



The Illusion of Gender Equality and Participation of Women in Post-Conflict Somalia (2012-2022)

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Abstract

This study reveals the gap between constitutional guarantees of gender equality and the systemic exclusion of women in practice in post-conflict Somalia (2012-2022). Employing a critical feminist lens, this study deconstructs the hegemony of hybrid governance systems that weaponize legal ambiguity to sustain patriarchal exclusion. Through an intersectional analysis of clan-based political economies, this study examined how informal power structures subvert formal gender quotas and constitutional guarantees. Theoretically, the findings criticise the assumption of “liberal peacebuilding” (e.g., quotas = progress). It argues that Somalia exemplifies “patriarchal hybridity”, where formal/informal systems merge to exclude women. Methodologically, it synthesizes electoral ethnography using policy archaeology to trace the necropolitics of quota systems devoid of enforcement. The findings reveal not merely a gap between rhetoric and practice, but also a deliberate reconfiguration of exclusion through performative compliance. This study also established variable parliamentary representation (14% in 2012, 24% in 2016, and 20% in 2021), reflecting the precarious nature of quota systems without institutional safeguards. The study concludes with recommendations for transforming symbolic representation into genuine political influence through legal reforms, accountability mechanisms, and cultural transformation.

Subject Areas

Sociology

Keywords

Gender Equality, Political Participation, Post-Conflict Governance, Somalia and Patriarchy

1. Introduction

This study examined the obstacles to women's political participation in post-conflict Somalia (2012-2022) through 25 semi-structured interviews with key stakeholders, including women politicians, civil society activists, clan elders, and representatives of foreign organizations, which comprised the data collection process. Purposive sampling targeted 25 stakeholders (2012-2025), including 18 female MPs, 4 clan elders, and 3 NGO leaders. Transcripts were coded for clan influence, economic barriers, and donor compliance [1]. Analysing Somalia's Provisional Constitution (2012) [2], the National Gender Policy (2016), and international frameworks such as CEDAW and the Maputo Protocol also substantiated this through policy analysis. This investigation revealed disparities between legal commitments and their implementation, particularly concerning gender quotas and voting regulations.

Three case studies were developed to contextualize the findings: 2012-2017, focusing on the transition to a federal system; 2017-2021, concentrating on the 30% gender quota; and 2021-2022, addressing the decrease in women's representation. Three timeframes (2012-2017, 2017-2021, 2021-2022) were selected to capture critical phases in Somalia's post-conflict transition (2012-2017—marked the adoption of the Somalia Provisional Constitution and Garowe Principles (30% quota), offering a baseline to assess early gender equity efforts amid federalization [3]; 2017-2021—coincided with the 2016 elections, where international pressure temporarily boosted women's representation to 24%, revealing the quota's vulnerability to political bargaining [4]; 2021-2022—exposed backsliding (20% representation) after the 2020 Electoral Law failed to institutionalize quotas, highlighting clan resistance [5]. The integration of the case study results, policy analysis, and policy research facilitated data triangulation, yielding robust and persuasive conclusions. Case studies highlighting policy gaps and regional disparities corroborated interview insights regarding structural obstacles, thus providing a comprehensive understanding of the political challenges faced by Somali women.

2. Contextual Background

The interaction of state-building initiatives, clan-based governance systems, and the legacy of protracted civil war has helped define Somalia's post-conflict political scene, especially from 2012 onward. When the Federal Government of Somalia (FGS) was established in 2012, the nation reached a major turning point in its development from a stateless to shaky federal government. However, this change has been plagued by difficulties, including poor institutional capability, continuous insecurity, and the predominance of clan politics. The main social and political units in Somali society, clans, both reinforce exclusionary practices that marginalize women and minority groups and offer a sense of identity and social cohesion in the absence of a strong central government [6]. For example, clan-based electoral systems depend on clan elders to choose parliamentary delegates, thereby excluding women from direct involvement in decision-making procedures [7].

Although meant to assure inclusivity across clans, this structure upholds patriarchal values and reduces the transforming power of constitutional protection and gender quotas.

One cannot ignore the clan dynamics that play a role in Somalia's political structure. Clans operate as both political and financial systems, and clan leaders have a significant impact on conflict resolution, political appointments, and resource distribution [8]. Often in conflict with official state institutions, this informal governance structure results in a hybrid system that compromises initiatives towards institutionalizing gender equality. For instance, women's representation changed in the 2016 and 2021 elections, which used an indirect clan-based approach because there were no legally enforceable gender quotas [9] [10]. Furthermore, the predominance of male clan leaders in candidate-choosing procedures supports gender stereotypes and prevents women from engaging in important political involvement [11]. The continuation of clan-based politics draws attention to the conflict between official pledges to gender equality and the reality of a patriarchal culture, even with progressive legal frameworks such as the Provisional Constitution (2012) [2] and the National Gender Policy (2016) [12]. This emphasizes the need for urgent structural changes to address statutory and informal obstacles to women's political engagement in Somalia.

Articles 2 and 21 of the Universal Declaration of Human Rights (UDHR) provide that regardless of gender, everyone has the right to participate in the government of their country [13]. In the same vein, the African Women's Rights Observatory emphasizes the need for women's political participation, as well as initiatives against violence directed against them and protection of their rights to property ownership. Within a regional framework, the East African Community (EAC) encourages cooperation and integrates it into systems of member state governments. Though legally applied for membership, Somalia is not yet a member of the EAC but shows interest in joining. The 2012 Provisional Constitution of Somalia protected women's political involvement and promoted gender equality. Notwithstanding these clauses, the nation falls behind in the definition of particular targets. For example, important laws protecting women's rights are now under development to fill in current gaps: several regulations, including those pertaining to sexual harassment, are either introduced or altered in response to resistance from religious and traditional groups.

