

# Strengthening Electoral Institutions for Sustainable Democracy in Somalia

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## ABSTRACT

Somalia's democratic development has been hindered by decades of conflict, political instability, and weak governance structures. Nevertheless, the country has achieved notable milestones, including peaceful transfers of power and the establishment of foundational electoral institutions. This report analyzes the main challenges confronting Somalia's electoral system, such as limited institutional capacity, political interference, insecurity, low transparency, and the absence of a High Court and Constitutional Court to oversee electoral disputes. It highlights key reforms and initiatives, including the creation of the National Independent Electoral Commission (NIEC), constitutional and electoral law reforms, local elections in Puntland, and ongoing voter registration campaigns in Mogadishu and Baydhaba. The study proposes strategic measures to strengthen electoral institutions, emphasizing capacity building, legal and institutional independence, transparency, civil society engagement, and judicial oversight. By implementing these strategies, Somalia can enhance the credibility of elections, foster inclusive political participation, and reinforce public trust in democratic processes. This study provides a policy-oriented roadmap for consolidating Somalia's electoral framework and advancing long-term political stability and democratic governance.

## INTRODUCTION

Countries emerging from conflict or fragile political environments face significant challenges in building sustainable democratic systems, yet their experiences offer valuable lessons. Some nations have successfully rebuilt strong electoral institutions, providing models that Somalia can learn from. For instance, **Rwanda** established an independent National Electoral Commission, implemented robust voter registration, and conducted civic education campaigns to foster inclusive participation. **Ghana** strengthened its Electoral Commission, ensured impartial adjudication of electoral disputes, and conducted multiple peaceful transfers of power. **Tunisia** created an Independent High Authority for Elections, introduced inclusive political representation frameworks, and promoted transparent oversight mechanisms, resulting in credible and accepted elections.

In contrast, countries such as Afghanistan, South Sudan, and Somalia continue to struggle with weak and fragmented electoral institutions. Afghanistan has repeatedly faced electoral crises due to insecurity, logistical challenges, and political interference, which have undermined public confidence in the electoral process. South Sudan's elections have been similarly affected by ongoing conflict, limited institutional capacity, and disputes over voter registration, resulting in repeated delays and contested outcomes.

Somalia has experienced decades of political instability, armed conflict, and fragile governance, which have significantly affected the development of its democratic institutions. Following the collapse of the central government in 1991, the country entered a prolonged period of state fragility, with competing clans and armed groups controlling various regions. This historical instability, coupled with ongoing insecurity and weak institutional capacity, has posed considerable challenges to establishing a coherent and functional electoral system.

In recent years, Somalia has made incremental progress toward rebuilding its political institutions, including the formation of the Federal Government in 2012 and efforts to implement constitutional and electoral

frameworks. Despite these advances, the country continues to face significant obstacles that compromise the credibility, transparency, and inclusiveness of its elections.

Fragile security conditions, including threats from extremist groups, hamper voter registration, campaigning, and election-day operations. Political tensions between the Federal Government and Federal Member States (FMSs) often delay consensus on electoral frameworks, seat allocations, and voting procedures. Furthermore, entrenched clan-based politics, inadequate legal frameworks, and limited technical capacity constrain the independence and effectiveness of electoral institutions.

Electoral institutions in Somalia, particularly the National Independent Electoral Commission (NIEC), are mandated to organize elections, conduct voter and political party registration, and oversee candidate vetting. However, these institutions operate in a complex political environment where legal frameworks are often incomplete or inconsistently applied, and the Constitutional Court intended to adjudicate electoral disputes has not yet been established. As a result, electoral outcomes are frequently contested, and public confidence in democratic processes remains fragile.

