Somalia on the Brink: Breaking the Deadlock, Ending Unilateralism and Averting Collapse

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Introduction

The ongoing threats to Somali democracy and federal order are complex and multiple. They range from unconstitutional executive power-grab, resurging insurgency, communal violence and deadly Federal-State tussles. With only 6 months left till the expiration in May 2026 of President Hassan Sheikh Mohamud's tumultuous second term in office, Somalia is mired in a political quagmire and constitutional deadlock stemming from the Villa Somalia - orchestrated unilateralist, Presidential decrees threatening to unravel the nation's nascent democracy.

To avert total collapse, concerned stakeholders must fight to defend Somalia's painstaking democratic gains and demand a swift end to the unilateralist agenda tearing the country apart.

Democratic Theory

Considered the most preeminent democratic theorist of our time, the late American Political Scientist, Dr. Robert Dahl, extensively delved into the concept of democracy, highlighting its nature, values and dynamics within a democratic, pluralist society. "In the liberal democratic camp there is considerable controversy about exactly how to define democracy. Probably the most influential voice among contemporary political scientists in this debate has been that of Robert Dahl" noted Marc Plattner, a New York Times columnist.

In his seminal book, *On Democracy*, Dahl postulated that democracy produces desirable outcomes such as "avoidance of tyranny, fundamental rights, freedom, self-determination, human development, political equality, peace-seeking and prosperity[1]." These elements are compatible with pluralist ideals that underpin the functioning of any given democracy in transition.

[1] Robert Dahl, "On Democracy" https://books.google.ca/books?id=piQGEAAAQBAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

Deliberative Democracy

Particularly relevant to the Somali case, is the deliberative democracy theory that emphasizes the role of public deliberation and active citizen participation in the democratic process. Advanced by theorists such as Jurgen Habermas and John Rawls, this theory "argues that legitimate lawmaking comes from diversity of viewpoints that benefit the public good[2]." Basically, this model of democracy gives no room for unilateral decision-making.

The key principles of deliberative democracy include reasoned and respectful dialogue based on consensus-building with the intended goal of seeking a common ground and striking a political compromise acceptable to all parties and stakeholders. Under this model, "actors including the ruling class are open to reconsidering their views and willing to modify their positions to reach a mutually agreeable solution. Fixed or extreme positions are avoided.

When implemented well, deliberative democracy can lead to more legitimate, just, and wise decisions supported by an engaged and empowered public[3]."

Deliberative democracy is rooted in a consensus model that allows the pursuit and achievement of democratic consensus in accordance with the principle of power-sharing and consultative cooperation. It is a democratic system that creates consensus by taking into account as broad a range of opinions as possible. Undoubtedly, this model that emphasizes consensus-building in national politics is tailor-made for Somalia.

The Threats Posed by Unilateralism

In recent years, the Somali Federal government has resorted to blatant acts of unilateralism that undermines national cohesion, state-building, constitutionalism and national security, setting back the clock on Somalia's nascent democracy. It has led to erosion of political legitimacy for it is widely regarded as unjust by the Somali public. It has distracted from the war on Al-Shabab and set Somalia on the path of conflict with communal violence on the rise while Federal-State tension is at all-time high. Further, it is undermining international cooperation as Somalia's international partners and multilateral institutions cannot mutually coordinate their actions with the Somali leadership with Villa Somalia acting unilaterally.

Worse still, unilateralism has challenged the existing norms and order and the institutions that underpin it. It has created unconstitutional power dynamics that grants the executive the free-hand to usurp the powers of the legislature and judiciary while rending the independence of the public bureaucracy obsolete.

[2] Examining the Theories of Democracy: https://lawforeverything.com/theories-of-democracy/
[3] ibid

In Somalia, the exercise of executive unilateral power is incompatible with democracy and rule of law. The doctrine of separation of powers should be applied in preventing the exercise of unilateral executive power as it enshrines the need for checks and balances among the three branches of government. The unchecked executive unilateralism has created an imperial presidency that hinders the quest for political compromise and collaboration.

