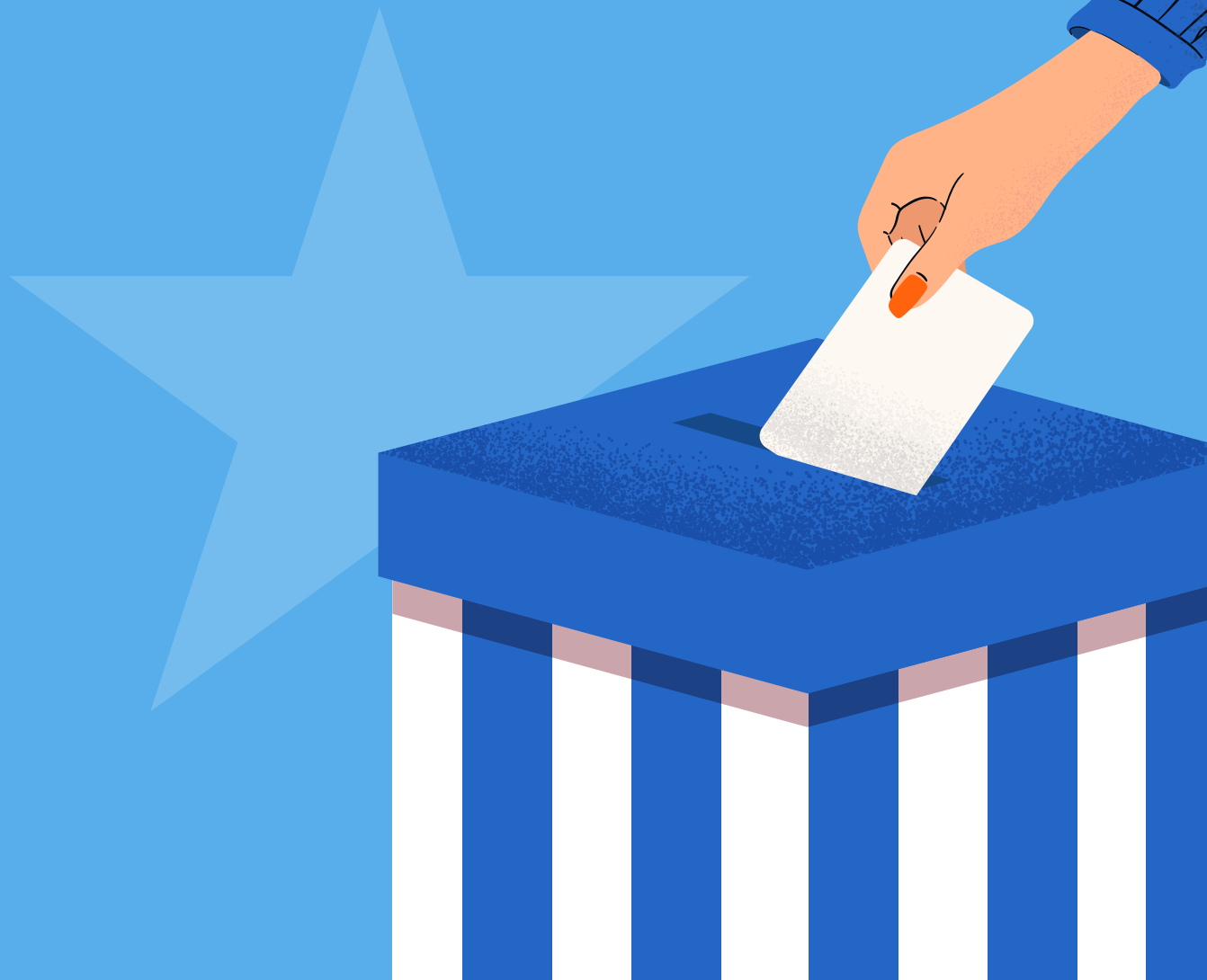


# THE FUTURE OF ONE PERSON ONE VOTE:

Navigating Constitutional Challenges  
and Electoral System Reform



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# Executive Summary

Although Somalia has not conducted one-person, one-vote elections, it has had six governments through indirect dispensations since 2000. The nation marred by decades of conflict and instability, stands at historic juncture as it embarks on a journey of constitutional reform. The current government continue unilateral amendments, approved by the parliament, have sparked discussions and debates both within the country and on in the international stage as it lacks the will of the majority stakeholders. This policy paper examines Somalia's evolving political landscape, emphasizing the contentious constitutional review process that is jeopardizing national unity and stability. Over 70 federal parliament members, Puntland State, Jubbaland State, former Presidents, Prime Ministers, and other stakeholders have raised significant objections, citing procedural violations such as bypassing established parliamentary protocols and exclusionary practices, including the lack of consultation with other key stakeholders. This paper identifies critical issues, underscores the importance of procedural integrity, and provides recommendations for inclusive and consensus-driven constitutional reform. Furthermore, it presents a realistic cost estimate and timeline for implementing a one-person, one-vote system—a cornerstone for strengthening Somalia's democracy. By addressing the complex challenges surrounding Somalia's constitutional reform and reversing the President's aggressive pursuit for a contested one-person one vote election, this paper aims to contribute to a more stable and prosperous future for the country.

# Introduction

Since gaining independence in 1960, Somalia has grappled with political instability, clan conflicts, and governance challenges. The collapse of the central government in 1991 plunged the country into a protracted period of civil war and state fragmentation, leaving it vulnerable to internal strife and external interventions. During this period of turmoil, various attempts were made to establish a stable governance framework, including the adoption of interim constitutions and the formation of transitional governments. However, these efforts were often marred by several obstacles hindering the consolidation of state institutions and impeding progress towards peace and stability. Currently Somalia is enduring a resurgence of political instability characterized by authoritarian governance and divisive tactics reminiscent of past turmoil. The attempts to advance federalism and nation-building