Despite these challenges, Somalia has made notable progress. Key laws form the foundation of the country's electoral system, including the Political Parties Law (2016), the Law on the Establishment of the Independent National Electoral Commission and Boundaries, and the National Elections Law (2024). The NIEC has undertaken several important initiatives, such as conducting voter and political party registration in Mogadishu, establishing candidate vetting procedures, promoting civic education, and developing guidelines to ensure transparent election administration. These measures have gradually strengthened the credibility of the electoral process and fostered trust among citizens and political actors.

Strengthening Somalia's electoral institutions remains critical for democratic consolidation. Priority actions should focus on enhancing the capacity and independence of the NIEC, improving coordination with Federal Member States to harmonize electoral procedures, ensuring security and logistical preparedness for elections, and promoting transparency and accountability at all stages of the electoral cycle. By drawing lessons from countries that have successfully reformed their electoral systems and adapting those solutions to Somalia's unique political and security context, the nation can build a more inclusive, credible, and resilient democratic governance framework.

## CONCEPTUAL FRAMEWORK

### Definition of Electoral Institutions

Electoral institutions are formal organizations and mechanisms established to administer, manage, and oversee the electoral process within a country. They are responsible for ensuring that elections are conducted in a free, fair, transparent, and credible manner. These institutions typically manage key functions such as voter registration, candidate nomination, political party regulation, election-day operations, vote counting, and dispute resolution. The independence, impartiality, and capacity of electoral institutions are crucial for sustaining democratic governance and building public trust in electoral outcomes (Norris, 2014; IDEA, 2020).

Electoral institutions vary by country but generally include bodies such as national electoral commissions, boundaries commissions which is now Somalia Parliament combined one commission under Law on the Establishment of the Independent National Electoral Commission (2024), and adjudicative courts or **tribunals** tasked with handling electoral disputes. The effectiveness of these institutions depends on a robust legal framework, adequate resources, technical capacity, and protection from political interference (Birch, 2011). In fragile or post-conflict states like Somalia, the establishment of strong electoral institutions is particularly important to enhance legitimacy, reduce political tensions, and support democratic consolidation.

## The Relationship Between Institutional Strength and Democratic Stability

### Explanation of Flow



### Legal and Regulatory Foundations in Somalia

#### Somalia Electoral Laws

- Somalia Provisional Constitution (2012)
- Political Parties Law (2016)
- Law on the Establishment of the Independent National Electoral Commission (INEC)(2024)
- National Elections Law (2024)
- Other relevant legal frameworks

The legal framework governing Somalia’s electoral system forms the cornerstone for building transparent and credible democratic institutions. Central among these is the Political Parties Law (2016), which regulates the formation, registration, and functioning of political parties ensuring that participation in elections is based on pluralism, accountability, and respect for national unity. This law encourages the transition from clan-based representation to issue-based political competition, laying the groundwork for a democratic multi-party system. Complementing this is the Law on the Establishment of the Independent National Electoral Commission (INEC), which defines the structure, powers, and independence of the national electoral body. The INEC is mandated to organize, manage, and oversee all electoral processes in Somalia, ensuring that elections are conducted impartially and in accordance with the law.

Furthermore, the National Elections Law provides detailed procedures for voter registration, candidate nomination, voting, counting, and dispute resolution. It establishes clear rules and timelines to enhance transparency and strengthen public confidence in the electoral process. Together with other relevant legal frameworks such as the Provisional Constitution of 2012 and regulations on electoral dispute mechanisms these laws collectively create the institutional and legal basis for strengthening electoral governance in Somalia. Effective implementation and harmonization of these instruments are essential for consolidating democratic gains, enhancing institutional capacity, and ensuring that future elections are free, fair, and reflective of the will of the people.