Imperial Presidency

Through his extensive research work, Kwasi Prempeh, Professor of Law at Seaton Hall University has explored the concept of imperial presidency in the African context stating that "African polities must move beyond the fixation with "strong" leadership and focus instead on building credible and effective institutions at both the national and local levels" adding that if anything, "an imperial presidency magnifies the cost of having an incompetent or bad leader at the helm."[4]

What Africa and Somalia in particular needs, above all, are "strong, capable states that are built on a foundation of effective, law-governed and functioning institutions and that serve, not lord over, the citizenry." Presidential leadership, according to Prempeh, cannot substitute for such institutions. Rather, presidential leadership "must support and strengthen, not stymie the institutions of state - the institutions that must endure long after leaders have left[5]."

As former Brazilian President Fernando Henrique Cardoso observed, "Perhaps the best use that statesmen can make of political acumen in moments of transition is precisely that of making their nations less reliant on executive leadership and more dependent on institutions[6]."' Somalia's continued transition to democracy offers an opportunity for precisely that kind of presidential statesmanship.

Deteriorating Security

With the imperial presidency taking root in Somalia, the ongoing constitutional deadlock poses the greatest danger to peace and security in the war-ravaged country. Rather than nearing its ultimate completion within established timelines, the provisional constitution has been arbitrarily altered through an illegal unilateral action by Villa Somalia that was unlawfully rubberstamped by a compromised Federal Parliament. This move has the potential to spark a violent conflict with oppositional forces.

Across the country, the security situation is deteriorating as the war against Al-Shabab in South-Central Somalia has suffered major setbacks. In recent months, the terror group has seized previously liberated towns and villages, especially in the Hiiraan and Shebelle regions. Disturbingly, the Al-Qaeda linked jihadists are now within striking distance of Mogadishu, virtually encircling the capital from across the Balad and Afgoye corridors with some reports indicating the insurgents are within 25 kilometres of Mogadishu.

[4] Kwasi Prempeh: Journal of Democracy, April 2008, Volume 19
[5] Prempeh: "Presidential Power" Hastings Constitutional Law Quarterly, Vol 35.4, Summer 2008
[6] ibid

Fears abound that Mogadishu may fall if the Federal government does not move fast to forge a common national front with the political opposition and regional states including Puntland and Jubaland to thwart the impending threat.

Compounding Somalia's security woes is the long-standing Federal-Jubaland standoff that morphed into deadly armed clashes in Ras Kamboni late last year. The unresolved conflict has rekindled renewed fighting, in recent weeks, this time in the Gedo region, leading to loss of lives and mass displacement in Beled Hawo and surroundings while reports indicate over twenty thousand residents have been forced to seek refuge across the border in neighbouring Mandera, Kenya.

The situation in the border region remains tense as the raging conflict threatens to spill over into Kenya. Rather than refocus its efforts to eliminating terror threat, Villa Somalia is seeking to settle scores with non-compliant regional states through costly military incursions that place national security at peril. On the other hand, Puntland remains outside the Federal fold and is left to fight on its own, the remnants of ISIS insurgents holed-up in the Al-Miskaad mountains.

Meaningful national dialogue is improbable as HSM has turned the National Consultative Council (NCC) into a platform for advancing his agenda to consolidate power and asserting greater control over Federal Member States while pushing through the impractical one person one vote electoral model. A series of meetings between the opposition outfit, Somali National Forum and HSM has failed to make inroads while Puntland and Jubaland States continue to boycott the Villa Somalia talks.

Mass Displacement and Land Grab

On August 19th, three former Presidents, Abdiqasim Salad Hassan, Sharif Sheikh Ahmed, and Mohamed Abdullahi Farmaajo, issued a strongly worded joint statement condemning President Hassan Sheikh Mohamud for the massive land grab that displaced poor families. They cited the gross violations of articles in the constitution on public land and called for the following:

- Cessation of the illegal grabbing of the public land and the mistreatment of the displaced poor and vulnerable
- Resettlement of the displaced people who have constitutional rights to adequate housing.
- Immediate repossession of the seized public land back to government ownership. In the case the need arises for the sale of public land, the proper legal procurement procedures must be adhered to and duly implemented.

Months earlier, Human Rights Watch (HRW) reported that Security forces started to evict residents from IDP camps by demolishing shelters often at gunpoint[7].

