

# PILLARS OF PEACE

## Somali Programme

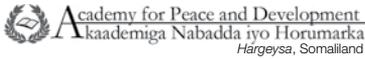


## A Vote for Peace II

**A Report on the 2010 Somaliland  
Presidential Election Process**

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Presidential Election Process**



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## Abbreviations and Acronyms

APD	Academy for Peace and Development
AVU	Audio-Visual Unit
CHD	Centre for Humanitarian Dialogue
CSOs	Civil Society Organisations
EMB	Electoral Monitoring Body
EMC	Electoral Monitoring Committee
FOPAG	Forum for Peace and Governance
ICU	Islamic Court Union
Interpeace	International Peacebuilding Alliance
IRI	International Republican Institute
ISG	Independent Scholars Group
MP	Member of Parliament
NAGAAD	The Network for Women's Organisations
NEC	National Electoral Commission
NGOs	Non-governmental Organizations
NPGM	National Programme Group Meeting
PMT	Project Management Team
UCID	Justice and Welfare Party ( <i>Ururka Cadaaladda iyo Daryeelka</i> )
UDUB	United Democratic Party ( <i>Ururka Domuqraadiga Ummadaha Bahoobay</i> )
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
RAC	Registration of Associations Committee
SFUK	Somaliland Focus UK
SOLJA	Somaliland Journalist Associations
SONSAF	Somaliland Non State Actors Forum
SONYO	Somaliland National Youth Organization
SORADI	Social Research and Development Institute
SSC	Sool, Sanaag and Cayn
SSJW	Somaliland Society for Journalist and Writers
VOA	Voice of America



## Executive Summary

On 26 June 2010, the people of Somaliland went to the polls to elect a new president for the second time since declaring independence. The incumbent President Daahir Rayaale Kaahin lost to the main opposition candidate Axmed Maxamed Maxamuud Siilaanyo in an election considered credible by local and international observers, which was followed by a peaceful transfer of power to an extent rarely seen in African politics.

For a political and economically fragile state only recently having re-established autonomous governance and beginning the reconstruction process after a significant period of marginalisation and wartime destruction, the consolidation of a democratic electoral process was not without challenges. The ill-defined relationships between branches of government and the relatively untested nature of a newly adopted constitution created opportunities for those with vested interests in certain political outcomes to pursue these interests by circumventing or distorting bureaucratic mechanisms.

Clashes over numerous issues occurred, ranging from the extension of both the *Guurti* (House of Elders/Upper Chamber) and the President's terms of office, the formation of a new electoral commission, and the nullification of

the voter registry, all of which led to four successive postponements of the Presidential Election. It was a time in which political uncertainty over the democratic future of Somaliland was palpable.

Ultimately, though, the will of the Somaliland population for a continuation of its country's democratic consolidation and progression, coupled with intense international pressure (and conditional funding), led to a series of last minute deals that culminated in the holding of elections in 2010. Preventing the above-mentioned disagreements from spiralling out of control were key interventions on the part of many within and outside the governmental fold in the form of public forums, consultative meetings, support for the National Electoral Commission (NEC), and "behind-the-scenes" mediation exercises. Such

interventions absorbed and redirected frustrations around the handling of the political process in ways that allowed for compromise and which led to the ultimate settlement of most major outstanding points of contention. The Academy for Peace and Development (APD), with the support of Interpeace, played a major part in implementing these various forms of reconciliation and accommodation procedures.

APD's ability to perform the role of mediator stemmed from both its ability to provide a neutral space in which all views and ideas could be aired freely and objectively, as well as its deep, bipartisan connections with most levels and segments of Somaliland society—including ministers, legislators, international agencies, political party leadership, traditional elders, women and youth groups, and other civil society organisations. In an environment where mistrust and fear surrounding the outcomes of the development of institutional mechanisms for political contestation are pervasive, having such a neutral body with the ability to bring all main stakeholders to the table to discuss issues of mutual concern is of paramount importance to the peaceful resolution of disputes.

During the decision-making processes related to the length of the mandates of the presidency and *Guurti*, the formation

of a new NEC, the implementation of voter registration, and the conducting of the actual voting for the 2010 elections, the Academy conducted a variety of civic education campaigns, consultative meetings, technical support projects and other behind-the-scenes activities that served to make these exercises more transparent and less confrontational. Through holding public forums, APD was able to bring in experts and interested parties to clarify and work out the details of Somaliland's democratisation advancement. In addition, such public forums intended to generate public support, explore and resolve challenges and reconcile differences in the areas of voter registration, the criteria for citizenship, the stipulations of the Somaliland Constitution, the details of the Media Law, and the problem of political cohabitation. This was accompanied by a mapping exercise conducted by APD as part of its Pillars of Peace Programme in which a broad cross-section of Somaliland society from all of its six official regions were able to discuss the state of political pluralism within the country, and prospects for the future.