#### Somalia’s Constitution

Somalia’s legal and constitutional framework has evolved significantly since independence, laying the foundation for democratic governance and the strengthening of electoral institutions. Beginning with the 1960 Constitution, Somalia established a parliamentary democracy, multi-party system, and independent judiciary. This was followed by the 1979 Constitution, which centralized power under a one-party socialist regime, and the 1990 draft constitution, which sought to introduce multiparty democracy but was never adopted due to civil war. Subsequent transitional frameworks, including the 2000 Transitional National Charter and the 2004 Transitional Federal Charter, reestablished central governance, introduced federalism, and incorporated clan-based power-sharing formulas while recognizing Islam and fundamental rights. The 2012 Provisional

Constitution currently serves as the supreme law, providing a federal structure, separation of powers, and a legal basis for elections. Complementing these constitutional provisions are key electoral laws, including the Political Parties Law (2016), the Law on the Establishment of the Independent National Electoral Commission (INEC), the National Elections Law, and other relevant legal instruments, which collectively form the legal foundation for building transparent, credible, and sustainable electoral institutions in Somalia.

Year	Constitutional Framework	Authority/Legality
1960	The Constitution for Republic of Somalia	The Constitution (1960) of the Republic of Somalia was the first national constitution adopted after independence, and it was also approved through a public referendum in 20 June 1961.
1979	The Constitution for Democratic Republic of Somalia	The Constitution (1979) was also adopted by a public referendum on 25 August 1979, but the process took place under a single-party authoritarian regime, limiting its democratic legitimacy.
1990	Drafted Constitution by Siyad Bare Regime	There was no officially adopted Constitution in 1990 for Somalia. However, there was a draft constitution prepared under President Mohamed Siad Barre's regime, intended to replace the 1979 Constitution but it was never implemented due to the outbreak of civil war.
2000	Transitional National Charter	The Transitional National Charter (TNC) was a temporary constitutional framework adopted at the Arta Peace Conference in Djibouti. It served as Somalia's governing document from 2000 to 2004, marking the first major attempt to re-establish a central government after nearly a decade of civil war and state collapse.
2004	National Charter	Adoption by Somali delegates representing all major clans and political factions at the Somali National Reconciliation Conference (Nairobi, Kenya) It served as the supreme law of Somalia during the transitional period (2004–2012).
2012	Provisional Constitution	The 2012 Provisional Constitution remains legally valid and operational today (2025).  A Constitutional Review Process is ongoing under both Houses of the Federal Parliament to finalize and amend the document before a national referendum is held.

## METHODOLOGY

This study employs a **qualitative descriptive research approach** to examine the challenges and opportunities for strengthening electoral institutions in Somalia and to explore their role in promoting sustainable democracy. The qualitative method was selected because it allows for an in-depth understanding of institutional dynamics, political processes, and governance structures that shape Somalia's electoral system.

Data for this study were collected primarily through **secondary sources**, including official documents such as the Political Parties Law (2016), the National Independent Electoral Commission Act (2024), and the National Elections Law(2024), as well as reports, policy papers, internal procedures and publications from the National Independent Electoral Commission (NIEC), the United Nations Development Programme (UNDP), and other

relevant national and international institutions. Scholarly articles and comparative studies from countries with similar post-conflict electoral experiences were also reviewed to provide contextual insights.

The collected data were analyzed using **thematic analysis**, focusing on key themes such as institutional capacity, legal and regulatory frameworks, political interference, transparency, inclusivity, and accountability. Through this approach, the study identifies critical gaps within Somalia's electoral institutions and proposes practical strategies to enhance their effectiveness and sustainability in supporting democratic governance.

### **Current Challenges Facing Somalia's Electoral Institutions**

Somalia's journey toward building credible and democratic electoral institutions continues to face a range of complex and interrelated challenges. Despite notable progress since the re-establishment of the Federal Government in 2012, the country's electoral system remains fragile and heavily dependent on elite negotiation and external support. The following are the major challenges currently facing Somalia's electoral institutions.

