



A Path to Direct Elections? Analyzing Somalia's Electoral Bill Against Political Realities

Somalia is at a critical political juncture. Over the past six months, the federal government has embarked on an ambitious effort to transition the country from a clan-based governance system to a direct electoral framework. The foundation for this initiative was laid during a National Consultative Council (NCC) meeting in May 2023 and was solidified through constitutional amendments in March 2024. These amendments introduced a three-party political system and established a framework for direct elections at the district, state, and federal levels, to be held every five years, marking a decisive break from Somalia's traditional clan-based political structure. To further advance this reform agenda, the government introduced three key bills in July and August: the Independent National Electoral and Boundaries Commission (INEBC) Bill, the National Electoral Bill, and the Political Parties Bill. These bills, approved by the Somali cabinet and now awaiting parliamentary approval, are key components of Somalia's evolving political dispensation.

The current political system, rooted in a clan-based power-sharing model (the 4.5 system), has provided some stability but it has also perpetuated exclusionary politics limiting broader political participation. In response, the national electoral bill aims to address these barriers by introducing direct elections, promising a more inclusive framework where citizens can directly elect their leaders. However, these reforms face significant challenges, including entrenched clan dynamics and logistical hurdles tied to Somalia's fragile security landscape. While framed as a response to democratic demands, key stakeholders—including former presidents, prime ministers, federal MPs, and Puntland State—have expressed concerns about the inclusivity of the process, questioning whether it reflects a broad national consensus. Amendments to the first four chapters of the constitution, which are linked to these electoral reforms, have further fueled fears that the speed and scope of the changes may disrupt the delicate balance that has sustained Somalia's fragile peace. Indeed, the current political dispensation, including the provisional constitution, federal system, and 4.5 model, was designed to ensure gradual, consensus-based reforms.

The rapid pace of these reforms has raised questions about whether they are politically motivated, particularly given the uncertainty surrounding President Hassan Sheikh Mohamud's re-election prospects under the current indirect electoral system. With two years remaining in his four-year mandate, the indirect electoral process may not work in his favor—hindered by a coalition of key political elites and former leaders in opposition—creating a strong incentive to pass amendments and legislation for direct elections, which could offer opportunities for term extensions. Additionally, direct elections would provide his administration greater control over key aspects of the process, such as voter registration and boundary delimitation, potentially giving him strategic advantages in the next electoral cycle. This analysis explores the political, structural, and security dimensions of Somalia's electoral reforms and assesses their prospects and implications for the country's future governance.

II. Key Provisions of the National Electoral Bill

The national electoral bill represents a significant evolution in Somalia's governance structure, introducing a multi-layered electoral system that blends proportional representation, simple majority voting, and clan representation. Under this proposed framework, presidential, state leadership, and mayoral elections will be conducted using a simple majority system. In contrast, elections for the House of the People and the Upper House of the Federal Parliament will follow an open-list proportional representation (PR) system. Additionally, state assembly and local council representatives will be chosen through a closed-list proportional representation system.

Info Box: Electoral Systems Explained

- **Open List Proportional Representation (PR):** This system enables voters to influence both the distribution of seats among parties and the selection of specific candidates within those parties. Voters cast their ballots for a party and can also indicate their preferences for individual candidates from that party's list. The allocation of seats is proportional to the number of votes each party receives, and candidates are chosen based on their list position and the number of preference votes they secure.
- **Closed List Proportional Representation (PR):** Here, voters choose between parties rather than individual candidates. Each party provides a predetermined, ordered list of candidates, and seats are allocated according to the party's share of the vote. The candidates who occupy the seats are selected in the order they appear on the party's list, allowing parties greater control over their representatives.
- **Simple Majority System (First-Past-the-Post):** In this system, the candidate who receives the most votes wins, regardless of whether they achieve an absolute majority (over 50%) of the votes cast. This system is often used in single-member districts and tends to favor larger parties, as smaller parties struggle to win seats unless their support is highly concentrated in specific areas.

The electoral process, as outlined in the bill, begins with district-level elections, where all registered political parties can compete. For district councils, the bill mandates a closed-list proportional representation system that incorporates clan representation and enforces a 30% quota for women to promote gender balance. In contrast, district executives, including mayors and deputy mayors, are elected through a simple majority vote. Notably, the bill limits district-level elections to districts established before December 31, 1990—a provision that is likely to be contentious due to its exclusionary implications. This restriction is particularly significant, given the influence district elections will have on subsequent elections, as the bill designates the three political parties that receive the most votes in district elections as the national parties eligible to compete for state and federal elections. Consequently, members of district councils elected under other party affiliations must align with one of these three national parties, consolidating the political landscape.

