



CAN SOMALIA'S THIRD REPUBLIC BE SAVED?

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Somalia's President Hassan Sheikh Mohamud (C) gestures as he attends a rally against the Al-Shabaab jihadist group in Mogadishu on January 12, 2023. (Photo by Hassan Ali Elmi / AFP)

Somalia's political development has undergone significant transformations, characterized by periods of civilian governance (First Republic), military dictatorship (Second Republic), and a transitional or post-transition state-building era (Third Republic). This policy note calls for preserving the Third Republic and preventing the emergence of parallel administrations and further fragmentation within the country. It critically examines the implications of President Hassan Sheikh Mohamud's winner-takes-all approach and the modifications to the political settlement. It also explores the shrinking political space caused by constitutional and electoral changes for the Third Republic.¹ The speed and scope of the government's changes, strong pushback from the opposition, and the absence of the international community seriously threaten the Third Republic. This policy note analyzes the viability of the government's proposals, particularly its political support, the suitability of the prescribed institutions for the Somali context, and the implementation challenges it faces.

Third Republic: Preserving the Political Settlement Amid Turmoil

Somalia's political settlement has proven resilient despite external shocks. Since 2000, its core components have not changed even though several groups gradually joined the government.

After a prolonged civil war and 15 failed reconciliation conferences, Somali leaders convened in Djibouti in 2000 to establish the Third Republic, following civilian (1960-1969) and military (1969-1991) governments. Based on the Arta Peace Conference, the Transitional National Charter outlined four pillars: democratic governance through periodic elections, the clan-based 4.5 power-sharing formula, a parliamentary system, and regional autonomy. A parliament was formed, electing Abdiqasim Salad Hassan as president in August 2000, thus restoring Somalia's juridical sovereignty.

However, many faction leaders and warlords backed by Ethiopia opposed the government. This led to another reconciliation conference in Kenya in 2002, sponsored by the Intergovernmental Authority on Development (IGAD), which resulted in a refined political settlement—the Transitional Federal Charter (TFC)—in 2004. While retaining democracy, the parliamentary model, and clan power-sharing, the charter introduced a federal system. The House of the People was expanded to 275 members, later increasing to 550 in 2008 to include Islamist groups. Under President Sharif Sheikh Ahmed, the transitional government (2009-2012) adopted the Provisional Federal Constitution, thus ending the transition period. The provisional constitution preserved earlier political frameworks and established a 54-member second legislative chamber.

In short, the political settlement's support base has expanded. Since 2000, multiple groups have joined the government, gradually increasing inclusivity by incorporating faction leaders (2004), moderate Islamists (2008), and regional actors like Puntland and Galmudug by 2012. Only Somaliland, which wants to

secede from the rest of Somalia, and Al-Shabaab, which is intent on overthrowing the government, were outside the political settlement in 2022 when Somalia's parliament elected President Mohamud.

President Hassan Sheikh Mohamud 2.0 and the Third Republic: An Uncertain Future

In 2022, Somalis had high expectations for the newly elected president, Hassan Sheikh Mohamud. With a background in civil society and opposition politics, Mohamud is the only president in the country's history to have the opportunity to serve a second term. However, the president took a new direction that consolidated power through a winner-takes-all approach in a divided society, changed the political settlement through a new constitution, and restricted the political space through self-serving election-related laws.

First, many people thought the president had learned from previous experiences and would form a national unity government that included members from both coalitions (winners and losers of the 2022 dispensation). On the contrary, the president rewarded individuals from his party and ignored most of the forces contributing to his victory. For instance, when it became clear that President Mohamud was not interested in accommodating other political forces, Puntland leader Said Abdullahi Deni and former President of Somalia Sharif Sheikh Ahmed immediately withdrew their support from the government. Wadajir Party leader Abdirahman Abdishakur Warsame, who initially worked with the government, openly opposed it later. Soon after, Jubbaland's leader left the project, and former Prime Minister of Somalia Hassan Ali Khayre became critical of the president's leadership. All of these prominent politicians were instrumental in President Mohamud's political victory. Furthermore,

President Mohamed Abdullahi Farmajo, who led the opposing coalition against Mohamud, remained in opposition. In a divided society such as Somalia, a winner-takes-all approach was a major political blunder on the government's part. Institutionally, power was centralized in the presidency, creating a situation where both the Council of Ministers and the parliament became rubber stamps.