[7] Human Rights Watch: Somalia- Forced Evictions of Displaced People: Somalia: Forced Evictions of Displaced People - HLRN

Under international law, "the permanent or temporary removal of individuals, families, or communities against their will from the homes or land they occupy without providing access to appropriate legal or other protection is considered a forced eviction" stated HRW officials. Several displaced people told Human Rights Watch that they had lost their sole means of survival as a result of the latest eviction – some had lost their shops and others said the displacement had cut them off from day labor opportunities in town[8].

It is estimated that hundreds of thousands of vulnerable people including families have been forcibly evicted from public lands they dwelt on. Even graveyards were not spared. The illegally appropriated public lands have been sold to private developers with ties to Villa Somalia. Apart from IDP camps, the Somali government is targeting potential historical and heritage sites and other public infrastructure like hospitals and schools for further demolitions paving way for private, commercial development.

Political Risks and International Isolation

If the unfolding crisis is not checked in time, Somalia risks the following:

Loss of trust and gradual disengagement by international partners.

This will make it difficult for the international community to coordinate security and development initiatives with the Federal government. The donor community may bypass Villa Somalia and deal directly with other stakeholders on the ground, foreign and domestic. Somalia may face drastic cuts in official development aid, both bilateral and multi-lateral.

Diplomatic Isolation

If sanity does not prevail, Somalia risks becoming a pariah state. This may result in sanctions, decreased global trade and economic growth and increased conflict and instability. Somali leaders maybe slapped with targeted sanctions making it difficult for them to fulfill their international obligations.

UN Charter Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

Somalia maybe subjected to drastic actions as stipulated in Articles 41 and 42 of Chapter VII.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

[8] ibid

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

If the above articles are invoked, it will severely limit and curtail the powers of the Federal Government technically placing Somalia under international oversight.

Recommendations

To prevent the above scenarios, the Somali Federal Government must proceed with the following:

- Abandon the illegal mutilated constitution and revert to the Provisional Federal Constitution
- Halt the ongoing registration for the impractical and hijacked one-person, one-vote electoral model and announce the return to a modified model of the indirect elections that has worked so well for Somalia. This is necessary to avert a vacuum in view of the limited timeline left before the mandate of this administration expires on the 15th of May, 2026
- Dissolve the illegally constituted National Independent Election Commission (NIEC) pending direct negotiations on the matter with all FMSs
- Convene Tripartite Talks between the Federal Government and Puntland and Jubaland States to iron out differences, re-establish Federal-State ties, mutually resolve the raging conflict in Gedo and the political standoff with Puntland. Re-establish security cooperation with the aggrieved states paving way for joint Federal-State security operations against Al-Shabab and ISIS.
- Re-convene the NCC based on its original mandate and composition with the full participation of Puntland and Jubaland.
- Call a National Reconciliation Conference in Mogadishu to include all FMSs, Opposition leaders, civil society and the international community.
- By working with the FMSs, opposition leaders and other stakeholders, draft and implement an urgent political and electoral roadmap to re-start the stalled constitutional review process and prepare the country for indirect elections in May 2026 while deferring universal suffrage and constitutional referendum to the post-election period.

Conclusion

Somalia is facing political, security and constitutional crises of monumental proportions. To navigate the political minefields, Villa Somalia should abandon its unilateralist machinations and align its goals with the will and aspirations of the Somali people. The executive needs to respect the rule of law and must restore the legitimate constitutional review process and adopt an electoral roadmap built on the tried and tested indirect elections. It should leave the pursuit of universal suffrage to the next government whose mandate begins next May.

In the interest of peace, the conflict with Jubaland State should be brought to an abrupt halt while proactive steps need to be taken to mend ties with Puntland so as to end the protracted standoff with Mogadishu. The NCC should be reconstituted to serve its original purpose and a united front must be forged in the war against Al-Shabab and ISIS. The mass displacement and appropriation of public lands must be reversed and permanently outlawed. More importantly, Villa Somalia needs to rebuild its trust with the Somali people and the international community. Only the politics of compromise and consensus-building can save Somalia from descending down the abyss.

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