At the state level, the electoral process is restricted to the three national parties that emerged victorious in district elections. State executives, including state leaders and their deputies, are elected on a single ticket using a simple majority system, while state legislatures are chosen through a closed-list proportional representation system. The number of seats in each state legislature is determined by the state's constitution, allowing for flexibility and regional autonomy.

At the federal level, the President is elected by a simple majority of registered voters nationwide, while both houses of the Federal Parliament use an open-list proportional representation system. The House of the People is elected from a single nationwide constituency, and the Senate represents the interests of the Federal Member States (FMS), balancing national and regional priorities. To ensure fair clan representation, the electoral framework includes mechanisms that account for both popular votes and clan considerations. In the Senate, rules prevent any single clan from holding seats across multiple parties. In the Lower House, a 70-30 allocation model is used: 70% of seats for the top-performing party are awarded based on voter preference, while the remaining 30% are reserved for candidates from under-represented clans. The next page features a summarized infographic of the electoral process.

The proposed electoral systems carry various advantages and disadvantages. Proportional Representation (PR) promotes inclusive representation of minority groups, encourages power-sharing and coalition-building, and reduces marginalization, helping to prevent grievances that could reignite conflicts. However, PR may also lead to political fragmentation with numerous small parties, complicating governance and slowing down decision-making due to the need for consensus in coalition governments. On the other hand, the Simple Majority system facilitates clear and decisive governance, often resulting in single-party governments that can act swiftly. It encourages moderation as parties aim to capture the broad middle ground of the electorate.¹² Yet, its winner-takes-all nature can marginalize minority groups, heighten tensions in divided societies, and may lead to polarization, creating a two-party system that might not reflect the diversity of post-conflict societies.

Overall, the National Electoral Bill represents a significant shift in Somalia's approach to governance, aiming to balance traditional clan-based structures with modern democratic principles. However, the success of this reform will depend on how well it navigates the tensions between inclusivity and the entrenched politics of clan-based governance. Provisions for clan representation and gender quotas demonstrate a commitment to broad participation, but the exclusion of certain districts and the consolidation of political parties may provoke political frictions. In essence, the bill offers both promise and challenge, with its long-term impact on Somalia's political stability dependent on careful implementation and broad political buy-in. Successful implementation of these reforms will determine whether they foster inclusivity or exacerbate existing political divides.

1. DISTRICT LEVEL ELECTIONS

(All Registered Parties Compete)

The district elections represent the initial and most crucial phase, during which the "national" parties—the top three parties receiving the highest number of valid votes in the district-level elections—are determined. These top three parties will then compete in subsequent state and federal level elections. Members elected to district councils from other parties, which are not among the top three, will be required to join one of the top three parties.

Only districts that existed as of December 31st, 1990 are recognized.

District Executives Mayor and Deputy Mayor

- All registered parties compete.
- Mayor and Deputy Mayor elected in a single ticket.
- Elected by voters residing in that specific district.
- Elected through a simple majority – first past the post. Whichever ticket wins the most vote becomes the Mayor and Deputy Mayor.

District Councils

- All registered parties compete
- Elected by voters residing in that specific district.
- Members of the District Councils are elected through Proportional Representation – Closed List. Parties list will consider the clan distribution in that district and 30% women's quota.

Elections of the District Executives and District councils occur at the same time.

2. STATE LEVEL ELECTIONS

State Executives Leader and Deputy Leader

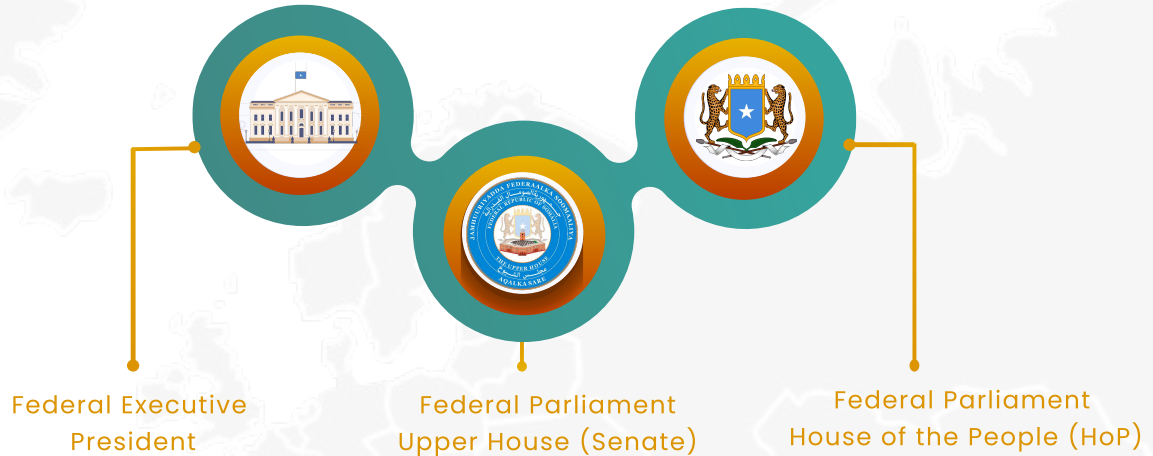
- Only the top 3 parties ("national parties") emerging from the District-level elections compete.
- Leader and Deputy Leader elected in a single ticket.
- Elected by voters residing in that state.
- Elected through a simple majority – first past the post. Whichever ticket wins the most vote becomes the Leader and Deputy Leader.

