



Getting the party started: re-instituting political parties in Somalia

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September 2019

Summary

One person one vote elections are scheduled to be held in Somalia in late 2020 and early 2021. The electoral bill, which is currently under parliamentary review, stipulates a proportional representation electoral model, with closed list, in a single constituency where registered voters will vote for political parties. The crucial political parties' law is under a pending amendment for the re-institution of long-lost multi-party politics in Somalia. The law consists of 38 articles and four schedules relating to the regulation of modern political parties and was approved and ratified by the 9th Somali parliament and president respectively in 2016. 57 parties have been temporarily registered. This governance brief critically reviews the relaxed provisional party registration process, highlights the daunting challenges ahead for full party registration and voter registration hurdles. The brief also proposes alternative multi-party elections and puts forth policy options and recommendations.

About Somali Public Agenda

Somali Public Agenda is a non-profit public policy and administration research organization based in Mogadishu. Its aim is to advance understanding and improvement of public administration and public services in Somalia through evidence-based research and analysis.

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Introduction

Somalia is due to hold one person one vote (OPOV) elections in 2020-21. If realized, this would be a watershed moment in the transition away from a largely closed political system to a new model in which citizens gain a say in the decision-making process. Somalia has not had held a national OPOV election since 1969. The selection processes for the executive and legislature of the post-2012 Somali Federal Government have involved elders and electoral delegates rather than universal suffrage. In the pursuit of the much delayed one person one vote election, some mechanisms have already been put in place; some are still in the making, while others are yet to be established.

The electoral law was drafted by Somalia's Ministry of Interior, Affairs, Federalism and Reconciliation and was approved by federal cabinet members in May 2019. The bill is now in the hands of a 15-member *ad-hoc* parliamentary committee tasked with reviewing it and returning it back to the House of the People (The Lower House of the Somali Federal Parliament) to deliberate and approve.

Article 11 of the draft election bill stipulates the adoption of a closed-list proportional representation electoral system. This involves multiple parties who will run for elections and field their candidates in the upcoming elections. For this system, the political parties' law is central. This regulates the business of the political parties and has been in place for almost three years.

On 6th September 2016, then Somali president Hassan Sheikh Mohamud, ratified the long-awaited political parties act following the parliament's approval (Goobjoog, 2016). Leaders of newly born political organizations, civil society groups and other stakeholders acclaimed alike that this marked the dawn of a new era for Somalia's political landscape. It was seen as a positive and encouraging step towards transition from decades-long clan-based political arrangements, a move towards a more inclusive and multi-party democracy that finally puts the choice of the electorate at the heart of the political game.

The political parties law (Law No. 19 of 27 June 2016) comprises of 38 articles and 4 schedules. It governs the provisional and full registration of political parties, the rejection of registration attempts, the alliance and merger of political parties, individuals allowed to join political parties, the rights and privileges of political parties, deregistration, parties' financial governance, and resolution processes for disputes among parties.

With regard to the four schedules in the law, the first schedule concerns the code of conduct for political parties; the second is devoted to the contents of the charter, rules and regulations of political parties; the third puts emphasis on basic requirements for coalition agreements; and lastly, the fourth schedule sets out committees for dispute resolution, discipline and appeals within a party.

Since its adoption, fifty-seven (57) political parties have been provisionally registered by the National Independent Electoral Commission (NIEC). These parties aspire to acquire full registration after satisfying the legal requirements in order for them to run in the upcoming national elections. The political parties' law is currently going through an amendment, waiting for parliament's deliberations and approval.

Temporary party registration requirements

Article 5 of the political parties law lays down seven conditions for provisional party registration. The requirements are loose and they open the floodgates for smaller,

often person-based ‘parties’. These may involve seeking name recognition and the use of the party as a platform to get access to power-wielding individuals.

The first of these conditions requires that the application for a temporary registration must contain “*signed written minutes of the first meeting of members of the party*”. This condition is weak in that it does not demand authenticity of the signatures, photos of the members, a specific number of founders and members, all to protect the identity of whose names and signatures are included.