At the international level, Somalia's dedication to gender equality still raises questions. Ratifying the International Covenant on Economic, Social, and Cultural Rights (ICESC), Somalia promised to protect fundamental socioeconomic rights, including the principle of gender equality, as prescribed by this international framework [14]. Crucially for the promotion of an inclusive government, the International Covenant on Civil and Political Rights (ICCPR) guarantees equitable participation in politics and protection against discrimination [15]. The Optional Protocol of the ICCPR also lets people file complaints regarding the infringement of their rights to the Human Rights Committee. Nonetheless, Somalia has not signed the Second Optional Protocol of the ICCPR, which aims to outlaw the

death sentence, thereby showing its partial respect for all facets of civil and political rights.

Women's participation in Somali politics exposes a continuous difference between rhetoric and reality through a complicated interaction between legal duties, sociopolitical frameworks, and cultural norms. Even with gender quotas and constitutional provisions meant to raise female representation, Somali women nevertheless encountered major challenges to their political involvement. This paper examines these variations and argues that systematic and structural elements firmly anchored in patriarchal norms and clan-based politics preserve an atmosphere marked by tokenism rather than real inclusion.

Women's agencies are undermined under Somalia's hybrid election system, which blends modern political techniques with the old clan systems. Often, excluding women from decision-making procedures, clan leaders—who have great power—help maintain patriarchal systems. The lack of strong political parties along with these strategies results in an environment in which women's political aspirations are either constrained or taken over [16]. The impact of this system extends beyond political representation and affects women's overall societal status and opportunities. Despite efforts to increase female participation in governance, deeply ingrained cultural norms continue to pose a significant barrier. Overcoming these challenges requires a multifaceted approach, including education, advocacy, and policy reforms, that address both the structural and cultural obstacles to women's political empowerment in Somalia.

This paper contends that systematic hurdles such as patriarchal norms, clan-based politics, and insufficient enforcement mechanisms underlie the illusion of gender equality in Somalia and, hence, compromise women's genuine political involvement despite progressive legislative frameworks.

This article explores the complexities of women's political inclusion in post-2012 Somalia by focusing on clan-mediated exclusion and gender stipulations in the country's constitutional framework. It challenges patriarchal adaptation narratives and examines Somalia's engagement with international, regional and domestic frameworks. This article highlights legal loopholes and the use of ambiguity by clan leaders to protect their gatekeeping power. The study also highlights the institutional sabotage, clan vetoes, and economic barriers that constrain women's agency. The findings were consolidated into actionable policy recommendations, including constitutional amendments, international aid, and clan-engagement strategies.

3. Understanding Substantive Political Participation

Political participation is a complex concept that requires a comprehensive understanding of the theoretical frameworks that shape how engagement occurs within society. Substantive political participation and representation emphasize the meaningful involvement of individuals, especially marginalized groups such as women, in governance and decision-making processes. This approach goes beyond de-

scriptive representation, which focuses on demographic similarities such as gender or ethnicity, and numerical targets such as achieving a certain percentage of women in parliament [17]. Instead, substantive representation ensures that elected officials actively champion their interests and rights, directly addressing systemic inequalities [18]. This concept underscores the need for structural changes to make political systems more inclusive and fairer.

While theoretical frameworks establish the importance of substantive participation [19], Somalia's post-conflict landscape presents unique empirical manifestations of both challenges and breakthroughs in women's political influence. Beyond the well-documented fluctuations in parliamentary seats (14% in 2012, 24% in 2016, and 20% in 2021), three landmark cases demonstrated substantive gains. A practical example is when female MPs in Puntland's regional assembly leveraged clan alliances to draft and pass Somalia's first gender-sensitive penal code reform, criminalize rape, and mandate survivor protections [20]. This followed a 2-year advocacy campaign by the Puntland Women's Parliamentary Caucus, who strategically invoked both Islamic jurisprudence and clan reconciliation frameworks (xeer) to overcome conservative opposition.

Substantive participation entails the active involvement of individuals in shaping policies and decisions rather than merely holding positions as symbolic gestures. This ensures that various perspectives influence governance and legislative outcomes. The key features of substantive participation include the ability to set agendas, accountability to constituents, and genuine decision-making power. In his book *The Politics of Presence*, Phillips emphasized that achieving substantive representation requires prioritizing the needs of marginalized communities, as these challenges perpetuate inequities [21]. For instance, women councilors in the Banadir region successfully redirected 15% of municipal health funds to maternal clinics through the "Women's Right to the City" initiative, citing constitutional Article 21 (right to political participation) and the SDG 5 benchmarks. Their advocacy utilized gender-disaggregated data on maternal mortality rates from AMISOM health surveys. In this context, substantive participation is not just about inclusion, but also about empowering underrepresented groups to significantly influence policy and governance outcomes, thereby ensuring systemic change and progress.