State Legislatures

- Only the top 3 parties ("national parties") emerging from the District-level elections compete.
- Each state's constitution determines the number of members in each legislature
- Members of the legislatures elected by voters residing in that state.
- Members of the State Legislatures are elected through Proportional Representation – Closed List. Parties list will consider the clan distribution in that state.

Elections of the State Executive and Legislature occur at the same time.

3. FEDERAL LEVEL ELECTIONS



Federal Executive President

- Only the top 3 parties ("national parties") from district-level elections compete.
- All registered voters elect the President through a simple majority – first past the post system.
- The candidate who receives a simple majority of valid votes wins.

Federal Parliament Upper House (Senate)

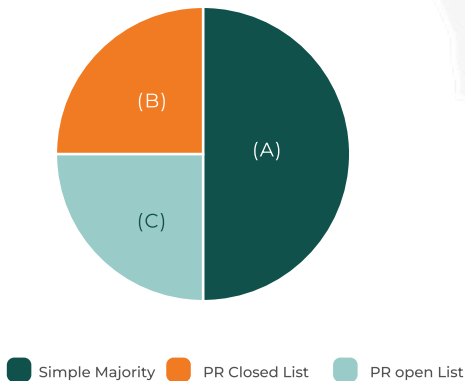
- Only the top 3 parties ("national parties") from district-level elections compete.
- The Senate comprises 54 members representing Federal States.
- Registered voters in each state elect their Senators through Proportional Representation – Open List system.
- Parties submit candidate lists considering clan makeup and a 30% women quota.
- Parties win seats based on the proportion of votes received within the Federal Member State.
- The top party allocates seats first, with the highest-vote candidate winning; remaining seats go to the second-ranked party selecting candidates from clans not represented by the top party, followed by the third-ranked party.
- A single clan cannot win seats from multiple parties to preserve clan-based seat allocation.

Federal Parliament House of the People (HoP)

- Only the top 3 parties ("national parties") from district-level elections compete.
- All registered voters elect 275 parliamentarians in a single nationwide constituency.
- Elected through Proportional Representation – Open List system.
- Seats in the House of the People are based on the proportion of votes each party receives nationwide.
- Parties submit candidate lists considering clan power-sharing (likely the 4.5 system) and 30% women quota.
- Party lists are prioritized by the number of votes received, with the top party submitting and securing its seats first.
- The top party allocates 70% of seats to highest vote-getters and 30% to underrepresented clans, followed by the second and third parties based on their vote percentage.

← Elections of the President and the Federal Parliament occur at the same time. →

Hybrid Electoral System



A - Simple Majority

All executive elections (Mayor/Deputy Mayor, State Leader and Deputy Leader, and the President) will be elected through a simple majority.

B - Proportional Representation Closed List

State assemblies/legislatures and district councils will be elected through a proportional representation closed list system.

C - Proportional Representation Open List

The two houses of the federal parliament will be elected through a proportional representation open list system.

III. Unpacking the Electoral Bill: Challenges and Implications for Implementation

While the bill outlines a framework for transitioning Somalia toward a more democratic system, its implementation faces substantial challenges. Decades of political instability, clan-based governance, and logistical barriers complicate the process. The hybrid model, which combines simple majority and proportional representation systems, poses difficulties for a nation with fragile institutions and deep political divisions. Key challenges stem from the contested demarcation of districts based on pre-1990 boundaries, the central role district elections play in party strategies, and the introduction of clan quotas, which further complicates the balance of representation. These issues, coupled with ongoing security concerns, cast serious doubt on the feasibility of implementing the bill as envisioned.

