

Duusamareeb saw a serious battle over choosing a realistic model for the coming elections between President Farmaajo and FMS Leaders

by Aweys Omar Mohamoud, PhD

22 July 2020

In a game of 'who blinks first!' in Duusamareeb, the regional capital of Galmudug State, all five FMS leaders' faces were set in determination for two weeks on one thing only: to tell President Farmaajo to get off his high horse and accept that indirect elections are the only game in town to meet the deadline for holding the 2020/2021 elections which are baked into the country's constitutional framework.

Earlier in the week, rumours were circulating that the president was still insisting on his impractical and ill-fated one-person-one vote idea, which was described by some essentially as a pretext for extension. As we shall demonstrate below, the President does not have a leg to stand on legally or politically in his arguments to stay in power beyond the end of his term on February 8, 2021.

For a start, the highest law of the land in Somalia is the federal Constitution, which maintains in Article 91 that the President of the Federal Republic of Somalia shall hold office for a term of four (4) years, starting from the day he takes the oath of office. So constitutionally speaking, he can only be in power up until the 8th of February 2021.

Mr. Farmaajo was said to have put forward two main arguments: (1) that he wishes to fulfil his promise to the Somali people which was to hold a one-person-one-vote (OPOV) election at the end of his term, and (2) that there's already a law introduced by his government to conduct such an election, which would make it illegal to undertake the indirect form of elections that were previously used, including any attempt to repeat the indirect election through which he himself came to power.

My layman's reading tells me that the provisional constitution of the FGS takes precedence over the primary legislation on electoral law that his government has recently enacted. That he wishes to fulfil his promise to hold a one-person-one-vote (OPOV) election is just that, a wish to do something and it certainly doesn't have any legal effect.

Politically speaking, the President is even in deeper water. In any country, how political processes actually work and what outcomes they produce depend heavily on the contexts in which they occur. President Farmaajo ignored the principles of federalism and the collaborative relationships required between various levels of government, succinctly summed up in articles 50 and 51 of the constitution. His regime forgot that democracy was the basis for political reconstruction, and that the only way to legitimize itself was by practicing democracy.

The classic liberal argument that democracy requires a system of mutual guarantees for both government and opposition to engender the trust necessary for peaceful competition and transfer of power was completely lost to Mr. Farmaajo. In his long-winded interview in Addis Ababa back in February, he claimed that others (who? Foreign powers?) will trust him if it could be predicted that he will be returned to power after an election!

The 4-year election cycle that brings about change and new leaders was responsible, in his view, for the lack of progress that we see in the country. He also came up with the completely ludicrous idea that any change (of government leaders) that takes place advances the interests of an individual whereas if the incumbent stays on and there's no change, that will advance the interests of the institutions and the country!

Most shocking of all Mr. Farmaajo's bogus theories in his Addis Ababa interview was the one whereby he claimed that because his government, in his words, "was working; has the trust of the public; fighting against corruption; and was making noticeable progress on a daily basis; so it was compulsory and right that it carries on working [beyond the expiration of his term?]". Alas, the poor reporter didn't put that last question to him when Mr. Farmaajo forcefully made that statement, but he's dropped several hints in that interview that he will want to stay on beyond his term.

That's what the FMS Leaders have sensed all along, so they put him to the test to see if he's willing to accept that elections must take place in their rightful time, and that his insistence on some impractical election model was not going to be enough to let him off the hook. One could see in his face yesterday when he spoke at the end of session press

conference that the way ahead was full of snares and that he won't be able to manage things with a bit of wriggle room and flexibility, at least as things stand from the perspective of FMS leaders.

So we might ask, how would Mr. Farmaajo want to manage to stay in power beyond his term - because that was something he did clearly put forward, many a time, as a proposition? Before the modern globalized age, the all-powerful leaders and presidents for life (including our own late dictator) survived by being ruthless, by creating an effective apparatus of intimidation, by socializing their people to accept a massive degree of implicit coercion and conformity, and by naked force to cow a potentially restive population and impose subservience. Is that something President Farmaajo would want to do? And can he possibly do it in Somalia in the months ahead? He hasn't got a lot of time to sort things out if that's what he's trying to do, but he has at least the next two weeks to ponder over the questions put to him by the FMS Leaders and seek answers for them.

Dr. Aweys Omar Mohamoud (@AweysOMohamoud) has a PhD from the Institute of Education, University College London (UCL). He has recently worked as an advisor to the Ministry of Education, Culture & Higher Education (MoECHE), Federal Government of Somalia in Mogadishu.