Second, under the slogan "completion of the constitution," President Mohamud, with the help of some of the National Consultative Council (NCC) members (state leaders), proposed a new constitution. The presidential system replaced the country's parliamentary system. Additionally, the federal system was weakened by the agreement on distributing powers and responsibilities.² Third, using the captive parliament, the president pushed for self-serving legislation (such as the Electoral Law, Election and Boundaries Commission Law, and Political Parties Law) to restrict the political space for his competitors.

Fourth, while maintaining the 4.5 clan power-sharing arrangement, the Electoral Law prescribes several electoral systems for the different levels of government. For instance, a First Past the Post (FPTP) systemⁱ will be used to elect the president of the country and the leaders of the federal member states. Even though the government does not control most of the country, the president wants the people to elect a powerful head of state who can dismiss the prime minister. Contrary to this, the current provisional constitution prescribes a parliamentary system in which elected parliamentarians choose the head of state and provide a vote of confidence to the head of government.

Moreover, the Electoral Law prescribes open-list proportional representationⁱⁱ for the two national chambers and closed-list proportional representationⁱⁱⁱ for state legislatures and local governments. It maintains a 4.5 clan power-sharing formula, guaranteeing each seat for its

sub-clan. Clans will not gain seats even if a given sub-clan can produce votes for a second and third seat. Additionally, all members of the national chambers must belong to one of three legislated national parties. In terms of district magnitude, the government electoral law assumes that the country is one national district. Yet, each sub-clan will keep its seat regardless of the results. Contradictions aside, this is an indirect election model. Furthermore, the system is designed to translate votes to seats in a manner amenable to manipulation by the incumbent administration that controls the commission.³

In the new system, citizens can establish political organizations and political parties. These organizations must have political representation in member states and adhere to women's quotas and clan power-sharing. These organizations will compete in local elections, and the three that secure the most votes will be declared national parties. They will be eligible to field candidates for the two chambers of the federal government and the presidential elections.⁴

Finally, the NCC agreed to restrict the political space, and the parliament passed, through corruption and a sham process, an 18-member election and boundary commission for managing all universal suffrage elections and delineating boundaries within Somalia. The law states that the Council of Ministers would select 18 out of the 54 candidates presented by the interior minister. Although it has not been followed, the law requires the observation of 30% gender quotas and clan power-sharing.⁵

In short, contrary to the high expectations of many Somalis, President Hassan Sheikh has adopted a winner-takes-all approach to managing the polarized Somali society. He has excluded most of the country's political class from the government. Moreover, the president and his team have made many unilateral and detrimental changes to the constitution, threatening the fragile political settlement and further narrowing the political space.

i. First Past the Post is simple electoral system in which the candidate with the most votes in a given constituency (political district) wins, even without an absolute majority. It is used in single-member districts, such as in the United Kingdom and Canada.

ii. Open-list proportional representation allows voters to *select individual candidates* from a party list, thereby influencing the order in which candidates are elected.

iii. Closed-list proportional representation allows voters to *select only a party*, with the party determining the order of its candidates' election.

Challenges to Implementing President Mohamud's Proposals in Somalia

President Hassan Sheikh Mohamud's proposals are not feasible due to a lack of political agreement among stakeholders, poorly designed and contextually inappropriate institutions, and challenges related to implementation.

Somalia is recovering from a brutal civil war, and there is a significant trust deficit among the country's political class and broader communities. Despite its limitations, the political settlement has brought together most political forces. When President Hassan Sheikh Mohamud took power, the settlement had the support of most groups, except Somaliland and Al-Shabaab. Unfortunately, the government's new direction threatens the political settlement.

The government's new policy direction does not have the political agreement it needs to succeed. Many stakeholders have rejected the president's political decisions. Opposition leaders who played a role in his election victory have all opposed the president's approach, including Puntland President Said Abdullahi Deni, Jubbaland President Ahmed Mohamed Islam, former President Sharif Sheikh Ahmed, former Prime Minister Hassan Ali Khayre, and Wadajir Party leader Abdirahman Abdishakur Warsame. Former President Mohamed Abdullahi Farmajo, who lost the election to President Hassan Sheikh Mohamud, has also joined the opposition camp since 2022.