One of the most significant benefits of substantive participation is its connection with tangible policy outcomes that improve the lives of women and other marginalized groups. Htun and Weldon (2012) emphasize that substantive political participation directly impacts critical areas such as health, education, and legal protection, fostering women's empowerment [22]. However, achieving such participation requires overcoming entrenched barriers including patriarchal cultural norms, limited access to education, and insufficient resources. Addressing these barriers requires comprehensive strategies that incorporate gender-sensitive policies, intersectional approaches, and institutional reforms, to ensure equal access to opportunities and representation in political spaces.

Over the years, political engagement has transitioned from traditional methods centered on voting and party loyalty to more dynamic forms that prioritize co-creation and inclusivity. Contemporary strategies acknowledge the interactions among various stakeholders, promoting shared responsibility in influencing political outcomes. For example, (“Branding in a Hyperconnected World,” 2024) demonstrates how political branding has moved towards collaborative processes in which citizens and civil society play an active role in shaping political discourse and identity [23]. Likewise, D’Ignazio and Klein emphasized the significance of intersectional feminism in ensuring data ethics and inclusivity, highlighting the necessity for frameworks that embrace diverse identities and viewpoints [24]. These evolving engagement models challenge binary and exclusionary practices, thereby enhancing participatory democracies to tackle complex socioeconomic issues more effectively. For instance, notwithstanding Somaliland’s unrecognized status, its women’s movement has made significant strides in securing political representation through a mix of advocacy, quotas, and grassroots campaigns. The Nagaad Network’s “*Not Without Women*” initiative (2020-2022) successfully pushed for binding 20% of female candidate quotas in all political parties, building on earlier gains like women holding 33% of local council seats in 2016—the highest regional representation at the time [25]. Ahead of the 2021 elections, parties voluntarily committed to fielding 18 women and three minority candidates for parliament, nearly doubling the number of female parliamentary candidates compared to 2005 (from 7 to 13). However, the lack of local election quotas led to a 91% drop in the number of women running for councils (just 15 candidates in 2021 vs. 163 in 2012). Civil society interventions, such as Nagaad’s *Dooro Xildhibaanad campaign*, engaged clan elders, shifted gender norms, and secured critical endorsements for female candidates—supported by partnerships with Interpeace and Sweden [26]. While progress in parliamentary representation shows promise, inconsistent enforcement of quotas and declining local participation highlight the ongoing challenges in achieving equitable political inclusion.

4. International, Regional and National Institutional Frameworks

The Universal Declaration of Human Rights (UDHR) (1948) stipulates an essential framework for ensuring equal political participation and states that “everyone has the right to all the rights and freedoms set forth in this Declaration, without any distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.” [13]. This fundamental constitution emphasizes that all individuals have the right to participate in the governance of their country free from prejudice (Article 21). Despite these assurances, structural gender inequalities persist worldwide, particularly in Africa, where deeply rooted patriarchal structures traditionally exclude women from fair representation in socio-political spheres [27]. The Beijing Declaration (1995) and Convention on the Elimination of All Forms of Discrimination Against

Women (CEDAW) are essential instruments aimed at eliminating these inequalities [28]. These treaties advocate the inclusion of women's perspectives and experiences in policymaking, decision making, and governance frameworks to combat historical inequalities [29] [30].

At the continental level, Somalia ratified the African Charter on Human and People's Rights (ACHPR) [31]. The ACHPR emphasizes human rights principles, including gender equality, at the regional level [32]. Additionally, Somalia signed the Charter 2006 but has not ratified it. This delay potentially hinders the complete incorporation of comprehensive provisions for women's rights and empowerment into the Somali legislation. Somalia has neither signed nor ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [33]. This major gap signals limited formal international commitment to address systemic gender-based discrimination. The absence of CEDAW in Somalia's legal framework affects the country's ability to effectively tackle gender disparities, as it is often a foundational instrument for advancing women's political and socioeconomic rights. The non-ratification of the Maputo Protocol and the CEDAW weakens Somalia's international legal commitment to gender equality, undermining domestic advocacy for women's rights. Cultural and societal norms further exacerbate these issues, limiting the actualization of ratified provisions. Without robust ratification and domestic implementation of these frameworks, women in Somalia face continued challenges in terms of political participation, social inclusion, and legal protection. The Gender Equality Index reflects that as of 2023, Somalia remains significantly below the threshold required to meet targets for women's political participation [34]. This illustrates a mismatch between legal obligations and women's involvement in governance.

Somalia's international commitments to gender justice also influence its domestic structures, including the Constitution and National Gender Policy. For instance, the Somali National Action Plan (SNAP), based on UNSCR 1325, outlines a strategy for increasing women's participation in governance and peacebuilding initiatives [35]. Additionally, Somalia's SDG Goal Tracker connects the National Development Plan (NDP) with the financing of sustainable development and emphasizes gender as a fundamental goal [36]. Created to strengthen SNAP, the Somali Women's Charter emphasizes women's empowerment through targeted measures to combat sociocultural and institutional barriers to equality. Nevertheless, despite these initiatives, challenges remain in reconciling theoretical principles with practical implementation, as structural, cultural, and political obstacles continue to pose significant barriers to achieving gender parity in political representation [37].