Challenges of Reverting to Pre-1990 Boundaries

The national electoral bill positions district-level elections as the critical foundation for political participation at both state and federal levels, making them the linchpin of the entire electoral process. By stipulating that only the top three political parties from district elections will be recognized as national parties eligible to compete in state and federal elections, the bill aims to curb the proliferation of smaller, sub-clan-based parties and consolidate political competition. While this approach may promote political cohesion, the primacy of district elections introduces major challenges—both logistical and political—that could undermine the bill’s core objectives.

One of the bill’s most contentious provisions is Article 19, which restricts district-level elections to districts that existed before December 31, 1990. This decision is problematic for several reasons. First, Somalia’s political landscape has changed dramatically since the civil war, particularly with the establishment of federal states. The shift from a centralized government to a federal system has led to the creation of numerous new districts, often to appease sub-clan interests and maintain a balance of power within states. For instance, in Puntland, the number of districts has more than doubled—from 21 in 1990 to 50 today. Similarly, Jubaland’s district count has increased from 13 to 17, reflecting ongoing internal political dynamics. Other FMSs, including Galmudug and HirShabelle, have followed similar patterns, creating new districts to accommodate evolving political and clan interests.

Given these transformations in Somalia’s political landscape, the implications of reverting from current districts to pre-1990 boundaries are substantial. Such a reversal is likely to provoke significant political contestation, particularly from clans and regions that view newer districts as integral to their political identity and influence. In Somalia, districts are not merely administrative units; they serve as key mechanisms for managing clan power. The creation of new districts has been instrumental in ensuring both equitable and, at times, non-equitable clan representation, with these newer districts becoming cornerstones of local power dynamics over time. Their exclusion threatens to disrupt the delicate balance of power established through decades of political maneuvering. By reverting to 1990 boundaries, the bill risks unraveling years of power-sharing arrangements that have been essential to maintaining relative stability across many regions.

As a result, the bill's reliance on district elections raises the stakes of local contests, transforming them from mechanisms of localized power-sharing into key determinants of national political competition. District elections will now serve as the entry point to state and federal power, determining which political parties can compete for higher offices. This shift is likely to intensify clan-based competition, as clans and sub-clans—through registered political parties—vie for control of these now-crucial local contests. For example, federal states with more districts, particularly those aligned with major clans under the 4.5 power-sharing model, could exert disproportionate influence in shaping national political parties. This may also incentivize other regions to create new districts to gain greater leverage, especially given the absence of clear criteria for district creation in the proposed bills.

Thus, by directly linking district outcomes to state and federal elections, localized contests now carry national significance. This transformation heightens the stakes, projecting longstanding clan rivalries onto the national stage and increasing the risk of political instability, undermining the bill's goal of promoting a more cohesive and representative system of governance.

Moreover, the decision to revert to pre-1990 districts disregards Somalia's significant demographic changes over the past three decades. The population has grown, shifted, and, in many areas, been displaced due to conflict, drought, and migration. These demographic changes would have necessitated the creation of new districts under any equitable system of representation. Instead, the bill's reliance on outdated boundaries overlooks these shifts, perhaps due to the significant contestation and time required to reach an agreed-upon and fair criteria for district creation and demarcation. While reverting to pre-1990 boundaries may seem like an easier path, any electoral process that seeks genuine buy-in and support must address this challenge, regardless of how long it takes. Failing to resolve this issue risks undermining the entire electoral process, especially since the primary source of contestation—district boundaries—has now been transformed into a key determinant of national political competition.

Primacy of District-Level Elections Impacts Party Strategies

Beyond the issue of district boundaries, centering the electoral process at the district level introduces new dynamics that reshape party strategies and influence the trajectory of state and federal elections. By making district elections the primary gateway to higher office, the bill forces political parties to engage more directly with localized clan interests. This creates a strategic imperative for parties to secure representation in as many districts as possible, navigating Somalia's highly localized political landscape, where clan loyalties remain dominant.

The structure of districts—often dominated by one or two clans—compels political parties to prioritize the interests of these dominant clans. Consequently, clan loyalty becomes a decisive factor for a party's success in district elections. As a result, political strategies will increasingly focus on securing local victories across key districts, rather than building broad national coalitions. This clan-centric approach to electoral competition elevates local power struggles to national significance, shaping the trajectory of governance at both state and federal levels.

The PR closed-list system used for district council elections further reinforces this clan-based strategy. Under this system, political parties control the composition and ranking of candidates on their lists, allowing them to strategically position candidates based on the dominant clan in each district. By placing candidates from the most influential clans at the top of their lists, parties can secure the loyalty of these clans and increase their chances of electoral success. This creates a dynamic where local political contests are closely intertwined with national party strategies, with clan allegiances leveraged to secure a spot among the top three national parties.