Another seemingly lenient requirement is the temporary registration fee, which is 10 million Somali Shillings, – an equivalent to USD 500. This is a very small amount considering the amount of political finance that is currently in circulation in Somalia. It is close to a registration fee for a new business. Registration fees is less than the payment of Sl. Sh 5,000,000 (equivalent to USD \$3,100) as of 2011, required from political associations jostling for registration in Somaliland (Linden, 2013).

These lax requirements for provisional party registration resulted in the registration of [57 provisional parties](#) by the NIEC at the time of writing this paper. The political parties’ law failed to state that those parties registered provisionally will be recognized as political associations rather than political parties. Almost all of the names of the parties are prefixed or suffixed with the words ‘unity’, ‘national’, ‘justice’, or development demonstrating limited difference between them. As to these parties’ political programmes and manifesto, these are not in the public domain, making it difficult to assess both their political profiles and seriousness.

Official party registration: an uphill task

The 2020/21 Somali national elections are contingent on having fully registered political parties five months prior to the scheduled elections, i.e. some 10 months from now. As per the electoral model codified in the draft National Electoral Bill, political parties will contest over the 275-member of the House of the People. This will help transition from the 4.5 clan formula that has been in use for political representation in Somalia since 2000. However, it is not yet clear how the 54 members of the Upper House will be elected (Wasuge & Moman, 2019).

Article 6 of the political parties law sets out the obligatory requirements that parties should satisfy to qualify as a permanent party with national status. There are 12 conditions and all are straightforward, except one condition that constitutes an intimidating obstacle for parties and may result in a delay in long-awaited elections, and prolong the status quo of the clan-based 4.5 power-sharing model. This condition demands that the parties eligible for full registration must have ten thousand (10,000) signatories who are registered voters in at least nine of the eighteen Somalia regions that existed prior to 1991. This requirement, though challenging to some extent, has a number of merits.

Firstly, briefcase and election-centric or ‘elections only’ parties, which spring up whenever election season comes around but lack more permanent existence will be curtailed by this requirement as they will be unable to secure enough signatures to pass the threshold. Likewise, defectors and those disenfranchised with their party will be

hesitant to establish a new party given the strict conditions.

Secondly, it shrinks the number of parties to a rational number proportionate to the geographic and population size of the country. It will be amongst this relatively small number of parties that competition for the available seats in the parliament will occur.

Thirdly, the hope is that this requirement will produce a stable government. When the contestant parties are few and powerful with identifiable strongholds, votes are less likely to split between multiple smaller parties, which would make it less likely that a clear majority party would emerge. Rather, one party or coalition of parties will garner a victory that enables it to form a ruling party government to pursue the implementation of the mandate, which the electorate voted for without being interrupted or distracted.

Fourthly, this requirement can guard against a relapse into the historical Somali multi-party experience in which nearly every clan and sub-clan formed its party that specifically represented those sectional interests. The parties of the previous era (1960-1969), often shamelessly carried clan or sub-clan labels, with the exception of a handful, which used genuinely nationalist rhetoric.

Despite these laudable merits, in practical terms it will be very difficult for parties to achieve the threshold required by the law, at least in the short-term. The impracticality of this condition relates to current realities on the ground.

Firstly, the required ten thousand registered voters for each party (in at least nine regions) is currently unfeasible. Naturally, a process of registering eligible voters precedes official party registration and serves as a useful measure for verifying the authenticity of the names of the members for each party, and confirms that they are not members of any other party.

Voter registration is not always a prerequisite for elections. As the cases of South Africa in 1994 and Latvia demonstrate, elections can be held without voter’s roll if the country is a single constituency (Evrensel, 2010). Somalia’s new draft bill on elections proposes a single constituency, but a civil register, which could justify doing away with the voter’s roll, does not exist. Equally important, a reliable, comprehensive and up-to-date population census is not at hand to help embark on voter registration and determine how seats are allocated among different regions according to their population size (Wasuge & Moman, 2019).

Getting voters registered in time seems impractical due to a number of challenges. Chief among these hurdles are technical and financial constraints, insecurity, a lack of voter education and ongoing centre-periphery political wrangling.

Technical challenges: Since managing elections with such a magnitude is new for Somalia, the required technical know-how needed for planning and executing the elections, including the use of biometric voter registration is non-existent or embryonic. Addressing this gap will consume time in recruiting the human capital required, training and procuring the technology.