4.1. The 2012 Provisional Constitution of the Federal Government of Somalia (FGS) and the National Gender Policy

The 2012 Provisional Constitution of the Federal Government of Somalia (FGS) includes a commitment to gender equality and women's political participation. Article 11(1) of the Constitution unequivocally guarantees equality, stating: "All

citizens, without distinction of sex, religion, social or economic status, political opinion, clan, disability, profession, birth, or dialect, possess equal rights and obligations before the law. “*All citizens, without distinction of sex, religion, social or economic status, political opinion, clan, disability, profession, birth, or dialect, possess equal rights and obligations before the law.*” [36]. Article 11(3) also prohibits discrimination, requiring the government to eliminate obstacles that impede equality [36]. Article 11(3) prohibits discrimination and requires that the government eradicate obstacles that impede equality [36]. Furthermore, Article 15(1) protects women’s rights, including the fight against situations such as violence, which constitute significant obstacles to political participation [36]. Article 22(1) guarantees that all citizens have the right to participate in political, economic, and social activities, thus emphasizing the inclusion principle [36]. Notwithstanding these rules, Somalia’s hybrid electoral system—significantly influenced by clan dynamics—diverts the effective realization of these rights.

The Constitution also recognizes the need for women’s representation in administration, as demonstrated by the 30% quota for women established under the National Gender Policy and initiatives aimed at reserving parliamentary seats for women. However, this is not specifically codified in the constitution, resulting in inconsistent applications [38]. There is no specific constitutional requirement for the implementation of gender quotas, nor are there substantial sanctions for non-compliance with gender equity in political representation [9]. Cultural norms and clan politics often override constitutional restrictions, with traditional patriarchal institutions influencing delegate selection and decision-making processes [39]. Moreover, structural obstacles such as assaults, intimidation, and limited educational options intensify these problems and disproportionately affect female candidates [11] [40].

4.2. National Gender Policy

The National Gender Policy of Somalia (2016) was developed to address systematic gender inequalities and to promote equality in all sectors, including politics. This strategy emphasizes critical domains, such as affirmative action, capacity enhancement, and advocacy, to advance women’s empowerment and alleviate gender-based discrimination. A key component of the program is the establishment of a 30% gender quota for political involvement designed to guarantee women’s presence in decision-making entities, such as the Parliament and governmental agencies. Notwithstanding its progressive position, obstacles endure owing to inadequate enforcement mechanisms and resistance stemming from patriarchal traditions. Furthermore, Somalia’s National Action Plan (NAP) on Women, Peace, and Security enhances Gender Policy by implementing commitments to United Nations Security Council Resolution 1325. Nonetheless, the execution of both the National Gender Policy and the NAP has encountered challenges, such as constrained financial resources, deep-rooted cultural impediments, and inadequate political commitment. Although a 30% quota for women’s political participation

has been established in theory, it has seldom been implemented because of opposition from clan elders and male-dominated political structures. Inadequate monitoring and accountability systems diminish the efficacy of these measures.

5. Exploring Women's Political Participation in Post-Conflict Somalia (2012-2021)

The Provisional Constitution (2012) offers a theoretical basis for equality at the national level, ensuring that women have equal opportunities in all areas of their lives, including their political engagement. However, in practice, these constitutional provisions are primarily unenforced. Despite the implementation of a 30% quota to increase female representation, this has not led to significant participation. It has been used to satisfy international observers, while maintaining a “glass ceiling” for women’s political advancement. The inefficiency exhibited by these quotas has been demonstrated by the decreased female representation in parliament during the 2022 election, which was due to the lack of institutionalization of legally binding mechanisms [38].

The obstacles that Somali women face in politics are exacerbated by cultural and economic barriers. Gender stereotypes and societal norms highlight women as caregivers, which restricts their perceived leadership roles. Furthermore, economic disparities are significant as the financial costs of participating in elections deter many women. Somalia’s political parties are fragmented, exacerbating structural inequalities through insufficient support from candidates. Consequently, most women are forced to run independently, further reducing their political influence [11].

The study found that the political development of women’s participation in Somalia from 2012 to 2021 is characterized by three crucial phases, each marked by changing gender dynamics and evolving political processes. The challenges and gradual progress that women have achieved within the framework of Somalia’s post-conflict reconstruction and transition to a federal government manifest in the critical phases of 2012-2017, 2017-2021, and 2021-present day. The period from 2012 was of particular significance as it marked the country’s transition from a prolonged conflict to a federal system under the new provisional constitution. In this phase, the Garowe Principles were implemented, which established a 30% quota for women in political offices and included a formal commitment to inclusion. Despite ongoing resistance from male political elites and clan leaders, the gender quota system was implemented between 2017 and 2021. The struggle for gender equality in Somalia’s political processes continues and is marked by structural constraints and an evolving legal framework that advocates women’s rights and political participation. Each phase represents a crucial turning point in the protracted struggle for gender justice, marked by continuous challenges, setbacks, and progress.

5.1. 2012-2017: The Promise of Gender Justice and the Transition

The transition of Somalia from decades of civil war to a federal government struc-

ture was illustrated in the first phase, which lasted from 2012-2017. The Garowe Principles implemented after the establishment of the Somali Federal Government (FGS) guaranteed 30% representation of women in political offices. Nevertheless, the 2012 parliamentary elections, conducted through an indirect clan-based electoral system, did not fulfil this promise regarding women's representation. While the initial seat allocation was set at 14% for women, the absence of a legally binding quota in the constitution meant that women were heavily reliant on political negotiations with clan elders and male elites, who held power in the selection process. Despite these setbacks, the period represented a significant advancement in the institutionalization of women's political participation, particularly through the support of civil society and international organizations. Somalia's national gender policy of 2016 was critical, as it emphasized the relevance of women's participation in peacebuilding and decision-making processes; however, the implementation of these frameworks was inconsistent. This contributed to a significant increase in women's political participation, with the proportion of women in both chambers of Parliament increasing to 24%. The 2016 peak (24%) resulted from temporary international pressure and a temporary 30% quota (non-institutionalized quotas). Unlike Rwanda, where the 2003 Constitution enforces quotas via electoral commission oversight, Somalia's clan-based system allows elders to bypass quotas [41]. Uganda's 30% reservation for women in local councils succeeded by partnering with cultural leaders [42]; Somalia's equivalent (*e.g.*, the National Gender Policy) lacks such alliances [43]. This significant change highlights the potential for substantial shifts when systemic obstacles were addressed.

