

**THE SOMALI NATIONAL CONSULTATIVE FORUM**

**ON THE ELECTORAL PROCESS IN 2016**

**FACILITATION GUIDE**

**INTRODUCTION**

Under the prevailing conditions in Somalia, as the Federal Government of Somalia and the Federal Parliament jointly declared, on 28 July 2015, one-person one-vote elections, as envisioned in the Federal Provisional Constitution, will not yet be possible in 2016.

The President, Federal Government and Parliament, as well as the leaders of existing and emerging states, and civil society agreed to the Guiding Principles endorsed at the High-Level Partnership Forum held in Mogadishu on 29-30 July 2015. Among other things, the Guiding Principles emphasise that the electoral process of 2016 shall exhibit “enhanced legitimacy” through a broader, more inclusive process that is also representative of Somali society today.

The consultative process provides an opportunity for Somalis to think collectively and to arrive at common decisions on how the electoral transition will be conducted. The process is designed to be inclusive, and incorporate viewpoints of a cross-section of Somali society. In line with the New Deal and Vision 2016, which encourage participation, the inclusion of women, youth and minorities is essential to the process. The resulting recommendations will reflect the interests and concerns of a broad-range of Somali opinion with regard to inclusive political participation and building a more peaceful society.

## CHAPTER ONE:

### Guiding Principles

The Electoral Process for 2016:

1. Shall show “enhanced legitimacy” through a broader, more inclusive process that has been accepted by existing and emerging Member States. The process should ensure an outcome that is representative of Somalia society today (in terms of geography and demographics). Members appointed through the process shall satisfy clear, agreed criteria.
2. Shall demonstrate alignment with spirit of Provisional Federal Constitution.
3. Shall promote and ensure the participation of women and minority groups.
4. Shall promote the participation of Political Parties to the extent the developments in the Political Party system allow.
5. Shall promote national unity and, to the extent possible, a uniform process across all regions.
6. Shall be realistic with reference to resources available, technical capacity, and the security environment.
7. Shall be transparent, accountable and promote public confidence.
8. Shall include a suitable provision for an accessible complaints and appeals procedure.
9. Shall take full account of the need for the Federal Parliament of Somalia to reflect and represent the territorial integrity of Somalia.
10. Shall do no harm in terms of promoting activities that risk escalating conflict or undoing advances that have been achieved so far in the state building and democratization process.

## CHAPTER TWO:

### Terms of reference

#### Consultative Forum Structure

##### **BACKGROUND**

The holding of elections in 2016 is clearly articulated in the Provisional Constitution of the Federal Republic of Somalia. The Federal Government of Somalia in its Vision 2016 plan articulates the need to hold credible transfer of power by 2016 as a matter of top priority. The constitutionally mandated four-year term of the Federal government of Somalia (FGS) ends in August 2016. On the basis of comprehensive consultation with the Federal Parliament, regional states and civil society, the government has announced that an election based on one-person one vote is not possible in 2016.

The Federal Government of Somalia (FGS) is committed to a democratic, inclusive and transparent transfer of power in 2016. To this end, the FGS with other constitutionally mandated institutions has developed an Action Plan and Guiding Principles on the electoral process for 2016, which were endorsed by the High-Level Partnership Forum held in Mogadishu on 29-30 July 2015. The Action Plan set out, on the basis of the Guiding Principles that a framework for a National Consultative process would be developed through which consensus will be reached on the most appropriate model for the 2016 electoral process. The Government's policy is also informed by the agreement between the FGS and the Federal parliament on the 28<sup>th</sup> of July 2015, consultation with Regional Administrations, which were subsequently shared with the International partners

In order to reach a workable national consensus the national consultative process is envisaged to be a multi-phased, inclusive participatory process consisting of a **series of** structured consultations involving all segments of Somali society and leading to an agreement achieved through political dialogue and consensus. The outcome of these consultations and agreed formula for the electoral process in 2016 will be enacted into the necessary regulatory framework by the relevant Somali institutions.

##### **OVERSIGHT AND IMPLEMENTATION STRUCTURE**

To implement the consultative process the following political, procedural and institutional/administrative arrangements will be set up to fulfill complementary roles of oversight and implementation.

##### **National Consultative Forum**

The National Consultative Forum (NCF) will be an inclusive decision-making body and will be composed of the executive and legislative branches of the FGS, Regional Administrations and civil society. The NCF will reach agreement on the most appropriate 2016 electoral process as well as preside over the process leading up to the transfer of power in 2016 based on the principle of consensus. Issues that the NCF is unable to resolve will be referred to the National Leadership Forum plus the Speaker and Prime Minister, for further discussion.