Overlapping influence, political alliances and competing agendas between the Executive, House of Representatives, *Guurti*, Supreme Court and the NEC prevented internal mechanisms of checks and balances from resolving

contestations over electoral preparations and implementation on their own. Government institutions therefore had to be supplemented and reinforced by ad-hoc interventions on the part of actors such as APD to make sure that the necessary technical and political preconditions for credible and timely elections were put in place. Through consultative meetings, behind-the-scenes negotiations, shuttle-diplomacy and intensive lobbying of political actors on the part of the Academy, many of the political deadlocks that threatened to derail the election process were overcome.

With regard to the passing of the Voter Registration Act, this meant putting constant pressure on the two Houses of the legislature to move forward with its ratification so as to guarantee its inclusion in the election process in a way that would not delay the election itself. This, plus further lobbying to make sure that the stipulations of the Act were as conducive as possible to fair voting, not only addressed the competing concerns of the incumbent presidency and the opposition parties by fostering a compromise, but also ensured that ambiguities within the original act were clarified to make voting fraud less likely.

During the period leading up to the eventual 2010 elections, mistrust compounded mistrust to the point that

intransigence on one particular issue reflected less a strong stance towards a specific position, than a desire to gain the upper hand in the larger competition between political factions that plagued the entire development of the electoral framework. Such was the case with the formation of the second NEC, in which APD identified and coordinated a committee of nine mediators to engender compromise over the nomination and confirmation of new appointees to its leadership that had caused such controversy so as to threaten to derail the entire electoral process.

A similar situation unfolded during two sets of negotiations over the timeline for the election, where a manipulation of different bylaws by both parties to suit their own interests and the unilateral extension of the *Guurti's* mandate by the president both endangered the prospects of the election being held at all. Once the latter was compounded by the threat of a reciprocal extension of the president's mandate, tensions ran so high that talk amongst the opposition of establishing a parallel government in defiance was a distinct possibility. It was only through a consensus-based agreement and successful negotiation over the electoral timeline fostered by intensive behind-the-scenes negotiation on the part of APD and the NEC that the voting procedures were eventually carried forward.

Securing an agreement to hold the election was only the beginning of APD's work. Implementation proved to be a just as crucial and labour-intensive part of the process. Civil education among the voting populous is a vital element of the electoral process in any nation, but especially so in ones in the early stages of democratisation. As such, the Academy engaged in creating an education manual for voter registration; served as a member of the Civil Society Advisory Group that assisted the NEC in its voter education campaign; conducted media training on how to objectively report electoral activities; and assisted other NGOs in internationally-funded sensitisation and public awareness campaigns throughout the country, especially those specifically targeting disadvantaged groups such as women, youth and minorities.

Eventually, with the exception of a few instances of confrontation between political parties, the voter registration and campaigning period went off successfully and the elections were held, with the newly elected *Kulmiye* party candidate being sworn in on 2 July 2010 in an event organised by APD. Looking back at the process in its entirety, many lessons can be drawn.

First, the importance of inclusive consultative processes for resolving political impasses is of paramount

importance, and is a strong weapon in a society like Somaliland where tradition of such mechanisms have become an ingrained aspect of its traditional heritage. That said, these mechanisms need to be supplemented by institutionalised methods of conflict resolution based on established parliamentary and judicial procedures that have more staying power and enforcement potential better in tune with the modern political structure of a democratic nation-state. The balance of power between and within branches of government is also a crucial factor in determining the degree with which political confrontations can escalate. If parties to a disagreement do not see governmental institutions as willing to take their interests into account—either due to corruption or outside influence—they will seek other means outside the formal governmental structure that can eventually undermine the authority and functioning of the state itself.

Strong leadership within institutions and vibrant competition among political parties are further necessities for a healthy democracy in Somaliland. It was when the National Electoral Commission was at its weakest and most vulnerable to political manipulation that the prospects of a successful, credible election were most precarious. Once a NEC with the integrity to isolate itself from outside influence was put into place, the various

political actors lost a great deal of their institutional leverage, and the election began to move forward again as planned. Although the best institutional set-up for creating a political party pool that best reflects the demands of the population is still open for debate, what is clear from the Somaliland experience is that the strength and legitimacy of the opposition is a mandatory precondition for creating political change in a democratic setting.