5.2. 2017-2021: Political Dynamics and Implementation Barriers

Between 2017 and 2021, significant efforts were made to institutionalize gender equality in Somalia's political structure, although these efforts were met with varying degrees of success. The electoral system, which still relies on a clan-based electoral process, poses obstacles to women's representation. However, the success of the 2017 elections was hindered by persistent obstacles such as the continued dominance of male elites and clan elders over central political processes. The Somali Women's Charter, adopted in 2019, emphasizes the necessity of a 50% quota for women in all public institutions, reflecting a broader call for gender justice [44]. The structural obstacles that hindered the political empowerment of women were highlighted by the government's failure to fully achieve gender parity in the 2020-2021 elections, despite existing legal frameworks such as the 2020 electoral law.

5.3. 2021-Present: Ongoing Structural Barriers and Legal Advancements

The most recent period, from 2021 to the present, is characterized by the ongoing efforts of civil society and women's movements to promote political participation, despite persistent obstacles. The 2020 electoral law, which formally obligated po-

litical parties to nominate women as candidates and aimed to transition the country to universal suffrage, signalled improvements to the political environment in Somalia. However, political and institutional barriers are prevalent. The promise of a 30% quota for women has been difficult because of the lack of binding legal frameworks and continued influence of male-dominated clan structures. The 2020 Electoral Law's failure to enforce quotas was deliberate; a former MP revealed, "*They removed binding language during closed-door negotiations with elders*" [45]. Women's representation in the House of the People was approximately 20%, declining from 24% in 2016. Despite these challenges, continued advocacy for gender parity, as seen in the Somali Women's Charter and other policy frameworks, reflects the enduring struggle for equality in political space [44]. The current situation highlights both the progress made in embedding gender equality principles in legal texts and the deep-rooted societal barriers that women must overcome to secure equal representation in the political process.

Despite substantial gains in women's political participation, Somali female leaders face the entrenched structural barriers that undermine their impact. For instance, interview responses revealed a disturbing pattern of clan-based exclusion, with 72% of female MPs (n = 18) reporting that clan elders systematically blocked their committee assignments [46]. As the former female MP explains, *the federal member state administration managed the 2021/2022 election and secured seats for whomever they wanted...no guidelines protected women's seats*' [45]. This manipulation manifests in seat reallocation tactics, where quota seats are abruptly changed to males during the 2022 elections, despite prior agreement. This aligns with findings from other contexts in which political elites resist quota reforms through various strategies, including false universalism, appeals to male power, and gender-based leadership norms [47]. 72% of female MPs (n = 18) reported clan elders blocking committee assignments. Illustratively, one Puntland female MP noted, "*My seat was reclassified for a male cousin days after the quota was announced*" [48]. This reflects systemic sabotage; as one civil society leader stated, "*Quotas are chess pieces for clan bargaining*" [49]. The cultural dimension proves equally prohibitive, with one CSOs representative noting, "*Somali culture is stronger than religion... There is a perception that boys are better at representation*" [50]. These narratives reveal how clan governance structures actively subvert constitutional guarantees through three mechanisms: 1) arbitrary reclassification of reserved seats, 2) male-dominated candidate selection processes, and 3) social stigmatization of female leadership.

Women's Representation in the Somali Federal Parliament (2012, 2016, 2021-2022)

Figure 1 shows women's representation in the Somali Federal Parliament in 2012, 2016, and 2021-2022. It compares the number of seats and female MPs for each Federal Member State, as well as a line chart to show the percentage of female MPs over the years.

The 2016 peak (24%) coincided with the UN/EU monitoring and advocacy ef-

forts, whereas the 2021 decline (20%) occurred after the donor focus shifted to security [43]. Clan elders reasserted controls, for example, in Hirshabelle, where women’s seats dropped from 10 to 5 (Table 1). The Provisional Constitution’s gender equality clauses (Articles 11, 22) lack enforcement, allowing elders to weaponize “customary law” (xeer) [51]. For example, the 2021 Electoral Law’s quota was rendered inert by delegating its implementation to clan-dominated state indirect oral teams (SIETs) [45]. Again, clans comply superficially (*e.g.*, appointing token women) but exclude them from leadership. Only 2/14 parliamentary committees were chaired by women in 2021 [52].