Furthermore, the government's self-serving institutional designs are inappropriate for the current context in Somalia. The introduction of a presidential system has alarmed the political class. Somalia's political class rejected the government's proposal due to its implications for the political settlement and the overall political landscape. The presidential system evokes painful memories of Somalia's military dictatorship, which precipitated the civil war. Moreover, the proposal of a presidential system was interpreted as a sectarian project intended to marginalize specific communities. Based on the current provisional constitution, members of parliament must be elected by the people

through a system of one person, one vote. Subsequently, they would elect the president and provide a vote of confidence for the prime minister appointed by the president.

The NCC agreement on the distribution of powers and responsibilities establishes three levels of governance. The government appropriated most essential functions through this agreement. It assigns 44 exclusive powers to the federal government, 29 exclusive powers to the member states, and 32 exclusive powers to local governments. The government shares 20 powers with the federal member states.⁶ In fact, Somalia cannot financially support three levels of government. Most local governments cannot self-fund, and the elite have not been socialized to respect the delineated governance functions at different levels. This lack of respect is likely to create opportunities for clashes in governance. Additionally, there is an intention to weaken the federal member states. Additionally, the functions assigned to the different levels show significant bias toward centralization.

One function assigned to the federal government is the administration of elections in the country. The NCC agreement and subsequent laws have placed this responsibility on the Election and Boundaries Commission of the Federal Government. However, even though he initially signed, Jubbaland President Ahmed Mohamed Islam rejected this arrangement and joined the opposition against the government. He insisted that the states should organize their elections. This disagreement resulted in violence between federal forces and Jubbaland Dervishes in Ras Kamboni, Jubbaland.⁷

The government's new constitution and its subsequent laws have restricted the number of official political parties to just three. Political forces rejected this limitation, arguing that three parties cannot accommodate the country's large and diverse political class. Moreover, this restriction will create parties dominated by major cities, particularly Mogadishu, marginalizing citizens in peripheral regions. Furthermore, this approach does not align with global best practices governing multi-

party systems. A more effective method would be introducing a reasonable threshold that balances the need for manageable parties while allowing smaller parties to participate. The previous 2020 election law permitted a 4% threshold.⁸

Finally, the government's new institutional design faces significant implementation challenges. The government has changed the first four chapters of the Provisional Federal Constitution. Based on these changes, it has prepared three pieces of legislation: the Electoral Law, the Political Parties Law, and the Election and Boundaries Commission Law. However, as the legal framework is incomplete, the piecemeal approach to constitution-making has led the country to a constitutional crisis. Consequently, implementing these laws will be very difficult. For instance, the necessary milestones to implement the election law, the time remaining in the government mandate, and the capacity of the government agencies do not align. Additionally, issues related to safety and security concerning elections, the registration of political organizations and voters, and financial requirements exceed the government's current capacity. Most importantly, the government does not control Somaliland, Puntland, Jubbaland, and the areas that are under Al-Shabaab. An election that ignores these places will produce skewed results and further polarize society.

Conclusion

Somalia's Third Republic is currently facing significant risk due to the magnitude of the changes the government is pursuing and the extent of polarization within the country. By adopting a winner-takes-all strategy, centralizing power, and implementing self-serving constitutional and electoral changes, President Hassan Sheikh Mohamud's policies threaten the fragile political settlement and shrink political space. The shift from a parliamentary to a presidential system, combined with restrictive party laws, has undermined the inclusivity of the political process and raised concerns about a potential return to authoritarianism.

These government policies threaten to reverse the incremental progress made by the Third Republic over the past two decades. Political forces are divided between supporters of the 2012 constitution and those backing the government's new constitution. The absence of the international community further heightens this risk. If the political conflict is not contained in time, the Third Republic will collapse, and Somalia may enter a situation where various political factions endorse conflicting constitutions.

The government must revert to the 2012 Provisional Constitution and the agreed-upon political settlement to preserve the Third Republic and prevent the emergence of parallel administrations. Finally, the president must adopt an inclusive and consultative approach that respects Somalia's diverse political forces to foster trust and stability. On the upcoming dispensation, he must seek a political agreement with its competitors (opposition politicians and federal member states). In short, the government should work within the political settlement framework of the Third Republic. If it wants to organize elections, it can use the existing constitution of the Third Republic and the 2020 election law based on the political settlement. When it is necessary to make significant changes, the government should first secure a political agreement through inclusive political dialogue. The international community should help rescue the Third Republic by pressuring the political leaders.

ENDNOTES

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