Financial challenges: Voter registration requires financial recourse, the lack of which will mean that the process may stagnate and, once again, elections might be delayed. NIEC, the election body, recently announced that roughly USD 21 million are needed to cover the costs of the voter registration

only. The federal government cannot cover this amount since a significant proportion of its annual budget is subsidized by bilateral and multilateral donors. Obtaining the amount needed on time is uncertain bearing in mind the cumbersome financial processes that donor countries and agencies use. This in turn dims the opportunity to go ahead with the election process, primarily the voter registration.

Centre-periphery struggles: Recurrent tensions and conflict between the Federal Government of Somalia and the Federal Member States over the past few years has revolved around the ambiguous provisional constitution (Somali Public Agenda, 2019). The current federal arrangement and contested federalization of the country is another obstacle to voter registration. This rift, understandably, has had a detrimental effect on voter registration in the federal member states. Unless the federal government and the federal member states agree on the more contentious issues like the draft election law (as per the demands made by some states at the Garowe conference between the federal government and the states), voter registration efforts will face inevitable political setbacks.

Insecurity: The volatile security situation impedes voter registration. The NIEC personnel tasked in performing the voter registration cannot access remote areas (in many regions) due to the imminent security threats posed by the insurgency. Likewise, the spectre of retaliatory violence is omnipresent in the minds of would-be eligible voters in areas where al-Shabab operates.

Voter education: Somalia has youthful population, much of which is uneducated and located in rural areas. Most of these young voters do not have prior experience of exercising their suffrage and this makes them unaware of the significant change that their voices could bring about in the betterment of their livelihoods. Reaching out to uniformed voters to educate and inculcate them on their rights and obligations as citizens – including their rights to elect and be elected – is a cumbersome but essential task that requires time and effort.

Secondly, the required ten thousand registered voter members for each party need to be distributed evenly among the nine regions. Strikingly, the representation parity in the described regions does not sound appropriate, owing to the fact that the regions are not on equal footing in terms of population size. How could it be fair to have one thousand and one hundred members in a region inhabited by 2 million compared to a region with a million or less? To this end, party representation in each region should reflect its population size. The articles in the political parties law dealing with this should be readjusted to respond more fairly to population size in different regions, while also enforcing the important ‘national character’ requirement.

Thirdly, genuine national reconciliation is still absent. Until serious reconciliation is held among clan lineages – who harbour grievances, mistrust and feuds with each other and believe firmly that they have been the victims of vicious atrocities of other clan(s) –, the norms of political party conduct will be difficult to hold. Undoubtedly, political parties can work across regions if clan groups are reconciled through forgiveness, compensation payments or agreement that restore basic trust. Reconciliation is a

possibility in a society where the effects and memories of war remain fresh. Conflict and its attendant consequences do not wane with the burial of aggressed and aggressor, rather they continue endlessly if not addressed wisely. In the absence of national reconciliation, voters will be sceptical to join a party chaired by a person hailing from a clan they hold grudges against, as people assume that that supporting such a party automatically translates to backing the rival clan and accepting its domination.

Fourthly, the refusal by federal member states to allow parties to open offices in areas under their jurisdiction is another bad omen for the full registration of future national parties. For instance, Puntland explicitly communicated this rejection of opening parties’ offices in its jurisdiction.

Fifthly, continuing insecurity in many parts of the country remains a challenge in getting national parties established. Party organizers cannot access areas beyond control of either the centre or FMS to broadcast their platforms, ideas and visions to the citizens and convince them join their ranks. Until the safe movement of people is assured, the law will remain on the shelf and the whole process will be postponed as a result.

Sixthly, the most obvious impediment to the full party registration is Somaliland, which declared unilateral secession in 1991 and manages its affairs separately. The difficulty is that the official party registration process will hang in balance until the question of Somaliland is settled. This is because the north-western region, now Somaliland, includes a number of the eighteen regions in which parties have to acquire registered voter members to qualify for national status. Moreover, Somaliland already has conducted several rounds of parliamentary, presidential and local elections and is much more advanced in terms of party political system.

Bringing Somaliland back with a negotiated arrangement that could soothe their resentments and guarantees the preservation of national unity is simply not on the horizon for the time being. This is due to the stalled talks between the two sides since President ‘Farmaajo’ came to power in early 2017. Even if talks between Somaliland and the FGS were reinstated, they are unlikely to impact the party registration process.