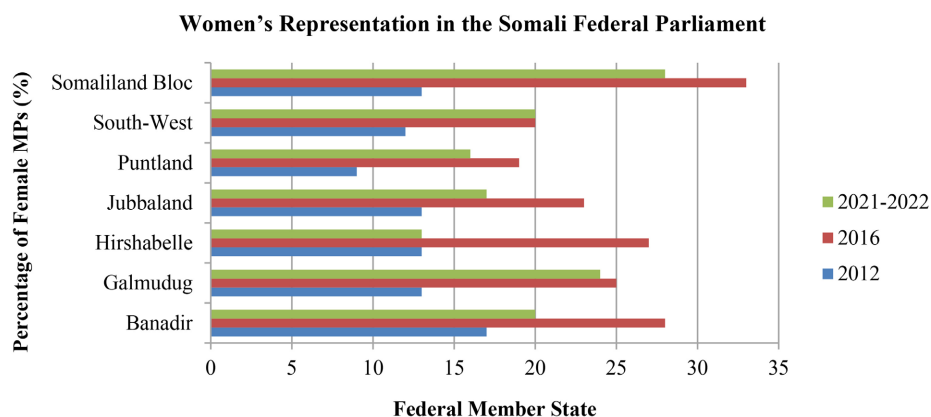


Figure 1. Percentage of women in the Somali federal parliament by region.

Table 1. Women’s representation in the Somali federal parliament across electoral cycles (2012, 2016, and 2021-2022).

Federal Member State	2012: Number of Seats	2012: Female MPs	2012: % Female MPs	2016: Number of Seats	2016: Female MPs	2016: % Female MPs	2021-2022: Number of Seats	2021-2022: Female MPs	2021-2022: % Female MPs
Banadir	6	1	17%	7	2	28%	5	1	20%
Galmudug	30	4	13%	36	9	25%	37	9	24%
Hirshabelle	32	4	13%	37	10	27%	38	5	13%
Jubbaland	39	5	13%	43	10	23%	46	8	17%
Puntland	32	3	9%	37	7	19%	37	6	16%
South-West	60	7	12%	69	14	20%	66	13	20%
Somaliland Bloc	46	6	13%	46	15	33%	46	13	28%
Total	245	30	14%	275	67	24%	275	54	20%

Despite constitutional guarantees and international commitments, Somalia’s post-conflict governance system perpetuates the illusion of gender equality through performative compliance with quotas, while maintaining patriarchal exclusion. The fluctuating representation of women—14% (2012), 24% (2016), and 20% (2021)—demonstrates the precarity of quotas unenforced by legal mechanisms. Clan elders, who control candidate selection under the 4.5 power-sharing system, systematically sideline women by reclassifying reserved seats or demanding bribes

[43] [53]. This aligns with global patterns in which hybrid governance systems co-opt gender reforms to appease donors without redistributing power [11] [42]. For example, the literature reveals how clan elites manipulate quotas: 67% of female MPs (n = 18) reported that elders demanded bribes for endorsements [54], while in Jubbaland, seats were traded to secure international aid [55]. This aligns with Badibanga's (2022) finding that quotas become "patronage tokens" in hybrid regimes [38]. A Somaliland MP summarized, "*They give us seats but silence our votes*" [56]. Gender quotas in hybrid political order's function both as emancipatory tools and containment mechanisms. While the 30% quota temporarily increased descriptive representation, clan elders' control over candidate selection (reported by 72% of interviewed MPs) created a glass ceiling that prevented substantive policy influence [56] [57]. Clan elites repurpose gender quotas as patronage tools, appointing loyalist women to secure donor funding while excluding critical voices [58], "*They select daughters who will not challenge them.*" This validates Krook's theory of "empty empowerment" in patronage-based systems [59].

The period 2012-2017 began with constitutional promises but delivered minimal gains, as women secured just 14% of parliamentary seats in 2012, far below the 30% quota aspiration. The Garowe Principles' commitment to inclusion was undermined by clan elders, who controlled candidate nominations [60]. From 2017-2021, representation rose to 24%, reflecting international pressure during election processes, yet regional disparities persisted (9% in Puntland vs. 33% in Somaliland Bloc). This progress proved fragile, as the 2021 elections saw backsliding to 20% nationally, with Hirshabelle experiencing a 14-point decline (from 27% to 13%). These fluctuations reveal the vulnerability of the quota system to political bargaining, in which women's seats are sacrificed during clan power negotiations [61]. Regional disparities revealed clan instrumentalization. Somaliland reached a 33% representation in 2016 through civil society pressure [62], and Puntland and Hirshabelle regressed to 16% and 13%, respectively (Table 1). These variations reflect clan leaders' tactical concessions rather than genuine inclusion [3]. The Somali Women's Charter (2019) demands 50% quotas; however, its non-adoption by most states exemplifies resistance.

Figure 1 shows that while the quota target remained constant at 30%, the actual representation fluctuated significantly, peaking at 24% in 2016, before declining again. These observations indicate critical moments that impacted women's representation in post-conflict Somalia, such as clan elders vetoing female candidates and weakening legal frameworks.

The dissonance between legal frameworks and lived realities emerged starkly in respondents' accounts. For example, while Somalia's Provisional Constitution mandates gender equality, one of the 2022 female parliamentary candidates for the Somaliland region reflected on cultural resistance, "*the optics are that when people see an MP or president, they see a man*" [62]. For instance, 72% of female MPs reported clan elders blocking committee assignments [62] revealing how informal institutions sabotage formal rights. The Inter-Parliamentary Union notes that So-

malia's 20% representation in 2021 lags behind the global average (26.1%), underscoring the gap between legal frameworks and reality [63]. The international community's role is paradoxical. While donor pressure temporarily boosted representation to 24% in 2016, 60% of gender programs focused on symbolic representation rather than capacity-building [64]. The non-ratification of the CEDAW and Maputo protocols reflects elite resistance to binding commitments [64]. As one MP noted, "*Quotas are chess pieces for clan bargaining*" [65], highlighting how international norms are instrumentalized without structural change. This implementation crisis creates a paradox in which women achieve nominal inclusion through quotas yet remain excluded from security and fiscal decision-making—what a former 2016 female parliamentary termed "an obstacle course disguised as democracy" [66]. The testimonies collectively underscore how clan patrimony, institutional neglect, and performative international aid sustain what is described as "*elections without choice*" for Somali women.