have been compromised by unilateral constitutional changes proposed by the current FGS administration. President Hassan Sheikh Mohamud's authoritarian approach, evident in the manipulation of the speaker and the parliament with his ill-conceived election process is a threat to the stability and nation-building. This document serves to highlight the pressing concerns raised by members of the parliament, regional states, former presidents, other stakeholders and public at large to advocate for a more democratic approach to governance.

# Constitutional Review Process

The momentum for constitutional reform in Somalia has grown to address the root causes of governance challenges. The Provisional Constitution, adopted in 2012, was intended as a temporary measure to guide Somalia's transition to a more stable and inclusive political order. This led to the establishment of the National Independent Electoral Commission (NIEC) in 2015, as per Article 111G of the Provisional Constitution, aiming for more inclusive and democratic governance. However, the limitations of the Provisional Constitution became clear as Somalia faced ongoing political tensions, institutional weaknesses, and socio-economic disparities. The drive for constitutional reform was fueled by the recognition of the need to recalibrate the balance of power within the government, streamline decision-making processes, and foster greater accountability and transparency. All stakeholders agreed that meaningful progress toward peace and stability required a comprehensive overhaul of the constitutional framework to reflect the aspirations and values of the Somali people.

On May 15, 2022, Hassan Sheikh Mohamud was re-elected as the President of Somalia. In March 2023, he announced the implementation of universal suffrage for the next election in May 2026 without proper consultation. This marks a significant shift from the previous indirect election system, which denied citizens the right to directly elect their representatives. Although Somalia has not yet held one-person-one-vote elections, it has conducted six government elections through an indirect system since 2000 and with peaceful transition of power.

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The current democratization roadmap faces multiple challenges, including the absence of Puntland and Jubbaland leaders from the constitutional amendment process. These FMS Presidents, along with other stakeholders, have expressed dissatisfaction with the president's approach to constitutional amendments. Resistance has also come from former presidents, prime ministers, and Members of Parliament (MPs). Additionally, the fragile center-periphery relations and widespread insecurity further complicate the situation.