However, while this approach may be effective at the district level, it introduces significant challenges as parties transition to state and federal elections. The first of these challenges arises at the state level, where political competition becomes more complex due to the presence of multiple powerful clans. Although many FMS are dominated by one or two major clan families—such as the Darod in Puntland or the Hawiye in Galmudug and HirShabelle—these regions also contain numerous sub-clans. This means that while district-level victories may be secured through alignment with dominant sub-clans, state-level elections require a more delicate balancing act. Parties must not only meet the expectations of the clans that were critical to their district-level success but also manage relationships with other influential clans at the state level.

The PR closed-list system for state assembly elections compounds the challenges parties face as they transition from district to state elections. With fewer seats available at the state assembly than across the district councils, intra-party competition for representation intensifies. The various clans that supported a party's rise to the state level will now vie for a limited number of seats, and any sense of under-representation is likely to breed dissatisfaction. This intra-party tension could undermine party unity as clans within the party compete for influence. Furthermore, the election of state leaders (leader and deputy leader) under a simple majority system introduces additional challenges. To secure leadership positions, the top three parties must forge alliances with key clans or sub-clans, which may be necessary for short-term electoral success but risks alienating other factions within the party. If certain clans feel marginalized in the distribution of power, internal fragmentation is likely. As parties attempt to balance clan interests across different levels of governance, these pressures could lead to reshaped coalitions, weakening the broader political cohesion required for stability.

At the federal level, these challenges are magnified. The House of the People (HoP), with its 275 seats, operates as a single national constituency, forcing political parties to broaden their appeal to a much wider array of clans and sub-clans than at the district or state levels. This shift to the national stage presents a paradox: parties that built their success by catering to dominant local clans must now accommodate a more diverse and often conflicting set of interests. The PR open-list system used for federal elections adds further difficulty, as voters—not parties—determine the ranking of candidates. Unlike district and state elections, where parties have more control over candidate placement, the open-list system allows voters to determine the order of candidates within the party. This creates intra-party competition, as candidates within the same party must compete not only against other parties but also against fellow members for votes. Clan loyalties will play a central role in this dynamic, as candidates from different clans within the same party seek to secure the support of their respective clans. This internal competition can deepen divisions within parties, especially if certain clans feel marginalized in the federal electoral process.

The overarching effect of these dynamics is that political parties will struggle to maintain cohesion as they transition from district to federal politics. While the closed-list PR system at the district and state levels pushes parties to cultivate strong ties with dominant clans, the open-list PR system at the federal level fosters intra-party rivalry. This, combined with the wider range of competing clan interests at the national level, risks creating internal fractures as different clans and sub-clans compete for influence. Ultimately, the primacy of district-level elections may lead to greater fragmentation within Somalia's political parties, as they struggle to balance the competing interests of their local and national constituencies.

The 70-30 Rule: Clan Quotas Compound an Already Complex Electoral System

Building on the dynamics of district-level elections and their impact on party strategies, the inclusion of clan quotas in the electoral framework presents additional challenges. The proposed electoral bill incorporates both simple majority and proportional representation systems, but the introduction of clan-based quotas further complicates the process. While intended to preserve clan-based power-sharing agreements, this approach risks exacerbating political tensions and undermining long-term stability.

One key example of this is the House of the People (HoP) elections, which use an open-list PR system. This system empowers voters to not only select a party but also influence which individual candidates secure seats within that party. However, **Article 66, sub-section 4** introduces a **70-30 rule** for the top-performing party, requiring 70% of its seats to be allocated based on voter preferences, while the remaining 30% are filled by candidates from under-represented clans not included in the 70%. Since it is impossible to know in advance which clans will be under-represented, this reallocation of seats occurs after the election. This rule, while intended to promote inclusivity, alters the balance between voter choice and proportional representation by redistributing seats regardless of candidate performance.

For example, if Party A, as the top-performing party, secures 60% of the national vote under the open-list PR system, it would typically be allocated 165 out of 275 seats in the HoP, with those seats filled by candidates who received the highest preference votes. However, Article 66 mandates that 50 of these seats (30% of 165) must be reallocated to candidates from under-represented clans—those not represented within the 115 seats (70% of 165) filled based on voter preferences, even if these candidates received fewer votes. This means a candidate from a well-represented clan ranked 116 in terms of preference votes could be bypassed in favor of a candidate ranked 200, who belongs to an under-represented clan. This post-election reallocation introduces unpredictability and raises concerns about transparency surrounding seat allocation.