#### **Weak Institutional Capacity and Infrastructure**

The National Independent Electoral Commission (NIEC) and other related institutions suffer from weak institutional capacity and limited infrastructure. The NIEC faces challenges in human resource development, technological capability, and administrative systems necessary to conduct direct elections. Its operations have been largely dependent on donor funding and international technical assistance, which affects sustainability and independence (Interpeace, 2021). Moreover, inadequate infrastructure such as data management systems, offices across all Federal Member States, and secure logistics continues to hinder effective election management. Persistent insecurity, limited transport networks, and unreliable communication systems further complicate voter registration and outreach (UNDP, 2022).

#### **Political Interference and Lack of Impartiality**

Political interference remains a critical challenge in Somalia's electoral landscape. The appointment of NIEC members and other electoral bodies is often influenced by political interests, which undermines public confidence in the impartiality of these institutions (Menkhaus, 2018). Federal and state leaders frequently engage in political bargaining over electoral models, procedures, and timelines, leading to repeated delays and disputes. This political manipulation erodes institutional autonomy and contributes to perceptions that electoral processes are controlled by elites rather than guided by national democratic principles (Bryden, 2013). Strengthening institutional independence is therefore vital for ensuring credibility and fairness in future elections.

#### **Security Concerns and Logistical Difficulties**

Insecurity remains one of the most serious obstacles to conducting credible elections in Somalia. Al-Shabaab and other armed groups continue to pose significant threats to electoral staff, candidates, and voters, particularly in rural areas and regions outside government control (International Crisis Group, 2022). This volatile security environment restricts voter registration, campaigning, and election monitoring, often forcing the government to hold elections in limited, highly secured locations such as Mogadishu. Additionally, logistical difficulties including inadequate transportation, limited infrastructure, and poor coordination between federal and state-level authorities further complicate election planning and implementation (UNDP, 2022).

#### **Limited Transparency and Accountability**

Somalia's electoral processes have been criticized for lacking transparency and accountability. The indirect election model, where a small number of clan delegates select parliamentarians, has often been associated with corruption, vote-buying, and lack of public trust (Interpeace, 2021). Electoral institutions face challenges in ensuring open reporting, effective monitoring, and the publication of electoral data. Furthermore, weak oversight mechanisms and limited civic participation have made it difficult to hold political actors accountable for irregularities. Building transparency through open information systems, clear procedures, and citizen engagement is essential for increasing confidence in electoral outcomes.

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## **Absence of a Hight Court and Constitutional Court to Adjudicate Electoral Disputes and Ensure Legal Oversight**

A major legal and institutional gap in Somalia's democratic system is the absence of a Constitutional Court and Hight Court. As a result, there is no independent judicial body mandated to adjudicate electoral disputes or ensure compliance with constitutional and electoral laws. Electoral disagreements are often resolved through political negotiation or parliamentary committees rather than through impartial legal mechanisms (Hersi, 2021). This lack of judicial oversight undermines the rule of law, weakens accountability, and limits citizens' confidence in the fairness of the electoral process. Establishing a Constitutional Court, as envisioned in the Provisional Constitution, would provide a legal foundation for resolving disputes and safeguarding electoral integrity.

### **Strategies for Strengthening Electoral Institutions in Somalia**

Strengthening Somalia's electoral institutions is a vital step toward consolidating democracy, ensuring political stability, and restoring public trust in governance. Effective electoral institutions require not only strong legal foundations but also the capacity, transparency, and independence necessary to manage credible elections across the country.

One of the most important strategies is to build the capacity of electoral staff through continuous professional training and institutional development. Improving technical skills, administrative efficiency, and the use of modern technology will enhance the credibility and transparency of future elections. Investing in infrastructure and data management systems is equally essential to ensure that the National Independent Electoral Commission (NIEC) can effectively conduct nationwide voter registration and election monitoring (UNDP, 2022).

Equally, enhancing transparency and accountability is fundamental to restoring citizens' confidence in the electoral process. This can be achieved by publishing clear procedures, providing open access to electoral information, and ensuring independent audits of electoral activities. Active involvement of the media and civil society organizations in monitoring and civic education campaigns can help prevent corruption and promote greater public participation (Interpeace, 2021).

