**Participation in Public Affairs in Somalia .. between Good Practices and Challenges**

**Introduction**

The reality and connotations of Somalia impose growing intersections with human rights trends and political, civil, social, economic and cultural obligations since the 1960s and the 1990s to September 2021, in particular the right to participate in public affairs. In this context, **Maat for Peace, Development and Human Rights** presents a written contribution to the High Commissioner on good practices and challenges facing Somalia in activating the relevant guidelines on the right to participate in public affairs, by highlighting the realities of participation in federal and local electoral contexts, women's and party participation in public affairs, as well as providing a number of recommendations.

**First, the reality of participation in electoral contexts**

Participation in electoral contexts is one of the benefits of participation in public affairs that exist in the constitutional and legal system within the Federal Republic of Somalia at all local and federal levels under the paragraph (2) of Article (22) of the 2012 Interim Federal Constitution, in consistent with attempts to rebuild the Somali State, especially since (2012), in line with paragraphs (20, 30) of the Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs, without upgrading any efforts to implement and activate this right, particularly under Article (50) of the Electoral Code, which allows elections to be postponed in the event of a national disaster such as floods, famine or armed conflict.[[1]](#footnote-1)

In the midst of this, political, security and economic challenges since the 1960s have prevented Somalis from exercising the right to direct secret suffrage and participation in party institutions for more than 50 years, and the clan-sharing formula (4.5) has been adopted since 1969, allowing the four major groups: (Al-Hawiya, Darod, Al-Dair, and Al-Rahanween) at a rate 8 out of 9 seats at the expense of smaller clans[[2]](#footnote-2). In addition, article 88 that requires the candidate for the presidential election is a Muslim because of the religious composition of Somali society, which is distributed in the order of 99.9% for Islamic religion and 0.01% for other religions, and that insufficient guarantees are provided for the representation of women.[[3]](#footnote-3)

In the contexts of the federal presidential and parliamentary elections during the period (2016: 2017), the entitlements to participate in electoral contexts have suffered from several violations and abuses. It was postponed more than once before it was held in January 2017, which led to the election of "Mohamed Farmaajo" by Parliament by (184) to (97) votes, and the formation of the Federal Parliament from (72, 275) members of the Senate and House of Representatives, respectively for 4 years.[[4]](#footnote-4)

In the midst of completing the violations, The Somali government rejected the presidential election candidates’ request to hold electoral meetings and rallies on December 3, 2020, and the Somali government deployed Security forces around Mogadishu to suppress planned protests by supporters of opposition presidential candidates against the incumbent President regarding arrangements for the upcoming elections on December 14, 2020. Violent clashes erupted between unknown parties and federal forces and at least four people were injured.[[5]](#footnote-5)

In addition to postponing the current federal presidential and parliamentary elections more than once, and despite the end of the president’s term in February 2021, he continued in office without legal cover until mid-April 2021, and tried to extend his presidency for two new years by the People’s Assembly, in violation to Articles (91, 60) on extending the mandate of the President and Parliament estimated at about (4) years respectively, before reversing his decision and concluding a political agreement on (May 27, 2021) regarding elections and the possibility of holding them within (60) days, reducing the role of the President in favor of the role of the prime minister[[6]](#footnote-6), and forming a new 25-member Federal Electoral Commission along with another to resolve differences and ensure the conduct of the country's parliamentary and presidential electoral process on June 4, 2021, and the publication of a long schedule of electoral tracks beginning with the Senate elections on July 25, 2021, ending with the President's election on October 10, 2021 without meeting the scheduled dates, were again postponed.[[7]](#footnote-7)

As for the context of local elections, the reality of the right to electoral participation in Somali states is not much different from federal contexts. There have been a series of indirect elections, including what took place in the southwestern state of the country 2018, in Puntland and Jubaland in 2019 and in Galmudug in 2020. The federal government described the elections in Jubaland as unconstitutional and recognized the person who had been re-elected as interim president for 2 years, despite the insistence of the Jubaland government that he had a full term of office for 4 years. The Mogadishu municipal authorities imposed restrictions on public gatherings and a curfew to mitigate the spread of COVID- 19 in April 2020. The Southwestern state renewed its ban on unauthorized political gatherings for the second year in May 2020, and the Somaliland Government refused to issue a provision allocating a quota for women and minorities in parliamentary elections claiming that it contravened Article 8 of its constitution on equality.

