the debt-relief.
5. In January, the Gulf states signed a deal towards ending the "Gulf rift" that has divided the region since 2017 and made Somalia a central battleground for influence. The Gulf states may be seeking to present themselves as constructive actors interested in promoting regional stability. This provides opportunity to Biden Administration to leverage the Gulf deal to seek solution for Somalia political crises.
6. The neighboring countries involvements in Somalia political process has also evolved. Ethiopia plays both instigators of instability and regional enforcer in Somalia while Eritrea's role in the region is often underestimated particularly its contribution to the instability in Somalia. Now both Eritrea and Ethiopia face serious accusations including rape and massacres in Tigray region that could constitute war crimes. On the other hand, US demanded immediate withdrawal of Eritrean troops and Amhara regional forces from Tigray – a move that will have implication for

Ethiopia troop presence in Somalia. If this requires a greater drawdown of Ethiopian troops in Somalia then the direct Ethiopia influence on Somalia political process/outcome usually facilitated by the presence of its troops on the ground will significantly diminish. But this may also have adverse security implications. Ethiopia is also facing mounting tensions with Sudan over border dispute and with Egypt over the Renaissance Dam. The ongoing conflict could be a distraction for Prime Minister Abiy Ahmed from interfering Somalia political crises.

7. President Biden has promised a more engaged approach in Africa. As the chair of the United Nations Security Council, it is time for the United States to urgently focus on the crisis in Somalia and it should use that position to bring international pressure to save Somalia from a ruinous conflict.

After so much political polarization and brinkmanship, it is very unlikely opposing parties would negotiate in good faith unless all obstacles and mistrusts are removed. Resolving this impasse will largely hinge on the timely intervention of the international community. There could be two possible ways out of the current impasse.

Option One: 3 To 6-Month Extension.

This option is a “*Quick fix*” and has the support of the international partners to salvage 17 September Agreement. The international partners believe that the Agreement which they supported onset can pave the way for an election. Most of the FMS prefer this option as their positions are untenable should there be a change of government and the opposition candidates opted this option as well as they want to avoid election campaign fatigue. The short-coming of this quick-

fix is it is unlikely to produce a legitimate election in such a short period of time due to mistrust among stakeholders and Somalia may find itself in a similar impasse in the future. To make this option work, the following remedies are worth consideration;

- 1) To reduce voting venues to one per FMS due to disagreement in Gedo, Barawe access issues and Beledweyne local crises. By removing the 2nd voting venues in each FMS also solves the key bone contentious Gedo issue.
- 2) Somaliland’s case to be dealt as it was done in 2016. By engaging key Somaliland stakeholders e.g. Abid Hashi the process will become more transparent and difficult for one side to hijack the process.
- 3) The 13 senator seats that President Farmajo signed for Benadir should be shelved for now as it requires constitutional amendment and Benadir’s status must first be defined and enshrined in the constitution before assigning seats
- 4) The composition of the nation election committee must be revisited. To break the deadlock and as a compromise, an inclusive and independent body may be instituted to guide the process around the elections.
- 5) To create an arbitration committee consisting of members from FGS, opposition group, civil society, women group with international community as observers.
- 6) A strict roadmap must be agreed and endorsed by the UN Security Council.
- 7) All voting venues security should be under AMISOM police.

Option Two: Two Years' Extension.

This option gives Somalia a breathing space to focus on key state-building elements and moving away from the current crises. Conducting an election under the current climate is very unlikely to produce a legitimate election. To recover from this collective failure and to steer the country away from potential conflict, the legitimate way through the stalemate is to establish a competent provisional government with a 2-year mandate. The new provisional government will focus on the following state-building issues which is essential for Somalia :

- The completion of the Constitutional Review
- To prepare a One Person One Vote election
- Establishing a Competent Supreme Court

As a pre-requisite, a political agreement that extends the tenure of the sitting parliament for two years is needed. In terms of process we propose:

- The Parliament Speaker to assume the role of acting President of the Federal Republic of Somalia for a maximum period of 30 days, in line with Article 95 of the Constitution.
- The seating 10th Federal Parliament to elect the Speakers and respective Deputies of both Houses. The two houses will then have a joint session in which a new interim President for a period of two year's term of office;
- All members of the transitional arrangement are excluded from partaking in the elections they are tasked to organise. The candidates for the Provisional President, shall sign a waiver that he shall not run for the following Presidential election, instead, the elected Provisional President, after he successfully completes his two-year term, he shall be given, by right, the status of a permanent Membership of Parliament for life in the

House of the People as prescribed in the Constitution;

- To avoid conflict of interest, the current Members of the Parliament will not be permitted to serve in the new cabinet.
- This option will need to be backed by a United Nations' Security Council Resolution and buy in from regional players. This is critical considering the country cannot afford the interim arrangement to be undermined by foreign and domestic actors.

Conclusion

Current administration have failed to organize national elections before it's constitutional term ended and it is very novice to expect an incumbent president who is seeking a second term to organise credible and fair elections. FMSs have significant influence over how federal elections are held and their leaders are potentially antagonistic to the FGS while the opposition group have not offered any workable solutions to overcome the impasse. This protracted deadlock is chiefly about who controls the selection process. The legitimacy of Somalia's electoral process is closely tied to its prospects for stability. The elections and resulting leadership, therefore, have far-reaching security and political implications for Somalia and the broader region. So it is not too late to reverse course and avert the Country from going into deeper crises but it requires decisive and timely international partners intervention. It is proposed that establishing a competent provisional government with a 2-year mandate will enable to complete key state-building issues which are essential for Somalia future and long term stability.

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