

# Briefing on the situation in Somalia

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Tomorrow (22 April) the African Union (AU) Peace and Security Council (PSC) will convene virtually its 993rd session to consider the situation in Somalia. The session was not originally part of Council's monthly programme of work. However, following some of worrying developments which have been unfolding in Somalia recently, Council has been prompted to convene a meeting in order to address these developments. Particularly, Council will be addressing the recent adoption of a bill by the Lower House of the Parliament of Somalia, extending the term of the current President and in effect, postponing the election for another two years.

Opening remarks are expected to be delivered by the PSC Chairperson of the month and Permanent Representative of the Republic of Djibouti, Mohammed Idriss Farah. Commissioner for Political Affairs, Peace and Security, Bankole Adeoye is also expected to address the PSC. The Council is expecting to receive a briefing on the recent developments from Francisco Madeira, the Special Representative of the AU Commission Chairperson (SRCC) and Head of the AU Mission in Somalia (AMISOM). As per the practice of the Council, it is expected that the representative of Somalia, as the country concerned, and Sudan, as Chairperson of the Inter-Governmental Authority on Development (IGAD) will also make a statement during the partially open segment of the session.

It is to be recalled that after intense negotiation between the Federal Government of Somalia (FGS) and Federal Member States (FMS) during the course of 2020, a compromise was reached on switching from the initial plan of one person one vote model to that of a revised national election model known

as the “Electoral Constituency Caucuses”. This 17 September 2020 political agreement envisaged that the parliamentary and presidential elections would be held on the basis of a modified form of the previous clan based electoral system in which clan delegates would choose members of the lower house of parliament, who would have in turn chosen the president. The agreement also envisioned that legislative and presidential elections were to be held in December 2020 and February 2021, respectively.

The failure of Somalia political leaders to reach consensus on the modalities for the implementation of the 17 September political agreement has precipitated a level of political tension unprecedented in recent electoral processes in Somalia. It is to be recalled that the expiry of the terms of parliament and the president in December 2020 and February 2021 respectively, without any political consensus on the time and modality of elections plunged Somalia into a constitutional crisis and political uncertainty. Various rounds of talks were held between the relevant stakeholders notably the FGS, FMS and Council of Presidential Candidates (CPC) in February, March and April. Lack of agreement from these rounds of talks has continued to heighten the risk of triggering the unravelling of the delicate political arrangement and the relative stability that country achieved in recent years. For the AU and the troop contributing states of AMISOM, the situation risks the progress that have been achieved through the sacrifice of many made through their lives or limbs while serving the mission.

The constitutional crisis and the political tension witnessed further deterioration following the decision of the lower house of Somalia Parliament to extend its own term of office and that of the president for a further period of two years. President Farmaajo’s assent to the bill into a ‘Special Election Law’ purporting to return Somalia to a one-person one-vote electoral model, which also allows him to delay the

election by two years and hence extend his term for two additional years, has exacerbated an already increasingly volatile and tense situation in the country. This has put Somalia in an uncharted constitutional, political and security waters.

The upper house of parliament rejected the term extension as unconstitutional. Beyond the constitutionality that arises from the expiry of the 4-year constitutional term of office of the President, legal experts question the constitutionality of the process adopted for extension of the term of office for a further two-year period without the support of the upper house of parliament. The term extension also implied the end of the 17 September 2020 agreement on the electoral model and timeline.

For tomorrow's PSC session, this raises the question of the applicability of the AU norm banning unconstitutional changes of government, on the basis of unconstitutional extension of terms within the framework of Article 23 (5) of the African Charter on Democracy, Elections and Governance.