**Second: the reality of party participation in public affairs:**

The fact that the right to party participation in public affairs in Somalia is far from realization despite its recognition in article 22, paragraph 1, and article 16 of the Interim Federal Constitution. The reality and participation of political parties continued to suffer from the dynamics of Somali cultural, tribal, political and security realities to the extent of the abolition of multi-partisanship by former President Siad Barré after he taking power in favor of clans and tribes during the period (1969: 2016)[[8]](#footnote-8), and the stipulation of paragraph (2) of Article (118) concerned with public civil servants requires that leaders of political parties do not assume public office.[[9]](#footnote-9)

Nevertheless, since 2016, attempts to entrench and participate in political parties have appeared without practical and concrete steps. The Somali President signed the Political Parties Act, and about 100 political parties were officially registered, including: the National Unity Party, the Gathering Party, the Social Justice Party, the Unity and Democracy Party, the Justice and Development Party and the National Salvation Party, all politicians are required by law to join a political party by the end of 2018, but their participation proposal has been postponed to (2021) elections.[[10]](#footnote-10)

This has disappeared as a result of the political agreement in September 2020 on upcoming parliamentary elections, which endorsed the clan process without specifying a clear or formal role for the parties, as well as the escalation of complaints by registered official political parties after they were prevented from opening regional offices by federal member states' administrations in August 2020, and the dispersal of Somali Police Governance Symposium organized by the National Opposition Party "Wadger" in January 2020.[[11]](#footnote-11)

**Third: the reality of women’s participation in public affairs:**

Despite the constitutional guarantee of women's right to public affairs under the paragraph (5) of Article (3) of the Interim Federal Constitution on the Right of Women to Participate in All National Institutions and Levels, Somali women have been significantly marginalized by the cultural and stereotypical stereotypes of Somali society and its traditional patriarchal theory towards women and their participation in public affairs to the extent that the Somali Religious Council has publicly warned the government against advocating women's participation in politics (2016) following the approval of the Council of Ministers on a national gender policy to increase political, economic and social empowerment.

In the meantime, Somali women took about 14% of seats in the Federal Parliament in 2012, about 24% of seats in the Federal Parliament in 2016[[12]](#footnote-12), and the proportion of women in the Cabinet fell from (20%) in 2013 to (10%) in 2014[[13]](#footnote-13), to retain only about 4 out of 26 portfolios within the existing Cabinet, and to draft the Somali Women's Charter by the Ministry of Women and Human Rights Development, alongside (350) a delegate to demand that women's rights be incorporated into the Constitution and the Electoral Code, and that a 50% quota be allocated to women at all levels of government without its implementation, but in the context of the upcoming elections, the Federal Electoral Code of Somalia did not include any mechanism to ensure women's representation at a rate (30%), Fauzia Youssef Adam - Minister of Foreign Affairs and Deputy Prime Minister - is running in the next presidential election.[[14]](#footnote-14)

In local contexts, specifically in Puntland, the percentage of women's participation in the Senate was zero; about 1 out of 82 members of the House of Representatives, as she was selected out of 16 candidates during the 2018 elections; one woman in the cabinet; and one woman out of 9 in the electoral commission in Puntland. While in Somaliland, women continued to call for political empowerment until the Council of Ministers agreed to increase the women’s quota to 20% before it was rejected by the Senate in 2019, allowing women to participate only with 2 women out of 86 members of the House of Representatives, 1 woman in the Council of Elders, and about 2 women held the position of minister out of 24, and a woman chaired the Human Rights Committee in Somalia[[15]](#footnote-15), and in Doug’s world, about 6 women out of 89 women were elected in the 2020 elections, and 10 out of 21 were elected in the city of Dinsor in the southwestern state of the country, and “Amina Abdul Rahman was elected as deputy mayor of Buran in Puntland.[[16]](#footnote-16)

**Recommendations**

Having analyzed the reality of participation in public affairs in Somalia and reviewed its good practices and challenges from the perspective of the guiding principles for countries to implement the right to participate in public affairs, a set of recommendations can be made in this regard.

1. The Somali federal Government must take practical and effective action to achieve sustainable peace and participatory democracy through the rationalization of governance, the expansion of democracy, establishing security and reforming the legal and constitutional system. The Somali federal government is obliged to move from the Interim Constitution to the Permanent Constitution after reforming the article on the conditions of candidacy, which requires the President to be a Muslim and this deprives (0.01) of Somalis (1,000) Christians, along with other religions, from running for this position.
2. The Somali Government should develop and offer alternatives to the 4.5 formula to divide power into more inclusive, fair and equitable formulas as it limits the participation of smaller clans compared to the four major groups.
3. Maat for Peace recommends that the Somali government reconsider the electoral law in a way that allows political parties to participate in the elections and compete on institutional and non-tribal basis, and to clarify the possibilities and mechanisms for implementing the estimated 30% quota of women.
4. In the midst of the deteriorating humanitarian situation in Somalia, the Somali government must expand the scope of freedoms and rights related to the right to participate in public affairs, especially the right to access information, opinion and expression, the press and media, peaceful assembly and the right to education.
5. The need for the Somali Federal Government, in cooperation with the international and African community, to promote efforts to reduce the influence of armed groups, identify the Somali youth movement, increase procedures for securing elections, increase its capacity to register voters, and increase the ability to employ technology in elections.
6. The Somali Government should undertake actions to increase the political, economic and social empowerment of women, train them in leadership and political experience, and launch awareness-raising and education campaigns to reduce society's traditional perception of women's role and participation in public affairs.
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