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Somalia's Government Transition Maintains the Status Quo

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Today, the mandate for Somalia's Transitional Federal Government (TFG) expired, and parliament met for the first time to begin the selection process for the country's new president and speaker of parliament.

Though the process to create a new government has been flawed, the Obama Administration and the international community have hailed this development as momentous progress. In reality, there is little reason to celebrate, as the new government will likely mirror the ineffective and corrupt TFG.

A Transition to a Transition. For more than 20 years, Somalia was without a legitimate representative government. The TFG, appointed by the United Nations in a process conducted in neighboring Kenya, lacked democratic legitimacy, was

notoriously corrupt, and achieved little in the way of peace and stability.

The TFG was the 14th attempt to establish a permanent government since 1991. This "transitional" government was charged with paving the way toward a permanent government. The U.N. and a handful of TFG actors created a "Roadmap" in September 2011, which mandated the formation of an 885-member National Constituent Assembly (NCA), which then voted on a draft constitution. Afterwards, a technical selection committee was charged with choosing 275 members of the NCA to serve in the parliament. The parliament was supposed to vote for a new president on the same day the TFG's mandate expires—today.

The process is undemocratic and a poor standard for future governance. Neither the NCA, the parliament, nor the president are elected by the Somali people. Somalia's draft constitution was supposed to be achieved through public consultations and a popular referendum as mandated by the Transitional National Charter. Instead, it was voted on by the NCA, not the Somali people. The NCA then had a week to review it before approving it on August 1. Despite 96 percent of NCA members voting in favor of the

constitution, the process fell short of upholding the openness and transparency called for in the national charter.

So far, the technical committee has selected only 225 members of the parliament. This has not stopped the parliament from holding its first session and starting the selection process for the president and speaker. As a result, not only are members not selected by the Somali people, but the members that will occupy the remaining seats will not be able to vote for the next president and speaker.

Even when the parliamentary selection is complete, its membership is likely to be similar to the former TFG's representation, as the process is being manipulated through corruption and intimidation. Approximately 70 parliamentary nominees were automatically rejected by the technical committee for past criminal activity. Last week, James Swan, the Obama Administration's representative for Somalia, reported concerns of "inadequate representation of women and in some cases reports of former warlords ... being nominated by their communities."¹

Flawed from the Start. The TFG's inability to establish peace and

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stability stemmed from its mismanagement, corruption, and outright criminality. According to a recent U.N. report by the Monitoring Group on Somalia and Eritrea, TFG leaders were “reluctant to fulfill their transitional responsibilities under the national charter and some have proven actively obstructive, calling for a further extension of their term of office.”² TFG President Sharif Sheikh Ahmed reneged on his promise to not seek re-election.

Furthermore, the report recognizes that the “prospects for stabilization and effective governance have fallen to political and commercial ‘elites’ who appropriate, privatize and criminalize the core function of the Somali state.”³ According to a World Bank report in May 2012, nearly 68 percent of TFG revenues in 2009–2010 were unaccounted for.⁴ Additionally, Sharif used his authority to facilitate piracy, furnishing well-known criminals with diplomatic passports.

Although it is easy to blame this corruption on Somalia’s lack of development and governance, the U.N. and other countries are complicit in these problems. The international community believes that Somalia’s chaotic state (e.g., terrorism) does not present the conditions that are necessary to establish representative democracy, which would at least have to account to the electorate for its deficiencies. Instead, the U.N. and others hope to ease Somalia into a

more democratic process in the years ahead.

U.S. Interests. The Somali people have lost faith in transitional institutions, they are fatigued by the desperate conditions they constantly suffer, and they want their country run by Somalis rather than dictated by international entities. The U.S. shares these concerns.

Somalia’s lack of governance has allowed terrorism and piracy to proliferate. The U.S. and international partners have sought to combat the al-Qaeda affiliate al-Shabaab and pirate gangs by supporting the African Union’s peacekeeping mission in Somalia (AMISOM), Somalia’s National Security Force (NSF), and an international coalition of navies. While AMISOM has pushed al-Shabaab from some of its strongholds and piracy has decreased this year, these problems cannot be solved by military means alone. A commitment to good governance and the rule of law is crucial to future stability.

The U.S. is also one of the largest donors in humanitarian assistance to the region. When famine struck the Horn of Africa last summer, the U.S. was the single largest donor, committing over a billion dollars to the relief process. However, the TFG blocked relief groups and deliveries from starving populations, and the NSF often stole food supplies and committed atrocities against the most vulnerable.

What the U.S. Should Do.

Supporting the undemocratic TFG model merely prolongs the status quo in Somalia. Somalia’s leadership should be responsible to the Somali people, not the international community. Until the Somali government has demonstrated a commitment to democracy, the Obama Administration should do the following:

- **Withhold bilateral assistance to the new government.** The U.S. should not do anything that rewards Somalia’s poor governance. Bilateral aid to Somalia’s next government, which will likely be populated by the same professional criminals that dominated the TFG, should be withheld. This includes aid to the NSF, whose soldiers are infamous for their dubious loyalties and widespread abuse of the civilian population. However, exceptions should be made in humanitarian emergencies—but only when non-government entities are able to provide the necessary services.
- **Continue to support AMISOM.** U.S. support to AMISOM is provided directly to the African governments participating in the mission and should be continued. AMISOM is not the solution to the crisis in Somalia, but it does stabilize territory that would otherwise be in the hands of terrorists.

1. Jason Straziuso, “U.S., U.N. Concerned over Corrupt Somali Transition,” *The Washington Times*, August 14, 2012, <http://www.washingtontimes.com/news/2012/aug/14/us-un-concerned-over-corrupt-somali-transition/> (accessed August 20, 2012).

2. U.N. Monitoring Group on Somalia and Eritrea, June 27, 2012, p. 11, http://www.somaliareport.com/downloads/UN_REPORT_2012.pdf (accessed August 20, 2012).

3. *Ibid.*, p. 12.

4. Bronwyn Bruton and J. Peter Pham at the Atlantic Council report that the TFG was unable to account for 96 percent of bilateral aid. See Bronwyn Bruton and J. Peter Pham, “How to End the Stalemate in Somalia,” *Foreign Affairs*, September 30, 2011, <http://www.foreignaffairs.com/articles/68315/bronwyn-bruton-and-j-peter-pham/how-to-end-the-stalemate-in-somalia> (accessed August 20, 2012).

■ **Recognize Somaliland’s provisional independence.** Having declared its independence from Somalia in 1991, Somaliland proves that democratic governance in Somalia is possible. Hargeisa’s connections to Mogadishu are limited to the extent that the Somaliland government is forced to deal with the effects of the TFG’s failures. Somaliland should be rewarded for its commitment to democracy

and not be held back by Somalia’s incompetency.

Status Quo Under Another Name. Somalia’s new system of governance is set up for failure. The process by which the government is created is inherently undemocratic, yet the U.N. and other members of the international community expect the system to evolve to representative democracy as conditions on the ground improve. Additionally,

one should never underestimate the ability of Somali politicians to undermine democracy. Rather than achieving a significant milestone for governance, Somalia is maintaining the status quo under another name.

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