Politically, this term has been received with opposition from a wide range of Somalia stakeholders as well. Not surprisingly, for many this constituted not only a usurpation of power by the President with the conniving of the lower house, but also a unilateral act that shunned all other political actors. While Puntland and Jubaland announced their rejection of the term extension, the CPC is calling for handover of power by the President to a transitional government headed by the Prime Minister. Various opinion makers and civil society actors also deemed the two-year extension of the term of office of the lower house and the president dangerous and unacceptable. Similarly, members of the international community also criticized the term extension and the delay in planning the elections. Both the US and the EU condemned the term extension, with the US Secretary of State expressing 'deep disappointment' and warning that 'the

implementation of this bill will pose serious obstacles to dialogue and further undermine peace and security in Somalia.' Various international organizations (AMISOM, IGAD, EU, UN) and individual states supporting the stabilization of Somalia in a statement they issued on 14 April were categorical in rejecting any 'parallel political process, partial elections, or new initiatives leading to an extension of prior mandates.'

Given this policy position that the AU shares with others, the issue for the PSC during its session tomorrow is communicating the position that the AU does not accept or support any attempt at changing the electoral process set in the 17 September Agreement and the need for resolving all the outstanding issues relating to the electoral process through dialogue.

In security terms as well, this situation has led to the emergence of deepening rifts within the security institutions of Somalia as well as among the FMS. In apparent attempt to thwart what he considered to be an illegal term extension, a police commander in Mogadishu, General Sadiq Omar Hassan "John," ordered his forces to prevent parliamentarians from attending the parliamentary session. Although he was dismissed by the Somalia Police Commissioner, it is reported that he has relocated with his forces to the northern part of Mogadishu, raising fears of risk of fracturing of the security forces of Somalia. It was also reported that a number of soldiers from Somalia's elite Turkish-trained Gorgor army units have since abandoned base and retreated to their clan strongholds.

While the opposition alliance under the CPC seems to be working with the leaders of Puntland and Jubaland, President Farmaajo continues to enjoy the support of Galmudug, Hirshabelle and South West States' leaders. This form of division therefore intensifies the risk of clan-based conflict within the country and could further intensify the type of political violence which unfolded during the demonstrations which took place following 8 February – when

President Farmaajo's four years term expired – where protesters were met with brutal police response, which left reportedly eight people dead.

With the political instability having such manifest impact on the country's security situation and with Al-Shabaab still constituting a major security threat to the country, the continuing implementation of the Somalia Transitional Plan (STP) as well as the drawdown of AMISOM troops and smooth handover of responsibilities to the Somali National Army (SNA) is now put in serious peril.

At its 978th meeting which was its previous session on Somalia, the PSC underscored the need for all relevant stakeholder including FGS, FMS, AU and UN to commit to ongoing dialogue in order to address the impasses on election, political & security issues. In addition, Council also stressed that all concerned actors should avoid taking unilateral or non-consensual measures which may further deepen the existing political stalemates. It is expected that the PSC will reiterate this position, and urge that the unilateral measures threatening the country's fragile political and security situation are reversed and that the Somalia stakeholders return back to the negotiating table for resolving their differences consensually.

The expected outcome of the session is a communiqué. The PSC is expected to express its grave concern about the recent developments that pushed the country into deeper constitutional, political and security crises with major risk of the deepening divisions erupting into violence and creating opportunities for Al Shabaab to gain militarily. It may also call on all Somali actors from taking any actions that may aggravate the instability in the country. The PSC may remind the government of Somalia, AU's rejection of unconstitutional changes of government as well as actions that involve unconstitutional term extension and jeopardize electoral processes and peace and stability. The PSC may call on IGAD,

as well as the international community including the UN and EU, to work in collaboration with the AU towards initiating and organising fresh talks which could bring the parties back to negotiation and strive to find a compromise solution. Council in this regard may also express AU's readiness to support Somalia within the framework of the 17 September 2020 agreement and the announcement that President Formajo made, following his meeting with AU's 2021 Chairperson, President Felix-Antoine Tshisekedi of the DRC on 19 April in Kinshasa, that he welcomes the role of the AU in facilitating a dialogue. Council may also highlight the continued critical role of AMISOM in ensuring stability within the country and contributing towards avoiding the fragmentation among Somalia security forces.