International intervention into the electoral process achieved mixed results. On the positive side, the requirement that the continued provision of funding to Somaliland was contingent upon having the consent of all three political parties in key elements of the electoral process limited the ability of the President to proceed with the timeline in ways unfairly advantageous to his own prospects for re-election. At the same time, the growing external financial support for elections made Somaliland's electoral process vulnerable to outside forces, thereby turning it into an externally-driven endeavour in which Somalilanders had less control. In the end, though, international intervention in

this instance was based on a genuine attempt to balance the need for indigenous ownership and legitimacy with a desire to obstruct any forces or political developments that threatened to derail the process. The latter motivation proved important during the crisis surrounding the *Guurti's* extension of the President's mandate, when strong diplomatic negotiations on the part of Britain and Ethiopia helped foster an agreement that eventually ensured the electoral process was put back on track.

All told, the outcome of the electoral process was a victory for all Somalilanders. The electorate proved its ability to change leadership through the ballot box in ways that reflected their political dissatisfaction, and the opposition proved it could run a campaign good enough to defeat the incumbent President. Both defeated candidates conceded the election gracefully and peacefully, thereby facilitating a peaceful transfer of power. Such an outcome brings hope that, once these precedents are engrained and enhanced by a strengthening of the various government institutions, future elections will take place much more smoothly.



# 1. INTRODUCTION

The people of Somaliland went to the poll on 26 June 2010 for the second time in seven years to elect a new President. The candidate of the main opposition party Axmed Maxamed Maxamuud Siilaanyo won the election after defeating the incumbent President Daahir Rayaale Kaahin, in an election that was largely credible, a rarity in the African Region<sup>1</sup>. One month after the Presidential Election, Somaliland witnessed a peaceful democratic transition of power, a political milestone and further consolidation of the democratisation and state building process.

For Somaliland, this pivotal election was challenging as trust between the political parties waned as a result of delays in the democratisation process, prompting every aspect of the election to be contested. It endured numerous political conflicts and several postponements that cast doubt on the electoral process and Somaliland's relative stability.

The stakes of this election cycle were very high for both demonstrating the continued democratic evolution in Somaliland, and for progressing towards meeting democratic standards which could be recognised and supported by the international community. Every stage of the pre-election phase was

highly contested by the political parties and the process was heavily scrutinised by all stakeholders. The President and the House of Representatives (in which the opposition held the overall majority) appeared to use every opportunity to ensure their rivals did not gain any slight advantage, whether real or perceived; as a result, the electoral process was marred by constant political deadlocks and tension.

This polarised political environment was a legacy from previous elections which were close, and won only by a very narrow margin. The previous Presidential Election in 2003 had been decided by only 80 votes – less than 0.01% of the

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<sup>1</sup> Elections results in Rwanda, Sudan, Ethiopia, Djibouti, Kenya and Uganda have been contentious with the incumbents winning amidst allegations of fraud.

total number of votes cast – though the losing parties had managed collectively to achieve an absolute majority of 58% of the vote. In light of this close result, there were hopes that the political leaders, and particularly the President, would forge a government of national unity. This did not happen and it is suspected by many that this polarised the political context yet further.

After being denied decision-making capacity for two and a half years, the opposition political parties were able to produce an elected working majority in the legislative elections of 2005. In this legislative election, none of the parties secured an overall majority in their own right, though the opposition was able to produce a combined majority of 49 seats out of 82. The two opposition parties, *Kulmiye* and *UCID*, shared the three top positions of the House leadership, with a Member of Parliament (MP) as Speaker of the House and *Kulmiye* MPs as the First and Second Deputies. Both sides, the President and the opposition-controlled House of Representatives, were often confrontational and engaged continuously in political posturing.

Clashes over numerous issues occurred, ranging from the extension of the

*Guurti's* and the President's mandates, the formation of a new Electoral Commission, and the nullification of the voter registry, all of which led to four successive postponements of the Presidential Election and continued political uncertainty<sup>2</sup>.

There was intense pressure from both within Somaliland and among the international community for a successful electoral process, not least because the international community had invested millions of dollars into the development of a complex voter registration exercise. The failure to hold the election would have had dire consequences for Somaliland's political stability and credibility on the international stage, particularly in relation to its quest for international recognition as an autonomous independent state.

A series of last-minute deals, brokered by Somalilanders and the international community, culminating on 25 September 2009 in a six point agreement (see *appendix 2*) brokered by British and Ethiopian delegations, led to an agreement among key stakeholders' to give the election process another chance. This agreement was endorsed by the *Guurti* which ensured the successful completion of the electoral process.