President Hassan Sheikh Mohamud's administration has faced criticism for proposing unilateral constitutional changes. His authoritarian approach and manipulation of the speaker and parliament through ill-conceived electoral arrangements have escalated tensions. In May 2024, the president was cautioned against pursuing constitutional changes without the participation of Puntland State and other key stakeholders. Over 70 members of Somalia's federal parliament have withdrawn from and boycotted the constitutional review process, citing concerns that the continuity of these processes threatens the country's unity and stability. Amending the constitution requires inclusive dialogue, broader and robust engagement of political stakeholders, and a commitment to addressing the underlying issues that have plagued the country for decades.

# Key Issues

### 1. Lack of Consensus:

In May 2023, the National Constitutional Commission (NCC) endorsed constitutional amendments without the participation of Puntland State. This decision breached the principle of consensus, essential for maintaining national unity. The Federal Government of Somalia (FGS) proceeded to present the proposed constitutional amendments to the Parliament without addressing the concerns of key stakeholders. The absence of Puntland and recently Jubbaland leaders from the constitutional amendment process has raised significant concerns. These Federal Member State (FMS) Presidents, along with other stakeholders, have expressed dissatisfaction with the president's approach to constitutional amendments.

### 2. Political Resistance:

Resistance has also come from former presidents, prime ministers, and Members of Parliament (MPs) and civil societies organizations, who are wary of the proposed changes.

### 3. Negative Leadership Impact Post-Election:

Leaders often neglect the responsibility of fostering unity after elections, which deepens divisions and destabilizes the political landscape.

### 4. Fragile Center-Periphery Relations:

The relationship between the central government and regional states remains fragile, complicating efforts to implement reforms.

### 5. Widespread Insecurity:

Persistent insecurity across the country further hampers the democratization process.

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### 6. Procedural Violations:

The speaker of parliament neglected established rules and regulations during the constitutional review, raising questions about the legitimacy and integrity of the process.

### 7. Quorum Requirements:

The Speaker of the parliament proceeded with discussions without fulfilling quorum obligations, which compromises the essential representation of all regions and undermines democratic practices.

### 8. Extensive Amendments:

The proposed changes to the constitution are extensive and transformative.

Key modifications across four chapters significantly alter Somalia's governance structure:

#### Chapter One

Changes to nine articles and 21 clauses, with the removal of two and addition of nine new clauses.

#### Chapter Two

Amendments to thirty articles and 60 clauses, with the removal of two articles and 23 clauses, and introduction of one article and 27 new articles.

#### Chapter Three

Modifications to six articles and 15 clauses, including the removal of one clause, and the addition of three articles with 13 new clauses.

#### Chapter Two

Proposals for a presidential system and new electoral model, fundamentally restructuring governance without broad-based approval.



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### 5. Concerns Over Electoral Reforms:

The endeavor to replace indirect elections with a new system designed solely to serve the interests of a single group raises significant concerns. This perceived blatant attempt to consolidate power undermines the democratic process, intensifying skepticism and resentment among citizens. Such actions risk exacerbating existing divisions within the country, fostering an environment of distrust and frustration. The exclusion of Puntland and Jubbaland leaders who are part of the National Consultative Council (NCC), as well as former Presidents, prime ministers, and civil society organizations, further complicates the situation and it leads to increased tensions and a lack of cooperation. This environment of distrust can hinder the implementation of fair and transparent electoral reforms, making it difficult to achieve lasting peace and unity in Somalia.

Unresolved disagreements and contested election systems can lead to further fragmentation in an already fractured society. The lack of consensus on electoral reforms can result in disputes and conflicts, which may disrupt the electoral process and undermine the legitimacy of the elections. This, in turn, can erode public confidence in the democratic system and the government's ability to govern effectively.

### 6. Risks of Excluding Stakeholders:

For federalism to function effectively in Somalia, there must be negotiations and cooperation among the Federal Government of Somalia (FGS), Federal Member States (FMS), and other stakeholders. Excluding key stakeholders, as seen with Villa Somalia's approach, carries significant risks:

# Pathway to Resolution

- i. Threat to the Federal System: Exclusion undermines the agreed-upon federal system, jeopardizing its effectiveness and stability.
- ii. Reduction to Formality: Federalism risks being reduced to a mere constitutional formality without genuine power-sharing and collaboration.
- iii. Endangerment of National Unity: National unity is at risk when key stakeholders are excluded, leading to increased tensions and divisions. The consequences of contested election systems in a fractured society like Somalia can lead to further fragmentation.