Moreover, the requirement for post-election adjustments opens the door to internal party conflict and political instability. In Somalia's deeply clan-based political environment, candidates from the major clans may feel sidelined when their seats are reassigned to less popular candidates from under-represented clans. This could fuel internal divisions, particularly if influential figures within the party are bypassed despite their electoral success. The lack of clear criteria for defining under-

represented clans could further spark disputes over the fairness of these decisions, exacerbating tensions and threatening to destabilize an already fragile political landscape.

For the second and third-ranking parties, the absence of the 70-30 rule introduces a different dynamic. These parties do not face the same requirement to reallocate seats, allowing them to distribute seats entirely based on voter preferences. Without this constraint, they can focus on appealing to major clans and forging strategic alliances to maximize electoral gains in key districts. Meanwhile, the top-performing party must balance clan inclusivity with voter preferences, creating a competitive imbalance. Over time, this imbalance may deepen political fragmentation and contribute to instability, undermining the bill's goal of fostering a more inclusive and representative political system.

Returning to the issue of post-election adjustments, the tension between voter preference and clan quotas raises broader concerns about the legitimacy of the electoral system. On one hand, the open-list PR system is designed to reflect voter intent as accurately as possible. On the other hand, the introduction of clan quotas disrupts this process, adding a layer of representation that may not align with voter choices. This reallocation of seats could be seen as diluting the influence of major clans, risking exacerbating political disputes and heightening the risk of conflict.

The broader implications extend beyond immediate election results. The reliance on post-election adjustments to enforce the 70-30 rule introduces a level of unpredictability that could ultimately destabilize the system. In Somalia's volatile political landscape, where clan grievances often drive conflict, any perceived bias in how seats are redistributed could deepen divisions. Without clear criteria, these adjustments risk becoming a flashpoint for political tension, undermining the stability the system is meant to safeguard.

IV. The Politics of Electoral Reform: Strategic Motives and Political Implications

The proposed electoral bill, while framed as a step toward democratic reform, is closely linked with Somalia's fragmented political realities, reflecting a web of strategic maneuvering. President Hassan Sheikh Mohamud's administration has positioned the bill as an effort to modernize governance by transitioning from a clan-based, indirect system to a direct electoral process.³ However, beneath the surface, the reform is shaped by political motivations, strategic recalibrations, and notable resistance from key stakeholders. Structural issues—like the debate over district boundaries and the inclusion of clan quotas—are not merely logistical hurdles; they are deeply embedded in the broader political strategies that will shape Somalia's future.

On the surface, the push for direct elections aligns with longstanding calls to move Somalia toward a more democratic framework. The transition to direct elections has been a consistent campaign pledge, with each administration promising to reduce the influence of the clan-based system that has governed the country for decades. The recent reforms aim to fulfill President Hassan Sheikh Mohamud's pledge to implement direct elections and give the electorate a more direct role in selecting leaders, thereby diminishing the influence of clans.⁴ However, the timing and context of these reforms raise questions about the underlying motivations.

Indeed, the timing and urgency of these reforms, particularly in the lead-up to the 2026 presidential elections, suggest deeper political motivations. With two years of his four-year mandate already gone, Hassan Sheikh's re-election prospects are uncertain under the existing clan-based, indirect electoral system. His 2022 victory was not the result of overwhelming popular support but rather a coalition of opposition forces united in their goal to oust former President Mohamed Farmaajo. In the final round of voting, Hassan Sheikh relied heavily on the crucial support of Puntland's President, Said Abdullahi Deni, and former Prime Minister Hassan Ali Kheire, both key opponents of Farmaajo.⁵ However, this fragile anti-Farmaajo coalition has since disintegrated, leaving Hassan Sheikh with limited political allies and an increasingly difficult path to re-election.

The urgency behind the shift to direct elections could be seen as an effort to reshape the electoral landscape in Hassan Sheikh's favor. The current system relies on indirect elections through parliamentary votes, with a secret ballot that limits the influence of any single actor, even amidst vote-buying. Securing a second term under this system would be particularly challenging for Hassan Sheikh, especially given that no Somali president has been re-elected consecutively. In contrast, a direct electoral system—where the federal government controls key aspects such as electoral management, voter registration, logistics, and boundary delimitation—could provide the president with greater control over the outcome. This federal oversight offers opportunities to influence critical parts of the process in ways that are less feasible under the current system. By comparison, the indirect system, despite widespread corruption, remains relatively unpredictable due to parliamentarians' vested interests and the secret, yet televised, voting of MPs. This unpredictability likely makes the clan-based system less appealing to Hassan Sheikh, who faces an uncertain re-election path without a shift to direct elections.