Legal and institutional reforms are also necessary to safeguard the autonomy of the NIEC and ensure fair and consistent electoral administration. Finalizing the electoral law and harmonizing it with the federal constitution will clarify institutional roles, protect commissioners from political pressure, and create a more predictable and trusted electoral framework (Menkhaus, 2018).

Furthermore, closer engagement with civil society and international partners can contribute to strengthening democratic values and inclusivity. Collaboration with local organizations, community leaders, and international actors supports voter awareness, gender participation, and peaceful dialogue key components of a stable democratic environment (Hersi, 2021).

Finally, establishing a Constitutional Court remains crucial for ensuring justice and legal oversight in electoral matters. Such a court would provide an impartial mechanism for resolving electoral disputes, interpreting electoral laws, and safeguarding constitutional rights.

Its creation would mark a significant step toward strengthening the rule of law and deepening Somalia's democratic governance (International Crisis Group, 2022).

### **Key Initiatives and Reforms in Somalia**

Somalia has embarked on a significant journey toward democratic governance, marked by key initiatives and reforms aimed at strengthening its electoral institutions. These reforms reflect the country's determination to build credible, inclusive, and sustainable democratic systems despite ongoing security and institutional challenges.

One of the most significant reforms has been the establishment of the National Independent Electoral Commission (NIEC) in 2015, which was tasked with managing elections and transitioning Somalia from an indirect, clan-based system toward a direct, one-person-one-vote model (UNDP, 2022). With technical and financial support from international partners, the NIEC has made progress in drafting electoral laws, developing voter registration systems, and conducting civic education campaigns.

The Provisional Constitution Review Process has also been central to Somalia's reform agenda. Parliament, together with the Ministry of Constitutional Affairs and other stakeholders, has focused on finalizing the remaining chapters of the constitution, particularly those related to electoral systems, federalism, and the establishment of a Constitutional Court (Hersi, 2021). Complementing this effort, the Electoral Law of 2020 provides a framework for organizing direct elections and defining the roles of federal and state-level institutions, even though full implementation has been delayed (Interpeace, 2021).

Somalia has also witnessed important local-level initiatives, particularly in Puntland, where political parties have united to complete local council elections by August 2024. This collaborative effort reflects a commitment to democratic principles and broader political participation, ensuring more inclusive and representative local governance (Garowe Online, 2024).

In addition, voter registration campaigns are currently ongoing in major cities, including Mogadishu and Baydhaba. In Mogadishu, the NIEC reopened voter registration centers in September 2025 under a new electoral framework, enabling citizens to register in preparation for the next national elections (Hiiraan, 2025).

In Baydhaba, the President of South West State officially launched the voter registration campaign in July 2025, marking an important step toward direct elections in the federal member state (Radio Dalsan, 2025).

Beyond electoral reforms, the government has introduced public financial management reforms, anti-corruption measures, and civil service modernization programs to enhance transparency, accountability, and institutional efficiency (Bryden, 2013). International partnerships with the United Nations, African Union, European Union, and IGAD continue to provide technical support and capacity-building initiatives that reinforce Somalia's democratic progress (International Crisis Group, 2022).

Collectively, these initiatives ranging from institutional reforms and local elections to voter registration campaigns demonstrate Somalia's commitment to building a more accountable, inclusive, and democratic political system. While challenges remain, the ongoing efforts reflect tangible progress in strengthening electoral institutions and fostering citizen participation across the country.

### **Despite the Weaknesses of Electoral Institutions, Somalia Has Achieved Peaceful Transfers of Power Since the 1991 Government Collapse.**

Despite the persistent weaknesses of Somalia's electoral institutions, the country has made remarkable progress in achieving peaceful transfers of power since the collapse of the central government in 1991. Following decades of civil war and institutional disintegration, Somalia began rebuilding its governance structures through transitional arrangements supported by regional and international partners. Although political fragility, corruption, and clan-based divisions continue to pose challenges, the country has shown resilience by facilitating leadership transitions through dialogue and negotiated political processes rather than violence (Menkhaus, 2018).