Alternative options for multi-party elections

Conscious of the short timeframe for the upcoming elections and the many challenges outlined above, a full registration of political parties some five months before the deadline appear unrealistic. There is a real risk of delaying the one person one vote elections and move away from entrenched clan-based politics.

Registering parties alone will not be sufficient to hold elections, though this is a cornerstone of the process. The electoral law and the electoral procedures in place cannot be accomplished within the available time. Therefore, alternative options for multi-party elections in Somalia should be considered by the Somali government and other stakeholders.

Few Electoral Cities Option: One possibility could be the holding of an election that mobilizes half a million voters present in the five capital cities of the regional states, and manned by the electoral body. The formal registration of national political parties would have to be simplified for this to happen. For example, five thousand registered voter members in four of the federal member states might be a

workable alternative to the current 10 thousand signatures across nine administrative regions. Parties would submit their list of candidates to the NIEC. The half million voters are assembled across these capitals cities of the regional states (and two more cities where security allows) and would vote for political parties that fulfilled the registration requirements.

This option could be a substitute to a one person, one vote (OPOV) nation-wide election, if the required conditions are satisfied.

Elimination of the Permanent Registration Option:

Another option for national elections could be the elimination of the permanent registration condition. In this scenario, all registered political parties become eligible to participate in the upcoming national elections. The electoral model would then become proportional representation and closed list in one national constituency. Each party would have to submit a closed list of 275 candidates for the membership of the House of the People of Somali Federal Parliament to the NIEC. Each party must also deposit \$2,000 registration fee for each candidate (\$550,000 in total).

Moreover, the NIEC would register as many eligible voters as possible across the country. Article 13 of the draft National Electoral Bill, which determines that political parties that secure at least 7% of the total vote are eligible for seats, will be applied fully. The 7% threshold, corresponding to 19 members of parliament, becomes a substitute for permanent registration of parties stipulated in the political parties law. Parties that secure more than 7% of the total voters will be recognized as permanent national parties.

Voter registration is the cornerstone of this option, which relies on NIEC being able to do its work. If the NIEC can register more than one million eligible voters before December 2020, this option may help organize national elections in the country where many parties compete for seats.

Policy recommendations

1. The NIEC needs to spearhead and start voter registration as soon as possible. If more than one million voters are registered before December 2020, this could be a good base for exploring better alternative options for the next political transition.
2. The NIEC needs to convince the leaders of the Federal Member States to allow nascent political parties to open offices, recruit members and mobilize voters in their areas of jurisdiction. This would ease the difficulties parties encounter in their attempts to broadcast their identity and build membership to meet the requirements for national party character.
3. The establishment of a liaison office with members of the federal government and federal member states could help interconnect and build bridges between the centre and peripheries. Such an office would work to resolve contentious issues pertaining to political parties, campaigning and the electoral process. This requires the contribution and consent from all stakeholders concerned so that they feel ownership of the decisions taken and achieve success in the wider state building project.

4. There is a need to remodel the regionally based 10,000 registered voters condition from the 18 administrative regions to federal member states level as the country has switched to federal governance. Parties should be required to get the necessary number of signatures from only the Federal Member States and Mogadishu, which is the capital city and largest constituency.
5. National reconciliation should be put on the agenda to redress inter-clan and communal grievances. This would help facilitate cross-clan party membership and, in the long run, instil a civic culture free from clan attributions. A national reconciliation commission is needed for this, which must be entrusted to personalities with integrity and an ability to seek consensus.
6. Political parties should be required to make their political platforms, membership and financial information etc. available to the public in order to allow voters to form an opinion.
7. The political parties' law should be revised to include a provision that facilitates youth and female representation in parties' executive committees to enable them have a say in the elections.

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- Election Series:** *Parliamentary and presidential elections are expected to happen in Somalia in late 2020 and early 2021. At Somali Public Agenda, we have begun a series of commentaries and briefs concerning these elections. Each commentary or brief analyses election-related themes. This is the second brief of this series. SPA welcomes and very much appreciates comments, feedback and ideas relating to Somalia's anticipated elections.*