Somalia needs a fair election and an agreed-upon electoral process, as this is crucial for true representation. If mismanaged, it could plunge the country back into square one. The electoral law and process that the current government attempts to impose are unrealistic, given the limited time before the next election and the lack of endorsement from all parties involved. Transitioning to direct elections necessitates meticulous planning and reform. As the Italian proverb states, “Fra dire e fare c’è in mezzo il mare,” meaning there’s a vast ocean between words and actions. Thus, it is essential to translate intentions into tangible actions. To facilitate fair elections, several critical recommendations are proposed:

### 1. Inclusive Dialogue:

Ensure the participation of all federal and regional stakeholders in discussions surrounding the electoral process to foster trust and cooperation. Engage political stakeholders, including absent FMS Presidents, former presidents, and MPs, in comprehensive dialogue to build consensus on constitutional amendments.

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### 2. Establish a Platform for Political Dialogue:

A political dialogue platform will bridge divides and foster consensus, supporting an open and inclusive approach to conflict resolution.

### 3. Enhance Women and Youth Participation:

Establishing gender quotas and prioritizing youth representation will create a more inclusive political environment.

### 4. Realistic Electoral Planning:

Develop a comprehensive electoral plan that addresses the challenges of transitioning to direct elections. Ensure that adequate timelines and resources are allocated to support this process. This plan should include strategies for voter education, logistics, stakeholder engagement, and security measures to create a conducive environment for successful elections.

### 5. Complete Processes Started:

Governance and electoral reforms must be seen through to completion, building public trust in institutions.

### 6. Strengthening Institutions:

Managing elections effectively, it is essential to invest in institutional capacity. This includes providing training for electoral bodies and implementing transparent practices to ensure credibility and fairness. Additionally, enhancing the capacity of state institutions is crucial for effective governance and the successful implementation of reforms.

### 7. Balance Traditional and State Authority:

A governance framework that respects both federal and traditional structures is essential for Somalia's unique context.

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### 8. Prioritize Security and Stability:

Reform security services and coordinate federal and regional forces to create safe conditions for democratic processes.

### 9. Public Awareness Campaigns:

Launch extensive campaigns to educate the Somali populace about the electoral process. This effort will play a crucial role in restoring faith in democracy and encouraging robust civic participation.

Emphasize the importance of democratic engagement and highlight the benefits of one-person-one-vote elections. By raising awareness, we can foster a more informed and active citizenry dedicated to building a democratic and prosperous future for Somalia.

### 10. Protecting Democratic Values:

Promote robust legislation that safeguards democratic norms, ensuring that future electoral reforms prioritize fairness and inclusivity over partial interests. This is crucial for maintaining the integrity of the democratic process and fostering trust among citizens. By enacting laws that uphold democratic principles, we can create a political environment where all voices are heard, and the rights of every individual are respected. This commitment to democratic values is essential for building a stable, just, and prosperous society.

### 11. Adopt Policies Suited to Somalia's Context:

The country should tailor its governance model to fit its unique needs and context, avoiding unsuitable foreign models.

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### 12. Realistic Timeline for Transitioning to One-Person, One-Vote Elections in Somalia

Transitioning to a one-person, one-vote electoral system in Somalia is estimated to cost between \$46-\$56 million. While this is a significant investment, it is crucial for ensuring the integrity and legitimacy of the electoral process, allowing Somali citizens to exercise their democratic rights freely and fairly. The cost includes expenses for voter registration, ballot printing, polling stations, security, and the electoral commission. A clear timeline is essential for election preparations, involving several key steps to ensure a smooth and fair voting process. These steps include comprehensive voter registration, extensive public awareness campaigns, adequate resource allocation, robust security measures, stakeholder engagement, and mechanisms for monitoring and evaluating the electoral process. Based on a true assessment, the following timeline outlines the necessary steps for a successful transition to One-Person, One-Vote Elections in Somalia:

## 2025 – Immediate Action

- i. **Begin Pre-Election Preparations:** Initiate the groundwork for fair elections.
- ii. **Strengthen Security Measures:** Prepare and enhance security protocols to ensure safe election environments.
- iii. **Engagement of International Observers:** Invite international observers to monitor and ensure the integrity of the electoral process.
- iv. **Constitutional Court Formation:** Establish a court dedicated to addressing election disputes and fraud, the processes of the establishment should be free and fair and acceptable by all stakeholders.