In order to ensure inclusivity and legitimacy of both the process and its outcome, the forum will include the President, Prime Minister, Speaker, presidents of Regional Administrations, federal MPs, Federal Ministers, senior representative members from the legislative or the executive from federal member states, and civil society. Proportionate representation of women, Somaliland clans and minorities will be of particular importance.

A group of international partners, led by the United Nations, will observe and support the National Consultative Forum, including by active mediation and dispute resolution as required.

### **NATIONAL CONSULTATIVE FORUM TASKFORCE**

To support the National Consultative Forum in driving the process forward, a Taskforce – underpinned by the rationale to reflect and execute the decisions of an inclusive leadership forum – will be formed. Its task will be to support the National Consultative Forum (NCF) by advising on and ensuring implementation of the consultative process.

Under the supervision of the Prime Minister, the Taskforce will be led by the Minister of Interior and Federal Affairs (MoIFA) and will include, the Federal Ministers of Justice, Constitutional Affairs, Information and Women and Human Rights, as well as two Ministers representing each of the federal member states, three federal MPs and a representative from each of the offices of the President and Prime Minister.

#### **Role and Responsibilities:**

- Assumes responsibility for the practical implementation of decisions taken by the National Consultative Forum and for supervising the organization of a series of structured consultations set out in the Action Plan.
- Ensures uniformity and inclusiveness of the consultative process across the regions;
- Facilitates effective political coordination and communication among the National Consultative Forum members;
- Provides strategic direction, political guidance and support to the Technical Support Team to ensure a democratic, inclusive and transparent Consultative Process;
- Ensures the coherence and the timely execution of the Consultative process
- Provides regular and timely updates on the progress to: the Federal Parliament, the Somali Public and International Partners
- Recommends for approval to the NCF a facilitation guide referred to in the Action Plan.
- Mobilizes resources to implement the Action Plan
- Engages in direct consultation with stakeholders in each of the regions to enhance the outreach and legitimacy of the National Consultative Forum

### **TECHNICAL SUPPORT TEAM**

The Technical Support Team (TST) led by MoIFA carries the dual responsibility of supporting the NCF and the Task Force and realizing the technical aspects of the Consultative Forum and the subsequent implementation. It will serve as the main technical advisory team to the NCF Task Force and, upon request by the Task Force, provide technical guidance and policy advice, produce reports and background papers and provide support in other related

areas such as the formulation of the facilitation guide. The TST will inform the discussions at the political level as well as the discourse in the wider public domain pertaining to the electoral process of 2016.

The TST will also co-facilitate the forum with regional administrations and develop the civic engagement, dialogue and communication strategies. The TST will consist working-level staff from MoIFA, the offices of the President, Prime Minister, two federal MPs and representatives from each Regional Administration and a pool of experts from within, including technical advisers and consultants provided by the United Nations as experts and facilitators.

#### Roles and Responsibilities

- Assures the overall technical leadership and management of the technical aspects and Practical implementation of Consultative process activities
- Consults with all stakeholders to determine their interests, willingness/ability to participate, in order to advise the Task Force and National Consultative Forum;
- Manages Technical teams, professional and administrative staff;
- Formulates detailed programs and work plans, determines necessary tasks, defines priorities and ensures implementation of program
- Establishes and maintains working contacts and exchanges information with NCF Task Force and Regional administrations - principal counterparts of the consultative process.
- Secures political and material support for conducting the consultative process across the regions and ensures appropriate and inclusive participation
- Arranges meetings between the members of the NCF Task Force to agree on the topics and agenda of the consultative process and facilitates discussion during the meetings;
- Elaborates action plans; assists working groups in finding information on specific topics (seeking donor and government support for technical inputs when needed);
- Ensures that the consultative process stays on course and that the findings gathered by the secretariat are presented to the NCF Task Force.
- Prepares weekly progress reports to the NCF TF and other stakeholders (donors and counterparts); along with other reports which may be required, such as media briefings;
- Drafts articles, presentations and speeches for the Task Force and NCF to update the public at large about the progress in the consultative process
- Ensures funding for the secretariat and the overall consultative process
- Develops plans to seek external logistical and technical support prior to the start of the consultative process.
- Manages funding and is responsible for accountability, transparency and efficiency of the administrative staff and the initiative.

## CHAPTER THREE:

### *The consultative process and electoral options*

This Facilitation Guide does not aim to capture and outline all the models and ideas put forward to date. Instead, it will, in what follows, present four different approaches to the creation (designation or selection) of an electoral college, which in turn will elect the Federal Parliament. These alternative approaches will be discussed within the National Consultative Forum and through the regional consultations. Based on the outcome of these debates, more precise electoral models and an implementation plan will be worked out for the decision of the National Consultative Forum on the basis of the initial discussions and the regional consultations.