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<sup>2</sup> In September 2009 leading to public unrest that caused the death of four people.

## 1.1 Partners in Peace-building

In the run up to Somaliland's parliamentary elections<sup>3</sup>, Interpeace and its local partner, the Academy for Peace and Development (APD), had the opportunity to work with the country's National Electoral Commission (NEC) in laying the groundwork for a credible election. Over the years, APD has had a deep and widely respected involvement in Somaliland's nascent democratisation process: from bringing the government and opposition together in a public debate before the ground breaking 2001 constitutional referendum to hosting consultations on a vital Code of Conduct for the local elections in 2002 and providing domestic observation teams and training for party agents in the run up to the Presidential Election.

In November 2006, a joint Interpeace/APD National Project Group Meeting held in *Hargeysa* brought together more than 80 delegates from the six regions of Somaliland representing the central and local government, the Houses of Parliament, civil society organisations, and other concerned groups, to review the work and products of Interpeace/APD's involvement in parliamentary elections. In light of the organisations' effective work and the looming election

cycle, delegates urged Interpeace/APD to continue their engagement with the electoral process.

The overall purpose of APD's intervention was to assist the NEC, the Somaliland Government, political parties, and other national and local actors in ensuring that the elections would be held in a manner that would be considered as credible, transparent and peaceful by international standards. The specific objectives of APD and Interpeace's support through the Dialogue for Peace programme included:<sup>4</sup>

- *Holding the elections with the least possible delay.* Both the opposition parties and members of the public had expressed concern about continued delays in the electoral process. The Dialogue for Peace programme provided a forum for the public and other concerned groups to maintain pressure on the government, the parliament, the NEC, and the political parties to keep the process on track;
- *Improving the legal environment of the electoral process.* The Dialogue for Peace programme provided technical and legal assistance to the Somaliland Parliament to review

<sup>3</sup> For more detailed information on this collaboration see APD/ Interpeace, *A Vote for Peace: How Somaliland Successfully Hosted its First Parliamentary Elections in 35 Years*, September 2006.

<sup>4</sup> Dialogue for Peace I continued from 2004 to 2006. Dialogue for Peace II was launched in 2006 and completed in 2008.

and reform the electoral law and procedures in order to ensure a conducive legal environment for the holding of credible elections;

- *Improving the political climate ahead of the elections.* The programme's uniquely neutral and trusted position enabled it to facilitate constructive inter-party dialogue on potentially divisive issues, engaging key groups and institutions in the resolution of any emerging issues that threatened to derail the process;
- *Ensuring the staging of credible and peaceful elections.* By facilitating regular consultations between the NEC, political parties and the government, the Dialogue for Peace programme helped to maintain confidence and order in the run up to the election, and to generate a consensual Code of Conduct to govern the behaviour of competing parties and their supporters during their election campaigns;
- *Broadening awareness, understanding and engagement at all levels.* Through a concerted public awareness campaign and consultations with civic organisations and media institutions, the Dialogue

for Peace sought to help raise public awareness of the importance of the elections, and to encourage the constructive and non-partisan involvement of civic and media organisations.

## 1.2 Background

Since its self-proclaimed independence from the rest of Somalia in 1991, Somaliland made steady progress in peacebuilding, statebuilding and democracy. These processes were laid out in the National Charter, ratified by the delegates of the 1993 Boroomo Grand National Reconciliation Conference, and in the provisional Constitution produced by the 1997 *Hargeysa* National Reconciliation Conference, which was publicly endorsed in a 2001 referendum. Local council elections were held and followed by Presidential Election, whose results were so close that the contesting parties went to the Supreme Court to seek arbitration. Both sides, as well as the electorate, accepted the ruling, which favoured the incumbent President, Daahir Rayaale Kaahin<sup>5</sup>.

The September 2005 legislative elections was considered the final phase of Somaliland's democratisation process, though the House of Elders

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<sup>5</sup> Academy for Peace and Development (APD) and Interpeace, *A Vote for Peace: How Somaliland Successfully Hosted its First Parliamentary Elections in 35 Years*, September 2006.

(*Guurti*) remained unelected (directly or indirectly) and unchanged since 1997. In a controversial move, the *Guurti* in 2006 extended its own term to four years in a manner that damaged its credibility and dented Somaliland's democratic credentials.

After the successful legislative election in September 2005, Somaliland was confronted with another election cycle: local council elections in December 2007 followed by Presidential Election in April 2008. As feared and predicted by observers in light of past experience, these elections did not take place within the scheduled timeframe.