Since the establishment of the Transitional National Government (TNG) in 2000 and the subsequent formation of the Transitional Federal Government (TFG) in 2004, Somalia has taken gradual steps toward a federal system of governance. The creation of the Federal Government of Somalia (FGS) in 2012 marked a historic milestone, as it represented the first internationally recognized government in more than two decades (Hersi, 2021).

Subsequent presidential elections in 2012, 2017, and 2022 were all conducted through indirect elections or voting mechanisms involving clan representatives and members of the Federal Parliament. Despite their

limitations, each of these processes concluded with a peaceful transfer of power an exceptional achievement in a post-conflict environment (Bryden, 2013; International Crisis Group, 2022).

The 2012 transition from the Transitional Federal Government to the Federal Government of Somalia, the 2017 peaceful handover from President Hassan Sheikh Mohamud to President Mohamed Abdullahi Farmaajo, and the 2022 return of power to Hassan Sheikh Mohamud demonstrated growing political maturity among Somali leaders. These transitions reinforced the principle that leadership changes can occur without violence, strengthening public trust in dialogue and compromise as viable tools for political stability (UNDP, 2022).

Although Somalia's electoral institutions remain weak characterized by limited institutional capacity, dependence on political elites, and an absence of universal suffrage they have nonetheless provided a platform for stability and continuity.

The gradual institutionalization of the National Independent Electoral Commission (NIEC), the ongoing constitutional review process, and the continued commitment of both Houses of Parliament to develop a direct electoral system are indicators of progress toward democratic consolidation (Interpeace, 2021).

## **STRONG RECOMMENDATIONS**

To achieve credible and sustainable elections, Somalia must prioritize long-term institutional reforms and genuine political commitment. The government, in collaboration with Parliament, should focus on strengthening the independence and operational capacity of the National Independent Electoral Commission (NIEC). This requires adequate funding, professional staffing, and protection from political interference.

A clear and harmonized legal framework should be finalized to define the relationship between the federal and state-level electoral bodies. The establishment of a Constitutional Court should be expedited to provide legal oversight and adjudicate electoral disputes impartially. Strengthening judicial independence is critical to ensuring that electoral outcomes are respected and legally grounded.

Moreover, enhancing transparency and accountability through open data systems, civic education, and public communication is vital to restore citizens' trust in the process. Civil society and the media should be empowered to play an active monitoring role, ensuring that elections are free from corruption and manipulation. International partners should continue providing technical assistance and financial support but in a way that builds national ownership and institutional sustainability.

Finally, political leaders must demonstrate genuine commitment to democratic values by respecting term limits, embracing inclusivity, and prioritizing peaceful dialogue over political confrontation. Such leadership will be instrumental in consolidating the gains made in Somalia's democratic transition.

## **CONCLUSION**

Somalia's progress toward building a stable and democratic state has been remarkable despite decades of conflict and institutional fragility. While the country's electoral institutions continue to face challenges such as limited capacity, political interference, and lack of judicial oversight, the peaceful transfers of power witnessed since 2012 show a growing political maturity and national resilience.

Strengthening these institutions is not merely a technical exercise but a foundation for lasting peace and democratic governance. Through sustained capacity building, transparent systems, legal reforms, and the establishment of an independent Constitutional Court, Somalia can transform its electoral framework into one that truly reflects the will of its people.

Ultimately, the success of electoral reform depends on national ownership, cooperation between federal and state authorities, and a collective commitment to uphold democratic principles. If implemented effectively, these reforms will not only ensure credible elections but also reinforce public trust, political stability, and Somalia's long-term path toward sustainable democracy.



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