Somalia's Challenges

What is the issue?

- Somalia is grappling with the challenge from the COVID-19 pandemic.
- Therefore, two challenging questions before it could be deferred.

What are the two challenges?

- Due to the public health emergency,
    1. June 8 public hearings at the International Court of Justice (ICJ) on Somalia's maritime dispute with Kenya may be postponed.
    2. The general elections scheduled for later this year may be postponed [Somalia seeks to restore universal suffrage after five decades.]

What is the maritime dispute?

- **Friction** - Somalia and Kenya have locked horns for over a decade on the delimitation of the maritime boundary in the Indian Ocean.
- At issue is a 1 lakh sq km area containing huge deposits of oil and gas.
- Under a 2009 Memorandum of Understanding, each granted the other no objection to presenting separate submissions to the UN Commission on the Limits of the Continental Shelf (CLCS).
- These submissions concern the outer limits of the continental shelf beyond 200 nautical miles.
- The parties also committed to finding a settlement in accordance with international law on the basis of the CLCS's recommendations.
- **Intensification** - But friction intensified following Kenya's 2011 despatch of troops into Somalia, ostensibly to counter the al-Qaeda affiliate, al-Shabab.
- Kenya's backing for the semi-autonomous Jubaland region has also caused consternation in Somalia.
- **ICJ's involvement** - Given the diminishing prospects of a mutual compromise on the dispute, Somalia petitioned the ICJ in 2014.
- Somalia won a symbolic victory of sorts in February 2017.
- The Hague court in the Netherlands rejected by a majority Kenya's argument challenging the admissibility of Somalia's application, as also the court's jurisdiction in the case, in view of the MoU.
- The court held that this MoU was in no way breached just because one of the parties decided on an alternative mode of dispute resolution.

- Moreover, while the agreement was legally binding, there was nothing to suggest that judicial proceedings could take place only after the CLCS issued its own recommendations, said the court.
- **In a diplomatic row** - In 2019, Kenya recalled its ambassador and expelled Somalia's envoy.
- In parallel, the African Union has intervened to find a settlement out of court via a mediator.
- As regards the judicial proceedings at The Hague, a decision is expected on the public hearings scheduled to commence June 8, 2020.
- [The case was postponed twice last year.]

What is the issue with elections?

- **After 5 decades** - In this year's election, people of Somalia will for the first time since 1969, will exercise their right to political participation under universal suffrage.
- **Law** - The one-person one-vote law received President Mohamed Abdullahi Mohamed's assent in February, 2020.
- This law is a milestone in Somalia's path to democratic governance after enduring military rule for two decades and the long transition following the civil war.
- **Path towards democracy** - There was a 100-fold increase in the number of delegates in the 2016 electoral college.
- This electoral college chose the 275-member House of the People and the 54 senators-strong upper chamber.
- There are fewer women legislators in the current parliament than the 30% seats allotted to them.
- But a steady increase in the number of female representatives witnessed in successive elections is an encouraging sign.
- **Suppression of Press** - Somalia has systematically suppressed a free press that is vital to a vibrant democracy.
- Amnesty International said that 8 journalists have been killed and many have fled the country during Mr. Mohamed's term as the al-Shabab and the police behave with impunity.
- The Committee to Protect Journalists said in 2016 that as many as 59 media personnel were killed since the 1991 civil war.
- In the backdrop of such systemic constraints and the current pandemic, the implementing universal suffrage would be practically difficult.
- Authorities and activists can, however, take comfort in the fact that the alternatives would be far less desirable.

Source: The Hindu

Quick Fact

International Court of Justice (ICJ)

- The ICJ was established in 1945 after half a century of international conflict in the form of two World Wars.
- The ICJ functions with its seat at The Hague, Netherlands.
- It has the jurisdiction to settle disputes between countries and examine cases pertaining to violation of human rights.
- It adjudicates cases according to the tenets of international law and is the judicial arm of the United Nations.a

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