



THE HORN BRIEF

NEWSLETTER



TOP BRIEF OF THE WEEK

The Contentious Constitution of Somalia and its Aspiration for Multiparty Politics

The article discusses Somalia's tumultuous political history, from its early experience with multiparty politics in the 1960s to the current challenges in establishing a functional multiparty system. It highlights the contentious nature of the Somali constitution, particularly in defining the powers of the prime minister and president.

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The Horn Brief is a weekly publication curated by the East African Institute for Peace and Governance, a leading research-based think tank in the East African region. With its rigorous research and strategic perspectives, the Brief offers valuable insights on peace, governance, and current affairs in the region. Its high-quality content is an attractive resource for policymakers, researchers, and stakeholders seeking to stay informed about developments in East Africa. The Horn Daily Brief is a testament to the East African Institute for Peace and Governance's commitment to advancing peace and stability in the region through evidence-based solutions.

The Contentious Constitution of Somalia and its Aspiration for Multiparty Politics

Somalia is one of the first democratic countries in Africa. From 1960-69, Somalia had experienced multiparty political system. Unfortunately, in 1969, the military has overthrown the civilian government, and ruled the country under iron fist for 21 years. In 1991, the military government was ousted by clan-oriented militias, and the nation has been embroiled in civil war and intraclan warfare that has severely damaged most of the infrastructure, particularly in the capital city of Mogadishu. In 2000, after nearly ten years of civil conflict, Arta-Djibouti hosted Somalia's first reconciliation ceremony and elected a new civilian administration based on clan politics. Since then, 4.5 clan-power-sharing politics have dominated the political

andscape of the nation. In 2012, following three consecutive administrations, the "Provisional Constitution" was ratified. There are three branches of government: the "Judicial", "Executive", and "Legislative". More precisely, because of the ambiguity in the constitution, the powers of the prime minister and president have long been a source of contention and stress. Due to the contradictory constitution, Somalia had three prime ministers between 2012 and 2017. It is mentioned that Somalia adopts a "Parliamentary System" in the provisional constitution. The prime minister must therefore have executive authority in light of this. It is confusing to note that the prime minister is appointed by the president, who is chosen by the parliament.



Somalia appears to be using the "Presidential System" literally. Article "1" of the constitution says clearly "Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system, and social justice,".

A Brief Overview of Political Parties in Somalia

Politics by Parties: 1940–1969

Political parties have existed in Somalia since the 1940s. One of the nation's early political organizations, the Somali Youth League (SYL), opened its offices in Italian Somaliland, British Somaliland, and Ogadenia, which was ruled by Ethiopia, in 1947. with the ultimate goal of combining all Somalis and their regions into a single sovereign state. During this time, a number of political groups formed, but they were all cross-clan in nature. Following an extended 1960 saw Somalia achieve

independence after a war. On July 1, 1960, the two regions that had been under Italian trusteeship and under British protectorate, Somaliland and Italian Somaliland, were united under the Republic of Somalia.

A 123-seat national parliament was elected at that time, with 90 seats coming from the Italian protectorate and 33 seats from British Somaliland. His Excellency Aden Abdulle Osman became the nation's first president after being chosen by this parliament. The first post-independence election was held four years after the country gained its independence, and 21 political parties ran candidates. SYL secured 69 seats out of 123, securing the absolute majority. The remaining 54 seats were divided among the other 11 major parties. The number of political parties running for office had risen to almost 80 by the 1969 elections. Numerous of these groups surfaced in the brief period preceding that election. The SYL gained 73 seats, increasing their majority. But the majority of the ruling party increased to 120 when a number of elected delegates



from minor parties—many of whom had only witnessed one or two candidates elected—joined SYL (Anwar, 2018).

The Political Parties Law of Somalia, which was approved by Parliament and signed by the Federal Republic of Somalia's President, September 4, 2016.

After nine years, in 2000, the first government was established in Somalia following the civil war in 1991. The law pertaining to political parties was then drafted and approved by the parliament in 2016. The president of Somalia then (which president) signed the legislation. With this, Somalia's long-awaited multiparty political system is revived. Two elections have been held in Somalia since the law's inception, and they were contested using a clan-based system rather than a political party structure.

universal suffrage. The NIEC legislation mandates that the Commission oversee the elections in addition to the aforementioned.

Even though Somalia has legislation pertaining to political parties, the country has not been able to create a multiparty political system with the Election Commission and the political parties' statute in place.

Article 2: Political Party Law

Article 2 of the Somalia's political parties' laws defines what is called political party, "a democratic political party is an organization that reflects the various social groups with real accountability measures, presenting diverse political plans and candidates for the general elections, as it participates in the formation of the government or an opposition".

The provisional constitution of Somalia which was adopted in 2012, especially Article 111G, mandates the establishment of the National Independent Electoral Commission (NIEC).

The Commission was tasked with supervising the administration of every election procedure in the nation when it was founded. The spirit of the Provisional Constitution, which outlines the fundamental ideas of an electoral system that satisfies the aspirations of the Somali people for free, fair, and credible elections, guided the preparation of this strategic plan. In order to accomplish this, the National Leadership Forum of Somalia set 2020 as the deadline for obtaining



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VOLUME NINE 10

February 04, 2024

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