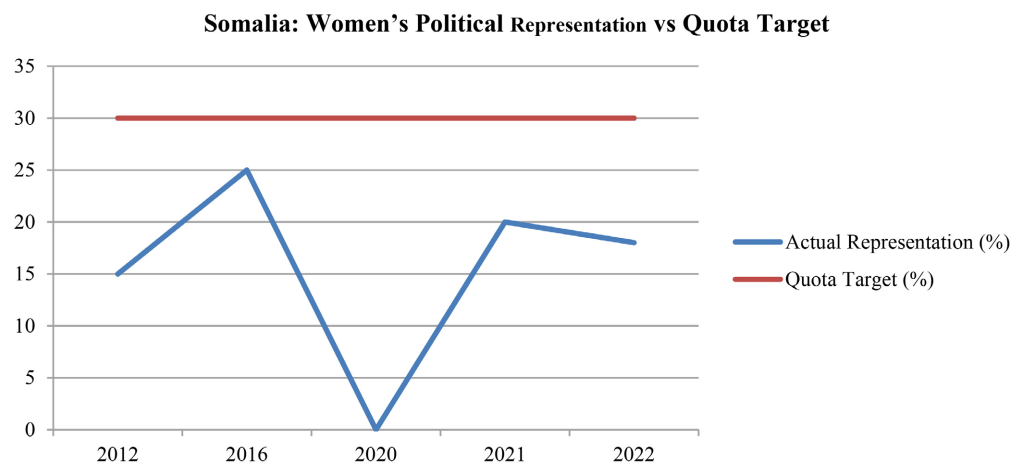


Figure 1. Women's representation vs. Clan control (2012-2022).

Economic gatekeeping further marginalizes women. Male elites rely on clan networks for campaign financing, whereas women sell assets to cover registration fees [67]. The 2021 electoral law doubled the fees to \$10,000, exacerbating the disparities [5]. This mirrors the finding that financial barriers disproportionately exclude women from patriarchal systems [68]. Additionally, sexual harassment in parliament, as reported by younger MPs, goes unpunished despite constitutional protection [69] [64].

Despite systemic barriers, Somali women exploited the cracks in the hybrid system. The Puntland Women's Parliamentary Caucus successfully invoked *xeer* (customary law) and Islamic jurisprudence to pass the 2018 Sexual Offenses Act, criminalizing rape [20]. However, gains are often reversed when international attention wanes, as evidenced by the law's uneven enforcement [4].

Somaliland's relative progress (28% representation in 2021) offers several lesson-binding 20% party quotas secured through the Nagaad Network's alliance with Guurti (clan councils), demonstrating how feminist movements can navigate

hybridity [58]. However, this required conceding to clan authority, highlighting the paradox of “feminist pragmatism” in illiberal contexts [57]. To dismantle this illusion, Somalia should consider institutionalizing quotas with sanctions (*e.g.*, Rwanda’s zipper system), criminalize clan vetoes, and tie aid to verifiable outcomes (*e.g.*, 30% committee leadership). As Tripp emphasizes, post-conflict states often regress without disrupting informal power [11]. Until Somalia confronts clan hegemony, gender equality remains a mirage.

6. Alternative Strategies

6.1. Strengthening Institutional Frameworks

To transcend performative inclusion, Somalia’s Federal Government must implement robust institutional mechanisms that enforce, rather than merely encouraging, gender parity. Constitutional amendments should mandate a zipper system for all electoral lists, requiring parties to alternate male and female candidates in sequence—a proven model that increased Rwanda’s female parliamentary representation to 61% post-2003 [11]. Electoral commissions require statutory authority to disqualify non-compliant lists, as has been practiced by Senegal’s Autonomous National Electoral Commission since 2010 [68]. Parallel strategies should consider establishing an independent Gender Equity Fund, allocating 30% of national election budgets specifically for women’s campaigns, administered through transparent blockchain platforms to prevent clan-based misappropriation [68]. Crucially, annual gender audits of parliamentary committees should be instituted, with findings tied to budget approvals, a mechanism that boosted Kenyan women’s committee leadership from 12% to 34% between 2017-2022 [70]. As one former MP emphasized during interviews: “*Laws without sanctions are merely suggestions—we need electoral commissions empowered to deregister recalcitrant parties*” [71].

6.2. Transforming Clan Structures from Within

The anthropological reality of Somali politics demands innovative clan engagement strategies that go beyond Western feminist templates. Each Federal Member State should consider establishing Clan Gender Councils comprising equal representation of female leaders and respected elders, modelled after Puntland’s successful 2018 alliance that secured the passage of the Sexual Offenses Bill through xeer-compliant negotiations [20]. Development partners must restructure aid conditionality; for instance, development aid support could prioritize districts achieving verifiable benchmarks, such as 30% female council membership or the establishment of women’s shirs (traditional assemblies). Simultaneously, intensive training programs should prepare female mediators in customary law arbitration, building on Nagaad Network’s Somaliland initiative that placed 42 women in clan reconciliation roles by 2021 [58].