### **2027-2029 – Continuous Preparations**

- i. Ongoing Efforts: Refine voter registration, enhance public awareness, and bolster security measures.
- ii. Monitor Progress: Regularly assess and adjust strategies to maintain alignment with the timeline for upcoming elections.

### **2026 – Indirect Elections**

- i. Conduct Indirect Elections: Hold elections while focusing on improving the electoral framework.
- ii. Next Administration's Role: Ensure the subsequent administration actively builds upon progress made, avoiding any disruptions to the electoral process.

### **2030 – One-Person, One-Vote Elections**

- i. Conduct First Legitimate Elections: Execute the first true one-person, one-vote elections, ensuring fair and transparent processes. This timeline assumes that election preparations commence immediately and proceed without interruption. In the interim, the 2026 elections will be indirect, with the next administration responsible for building upon the current administration's progress and continuing preparations throughout its term to prevent any delays in 2030. By adhering to this timeline and addressing key considerations, Somalia can achieve a smooth transition to a one-person, one-vote electoral system, strengthening the nation's democratic foundations

# Conclusion

Somalia stands at a pivotal moment in its journey toward democracy and stability. The trajectory of the countries' constitutional reform process demands urgent attention to prevent further political fragmentation. By addressing the outlined concerns and implementing the recommended actions, Somalia can work towards a more unified and prosperous future reflective of the will of its people. It's essential to cultivate an environment of consensus and respect for democratic processes to restore faith in the nation's governance. The path forward necessitates commitment from all stakeholders to build a stable, democratic Somalia. A fair, transparent, and inclusive electoral process is critical for Somalia's path to peace, stability, and prosperity. This is critical moment for Somalia, offering a chance to reset the course for a better future. The country stands at a pivotal moment in its journey toward democracy and stability.

The trajectory of the country's constitutional reform process demands urgent attention to prevent further political fragmentation. Addressing the outlined concerns and implementing the recommended actions can help Somalia work towards a more unified and prosperous future reflective of the will of its people.

To restore faith in the nation's governance, it is essential to cultivate an environment of consensus and respect for democratic processes. This path forward requires the commitment of all stakeholders, including the Federal Government of Somalia (FGS), Federal Member States (FMS), former presidents, prime ministers, and civil society organizations. A fair, transparent, and inclusive electoral process is critical for Somalia's path to peace, stability, and prosperity.

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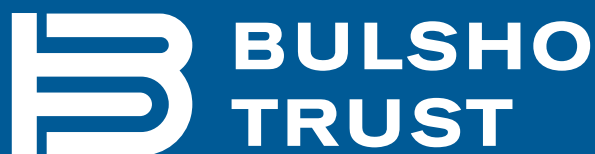
Immediate negotiations are crucial to address the exclusion of key stakeholders, such as Puntland and Jubbaland leaders, from the National Consultative Council (NCC) and the formation of the National Independent Electoral Commission (NIEC). This exclusion has deepened divisions and undermined democracy. Engaging all parties in inclusive dialogue can foster cooperation, leading to a more unified and democratic Somalia.

By fostering trust, cooperation, and consensus among all political actors, Somalia can create a political environment where every voice is heard, and the rights of every individual are respected. This commitment to democratic values and principles is essential for building a stable and unified nation. This is a critical moment for Somalia, offering a chance to reset the course for a better future. The decisions made today will shape the country's trajectory for generations to come. With dedication and cooperation, Somalia can achieve lasting peace and prosperity, paving the way for a brighter future for all its people



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