#### *Four options:*

A national electoral college could be established at four different levels: the national, federal member state (existing and emerging Federal Member States) or district (92 districts from 1991) levels, or on a clan basis with the 4.5 formula, as follows:

- Nation-wide electoral college: a national electoral college is formed to elect all 275 MPs. Such a system could combine the introduction of nation-wide political parties with an electoral system of proportional representation.
- Federal member state-level Electoral College: electoral colleges are formed in each existing and emerging Federal Member State and elect MPs representing their respective Federal Member State.
- District-level electoral college: district-level electoral colleges are formed in each of the 92 districts based on 1991 administrative divisions and elect MPs representing their district (e.g. 3 MPs per district, i.e. a total of 276 MPs).
- Clan-based Electoral College: electoral colleges are formed on the basis of clans (similar to the 2012 selection of MPs by 135 traditional (clan) elders but with a widened basis of clan representation) and elect MPs representing their clans.

## ANNEX:

### Methodology for the process subsequent to the first plenary session of the National Consultative Forum

#### Regional Consultations

- Will be convened as parallel two-day gatherings in each of Somalia's existing or emerging member states (Puntland, Jubbaland, South West, Galmudug, and Mogadishu for Hiraaan and Middle Shabelle, Banadir Region and Somalilanders, )
- Each regional consultation will be conducted by the Task Force and involve the participation of representatives of the regional assemblies, elders, civil society, community leaders, the business community, women, youth and minorities
- Will be opened, as applicable, by the president of the regional administration
- Will consist of three sessions over the course of two days:
  - *First session (90 mins)*
    - Opening remarks by Regional President (10 mins)
    - Remarks by speaker/representative of Regional Assembly (5 mins)
    - Remarks by traditional leaders (5 mins each)
    - Remarks by business community representative (5 mins)
    - Remarks by civil society representative (5 mins)
    - Remarks by women's representative (5 mins)
    - Remarks by youth representative (5 mins)
    - Introduction by the Prime Minister (on behalf of the National Consultative Forum Task Force), presentation of the approaches to the electoral process, and explanation of process/methodology of the consultation (30 mins)
  - *Second session (remainder of first day)*
    - Group discussion of electoral options: participants will be subdivided into breakout groups to discuss and list advantages and disadvantages of the approaches to the electoral process as outlined in the facilitation guide (international partners will take part as observers)
    - Each group should be balanced in its composition and contain representatives of the various constituencies/groups represented in the respective region
    - Each group should be led by a facilitator who will guide discussions and focus them on the task at hand, which is less to engage in discussion of individual preferences of specific electoral models and more to review collectively the implications, benefits, disadvantages, and feasibility of each of the broad approaches to the electoral process outlined in the facilitation guide

--Each group should designate a rapporteur who takes notes and afterwards reports back to the plenary (see below)

○ *Third session (second day)*

--Each group reports back to plenary (10 mins per group)

--Open plenary discussion (two hours or as necessary)

--Summary and conclusions by the Prime Minister (30 mins)

--Closing remarks by Regional President (10 mins)

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### **Diaspora consultation**

- to be determined
- depending on feasibility and funding, could be undertaken either in the form of two events, one in London, one in Minneapolis, or a single event to be held in Nairobi
- could follow the methodology of the regional consultations (two-day event, beginning with presentation of approaches to the electoral process by the Task Force, followed by group discussion of advantages and disadvantages of each approach and subsequent plenary discussion)

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### **The National Consultative Forum (second plenary session)**

- will convene in its second plenary session in December 2015
- will be opened by the Federal President
- will be chaired by the Prime Minister
- will consist of two sessions over the course of two days:

○ *First session*

--Opening remarks by President (10 mins)

--Opening remarks by the Speaker (10 mins)

--Opening remarks by Prime Minister (10 mins)

--Remarks by the Presidents of existing and emerging Federal Member States (10 mins)

--Remarks by representative from civil society (10 mins)

--Remarks by UN SRSG (on behalf of international partners) (10 mins)



--Presentation of conclusions from regional consultations and of proposed electoral option and implementation plan by the Prime Minister (30 mins)

○ *Second session*

--Open plenary discussion of proposed electoral option, implications and implementation plan, including speakers from all constituencies represented in the National Consultative Forum and as they desire to take the floor

--Conclusions by the Prime Minister (10 mins)

--Closing remarks by UN SRSG (5 mins)

--Closing remarks by President (15 mins)

**Conclusion**

After the conclusion of regional and federal level consultations, the agreed model for the 2016 electoral process will be legalized through the enactment of the necessary regulatory framework by the relevant Somali institutions in January 2016.

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