6.3. Reforming Political Parties

Political parties constitute primary gatekeepers who require structural overhaul.

Legislation mandates not only candidate quotas but also internal party democracy, requiring verifiable elections for 30% of all executive positions, monitored by biometric voter registration to prevent proxy voting (as implemented by Tanzania's CCM party since 2015). Women's wings require substantive authority beyond ceremonial roles, including veto power over candidate nominations and dedicated funding streams of party budgets, a reform that increased female policy influence on South Africa's ANC by 40% [72]. Civil society organizations should publish quarterly Gender Accountability Scorecards evaluating parties on concrete metrics: the percentage of female-authored bills, committee leadership roles, and constituency development funds allocated to women's initiatives. The former MP interviewee's critique encapsulates the challenge: "*We comprise 50% of party membership but 0% of decision-making bodies—this is not inclusion but exploitation*" [48].

6.4. International Community Accountability

Donor communities should consider reconfiguring their approach to gender programming in Somalia. Rather than funding awareness campaigns (which constitute a large portion of current gender interventions (per OECD 2023, Somalia) or focus on increasing representative numbers or female participant attendance during training, bilateral agreements should tie governance aid to substantive outcomes: women chairing at least three key parliamentary committees, drafting 25% of all bills, or securing 30% of federal budget oversight positions [57]. Although not specific to Somalia, research on women's representation in political and leadership roles offers some relevant perspectives. Studies have shown that simply increasing the number of women in decision-making bodies does not necessarily lead to an improved substantive representation of women's interests. For example, as a Jubbaland elder admitted, "*We will only yield seats if aid is tied to it*" [73], underscoring the need for conditional and targeted funding. The findings suggest that while increasing women's representation in key positions is important, it may not be sufficient on its own to achieve substantive gender equality outcomes. Any approach to gender programming should consider the complex interplay of institutional, cultural, and political factors that influences women's ability to change leadership roles. For example, the African Union's Gender Monitoring Mechanism, deployed in Somalia since 2022, provides a template for tracking the real influence beyond numerical presence [74]. Concurrently, international partners should support Regional Women's Legislative Academies by offering capacity building in statutory drafting, public finance management, and clan negotiation, addressing the crisis where only 1.1% of Somali MPs possess legislative drafting skills [75].

6.5. Legal & Constitutional Overhauls

Somalia's legal architecture requires comprehensive gender mainstreaming. Immediate ratification of the CEDAW and Maputo Protocol must be pursued without customary reservations that neuter enforcement mechanisms. Electoral laws

should sanction clan vetoes over women’s candidacies through specific provisions penalizing elder councils that reject qualified female nominees—a reform Kenya implemented through its 2017 Election Offenses Act [70]. The Somalian Parliament must consider establishing a Gender Legislation Caucus with statutory authority to review all bills for compliance with constitutional equality provisions. These systemic interventions should be reinforced by a National Women’s Political Act, a cross-clan alliance of female leaders co-drafting reform legislation, building on Somaliland’s 2022 initiative [70]. As one CSOs interview activist asserted, “*The architecture of exclusion is elaborate—our solutions must be equally comprehensive and uncompromising*” [76].

Substantive equality demands more than numerical benchmarks; it requires dismantling the political economy of the clan patronage. Legislative reforms must transition quotas from aspirational targets to binding requirements with sanctions for non-compliance. International actors should condition aid in verifiable improvements in women’s policymaking influence, not just in seat count. Recently, Somalia’s gender paradox has mirrored broader post-conflict dilemmas: constitutions may promise equality, but only the disruption of informal power networks can make this material. Until the state confronts clan hegemony directly, women’s political participation remains performative, a mirage of inclusion masking systemic exclusion. The path forward lies not in new laws, but in the enforced dismantling of barriers that render existing ones inert.

7. Conclusions

This study exposes the stark dissonance between Somalia’s legal commitments to gender equality and the lived reality of women’s political exclusion. While constitutional provisions and quota systems project an image of progress, they function as facades that obscure the entrenched patriarchal resistance. The hybrid governance system—wedding modern institutions and clan-based power structures—has weaponized the legal ambiguity to marginalize women systematically. International frameworks remain neutered by the non-ratification of the CEDAW and Maputo Protocol, whereas domestic laws lack enforcement teeth. The 30% gender quota, divorced from accountability mechanisms, serves as a concession to international donors rather than a genuine redistributive tool. As clan elders continue to monopolize candidate selection, women’s representation fluctuates precariously, revealing the fragility of rights unanchored in structural change. This study’s intersectional analysis reveals the dialectical tension between Somalia’s formal gender equality framework and its patriarchal political economy, exposing how clan-based hybrid governance structures systematically reproduce women’s political marginalization despite progressive legal reforms.

This study makes four key contributions to feminist political economy literature. First, it advances the concept of clan instrumentalization, the process whereby patriarchal elites appropriate gender reforms to consolidate power while resisting structural change. Second, it provides empirical evidence that challenges the linear

transition assumptions in the post-conflict gender governance literature. Third, it demonstrates how Somalia's legal pluralism creates unique opportunities for feminist resistance through its strategic engagement with xeer systems. Fourth, it develops a diagnostic framework for distinguishing substantive from performative representations in hybrid political order.

Conflicts of Interest

The authors declare no conflicts of interest.

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