However, the push for direct elections has encountered strong opposition from political elites and FMS leaders, many of whom view the reforms as a strategy to extend political terms. While the reforms legally mandate direct elections as the only legitimate path to power, Somalia's security situation makes holding these elections in the near future unlikely. Al-Shabaab controls large parts of the country, and even in government-held areas, the threat of insurgent attacks remains high. Additionally, Somalia's electoral infrastructure is underdeveloped, lacking both a voter registration system and the capacity to conduct nationwide elections.

Given these obstacles, it is unlikely that direct elections will occur by the next presidential cycle. This raises concerns that President Hassan Sheikh and other leaders may use the reforms to justify term extensions, citing security or logistical challenges as reasons for delays. Article 74 of the national electoral bill grants the INEBC the authority to postpone elections during national crises but lacks clear limits on such delays, increasing the risk of prolonged extensions. These concerns are further heightened by precedents set by state-level leaders, many of whom have extended their terms beyond their original mandates due to election delays. If this pattern is replicated at the federal level, it could severely undermine the democratic credibility of the process and entrench political elites in power, contradicting the bill's goal of fostering a more democratic system.

The lack of political consensus further complicates the reform process. Puntland, one of the most influential federal member states, has withdrawn from the federal process in response to the

constitutional amendments, arguing that the reforms were introduced without adequate consultation.⁶ This withdrawal not only undermines the credibility of the reforms but also poses a practical challenge, as Puntland controls significant territory and maintains relatively stable governance compared to other regions. Without Puntland's participation, implementing direct elections nationwide becomes significantly more difficult.

Opposition to the reforms extends beyond Puntland. Prominent political figures, including former presidents Mohamed Abdullahi Farmaajo and Sharif Sheikh Ahmed, have strongly objected to the rapid pace of the constitutional and electoral changes.⁷ They argue that these amendments are intended to centralize power within the federal government, weakening Somalia's federal structure. These leaders, who claim to have been sidelined during the reform process, view the changes as an attempt to expand presidential authority while diminishing the influence of the FMS and other political actors.

In this context, the proposed electoral reforms seem to be driven more by political calculations than by genuine efforts to democratize Somalia's political system. The lack of political buy-in from key stakeholders, combined with significant security challenges and logistical hurdles, casts serious doubt on the feasibility of implementing these reforms effectively. Without broad-based support and a clear path forward, the reforms risk exacerbating existing tensions and undermining the goal of creating a more democratic and stable political environment.

V. Conclusion and Considerations

Somalia's national electoral bill represents a significant effort to transition the country from its entrenched 4.5 clan-based power-sharing system to a more inclusive direct electoral process. While the bill aims to broaden citizen participation and introduce direct elections, its implementation faces significant challenges rooted in Somalia's political history and social structures. The proposed reforms must contend with long-standing clan loyalties, power dynamics, and political motivations that have shaped the country's governance for decades. These factors present serious obstacles, as the bill must navigate more than just technical and logistical concerns; it must also confront the deep-seated political realities that define Somalia's electoral landscape.

A major challenge is integrating direct elections into a system historically dominated by clan-based politics. For example, the proposal to revert to pre-1990 district boundaries conflicts with more recent district configurations that hold significant political importance for local communities. Excluding these newer districts from the electoral process could lead to perceived disenfranchisement and heightened tensions. If left unaddressed, these boundary disputes could derail the electoral process entirely, deepening political fragmentation and fostering localized conflict.

Moreover, the proposed 70-30 rule further complicates matters by introducing post-election uncertainty through the reallocation of seats to "under-represented" clans without clearly defining what constitutes under-representation. This ambiguity could lead to challenges from sub-clan groups, resulting in additional disputes and potential delays in forming a stable government. Thus, careful attention must be given to clarifying and implementing this rule to avoid exacerbating

existing tensions and to ensure that the reform process contributes to, rather than detracts from, Somalia's stability and democratic development.

Additionally, the disconnect between the proposed electoral and constitutional reforms and Somalia's existing legal framework poses a significant risk. The provincial constitution, the 4.5 system, and the federal structure were established to prevent abrupt political shifts that could destabilize the country. President Hassan Sheikh's rapid push for constitutional amendments and new electoral laws appears to undermine the original intent of these mechanisms. Amendments to the first four chapters of the constitution have already faced strong opposition from key political elites and FMS leaders. As the process moves forward with additional amendments, resistance is likely to intensify, particularly if consensus remains elusive. Without careful consideration of the constitutional and political context, these reforms could exacerbate clan-based rivalries, deepen political fragmentation, and ultimately undermine the stability they aim to achieve.

Given these challenges, the successful implementation of the electoral reforms will hinge on broad political support. Securing buy-in from key stakeholders, particularly the FMS and former leaders, is crucial. This will necessitate significant adjustments to the proposed reforms to address their concerns and ensure a more inclusive and stable transition. Without such consensus, the goal of implementing national direct elections risks being undermined, potentially deepening national divisions and destabilizing the federal structure.

To ensure that electoral reforms are both practical and sustainable, the following considerations are proposed. Rather than revisiting the debates surrounding constitutional amendments, these recommendations focus on refining the electoral process as outlined in the bill. The objective is to offer options that reduce tensions and enhance buy-in, making direct elections—through a phased approach—more feasible and acceptable to all stakeholders.

- **Prioritize State and Federal Elections as the First Step:** Given the contentious nature of district-level elections and Somalia's ongoing security challenges, the electoral process should initially focus on state and federal elections. This approach is more practical and politically feasible at this stage. State and federal legislative elections can be conducted using a closed-list proportional representation (PR) system. This system, whether applied to a single national constituency or across constituencies within the FMS, is simpler and more straightforward compared to a combination of open-list and closed-list systems paired with simple-majority methods. By simplifying the electoral process in this manner, this approach balances the urgency of electoral reform with Somalia's political and security realities, making democratization more achievable. It also lays the groundwork for a more stable and effective governance system over the long term.
- **Postpone District Elections:** While district elections are crucial for grassroots democratization, they should not be the starting point for Somalia's electoral process at this time. The contentious issues surrounding district boundaries—especially the exclusion of districts created after 1990—combined with the risk of exacerbating clan rivalries, make district-level elections particularly risky. Additionally, the logistical and security challenges posed by Somalia's fragile situation, including the ongoing threat from Al-

Shabaab, make district elections highly susceptible to disruption and violence. By prioritizing state and federal elections, which present more manageable risks, Somalia can adopt a phased approach to democratization. This strategy allows for time to address critical issues such as district demarcation and the establishment of a robust voter registration system—both essential for ensuring future elections are legitimate and inclusive.

- **Enhance Political Buy-in:** For any major reform—electoral or otherwise—to succeed in Somalia, where regionalization is strong, securing political buy-in from key stakeholders is essential, particularly from FMS leaders and opposition figures. Given their significant regional influence, FMS leaders cannot be passive participants—direct elections will fail without their active cooperation. Puntland exemplifies this challenge, having held its own district-level elections and fully withdrawn from the federal framework due to grievances over constitutional amendments and concerns about centralization. If elections are not held in Puntland, it risks creating a fragmented electoral landscape, undermining the goal of national direct elections and further deepening divisions across the country. To foster cooperation, FMS leaders must be meaningfully involved in shaping the electoral process. A strategic approach would be to include them in the formation of the Independent National Electoral and Boundaries Commission (INEBC). This involvement would enhance the legitimacy of the process, address concerns about federal overreach, and help alleviate tensions between the federal government and FMSs. Additionally, it could mitigate fears regarding the INEBC’s power to indefinitely postpone elections and pave the way for broader, more inclusive cooperation.
- **Remove the 70-30 Rule and Introduce Reserved Seats for Minority Clans:** The 70-30 rule, which mandates post-election seat reallocation, should be replaced with a more transparent approach. One option is to implement a closed-list proportional representation system with 31 seats explicitly reserved for minority clans, reflecting their share under the 4.5 power-sharing model. The remaining 244 seats would be contested by the major clans without post-election adjustments. This would guarantee minority representation and reduce disputes by eliminating the need for seat reallocation. Alternatively, the open-list PR system could be retained but modified to reserve 30% of seats for minority clans. Candidates from minority groups would compete for these reserved seats in an open-list format, allowing voters to rank their preferred candidates within each minority clan. This system ensures that the most popular individuals within minority groups are elected while maintaining the democratic nature of the open-list PR format. In both options, the reserved seats could be distributed based on the national vote share of political parties, ensuring that those with broad support across majority and minority clans receive a fair proportion of reserved seats.
- **Reduce Candidacy Fees to Broaden Political Participation:** Although not previously analyzed in detail, the high candidacy fees in the proposed electoral system present a significant barrier to inclusive political participation, particularly for those outside the established political and economic elite. To create a more democratic and representative

political landscape, reducing these fees is crucial to making candidacy more accessible to a broader range of individuals. Currently, the fees—\$50,000 USD for the presidency, \$10,000 USD for a seat in the Federal Parliament, and even \$250 USD for a district mayoral race—are prohibitively high for most Somalis. These financial barriers limit participation to individuals with substantial resources or backing from powerful elites, while also incentivizing corruption by turning political office into an investment where candidates feel pressured to recover their financial outlays once elected. Lowering these fees would help foster a more equitable and inclusive political process.

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