Efforts to move the proces forward continued to face recurring delays as the main political stakeholders failed to reach timely compromises on critical issues in the following two years. The main stumbling blocks were the formulation of a new NEC upon the expiry of the mandate of the old one (on 21 January 2007), and the implementation of a complex voter registration process. The President, the *Guurti*, the House of Representatives and the opposition political parties failed to reach a timely compromise over the formation of the new Electoral Commission. The deadlock over this issue lasted more

than seven months and was resolved only three months before the local elections scheduled to take place in December 2007.

Discussion and negotiation between the NEC and the three political parties, hosted and facilitated by APD in September 2007, led to an agreement to both reschedule the upcoming national elections and the completion of the voter registration exercise by 10 June 2008. In addition, it was agreed that local government elections should be held on 1 July 2008 and Presidential Election on 31 August 2008. Though the timetable was tight and appeared unrealistic, it was the best deal that could be produced between a nascent NEC and the political parties. It was intended to jumpstart the election process, and there were clauses in the agreement that gave the main stakeholders the ability to re-adjust the timeline in the future if required.

This agreement between the political parties and the NEC forced the NEC to get to work. It developed a budget and a work plan, and was able to secure funds from donors. On 12 December 2007, with the mandate of local government due to expire in three days, the *Guurti* extended the local government mandate

(albeit on dubious legal grounds<sup>6</sup>). The model for the voter registration exercise was finalised and the tender issued. This progress was not sufficient, however, to meet the agreed deadlines for the elections, and fresh negotiations were held to set new election timelines.

After this elections timeline had been agreed, the Presidential Election date was in fact postponed twice, with intense internal and external negotiation

efforts required each time to reset the date – first to take place on 29 March 2009, and then again on 27 September 2009. Despite these efforts, the Election was postponed yet again. Against this backdrop, the six-point agreement brokered by members of the international community along with the formation of a new “third” Electoral Commission proved critical to the process and provided the turning point in the electoral process.

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<sup>6</sup> There is nothing in the Somaliland Constitution that gives the *Guurti* power to extend the mandate of local government.

## 2. KEY ISSUES

Numerous political and technical issues constantly impeded and cast doubts on the electoral process. Some of these issues took months to resolve, while others kept recurring. This section elaborates further on these issues.

### 2.1 The Extension of the *Guurti*'s Term

Following the successful House of Representatives elections in September 2005, attention turned to the *Guurti*, with the hope of a new *Guurti* being elected before November 2008. However, an electoral law to govern this process was needed. The Parliament and the government needed to produce this vital piece of legislation, but this proved to be very controversial.

The draft legislation was eventually handed to the House of Representatives by the President after the NEC submitted draft legislation to the President for review. Convincing President Rayaale to submit the bill to the House of Representatives was a long and drawn out affair, but, thanks to the timely and concerted intervention of APD, the President in the end pushed forward with this step of the process, which the House

of Representatives was expected to pass. Since the *Guurti* held the balance of power between the opposition-controlled House of Representatives and the President, each side was keen to create a *Guurti* that was favourable to them. To that end, some members from the opposition parties began to discuss openly the idea of dividing the *Guurti* seats among the three political parties<sup>7</sup>, in line with their share of seats in the House of Representatives.

The President, however, in a pre-emptive move on 6 May 2006 forwarded to the *Guurti* a proposal to extend their mandate by another four years, all of which was done without the prior knowledge of the House leadership. A letter from the Supreme Court that was attached to the proposal stated that the *Guurti* had the authority to extend its own mandate. Both the proposal and the Supreme Court's opinion were read to the *Guurti*

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<sup>7</sup> Namely, *UCID*, *UDUB* and *Kulmiye*.

members, and without debate, they voted to extend their mandate. This decision came as a shock to the entire country. The leadership of the House of Representatives and the opposition parties rejected it immediately, calling it unconstitutional and saying that they would no longer recognise the *Guurti* after its original mandate expired at the end of October 2006.

The self-extension of the *Guurti* adversely affected its credibility in the eyes of the public and pitted the House leadership and the opposition parties against the Executive, the Supreme Court and the *Guurti* itself. The House leadership and the opposition parties claimed that they were not against the extension per se, but were unhappy about the new mandate's length and the manner in which it was granted. They also accused the President of promoting the new mandate as a means of retaining the *Guurti* as a check on the House and as a body that has the power to extend its own mandate without recourse to an election. On the other hand, the President justified his move by arguing that the country was not yet ready for another round of elections, largely because of a lack of funds and election fatigue. He proposed extending the mandate of the *Guurti* so that the next elections would coincide with the House of Representatives elections in 2010. Neither side appeared to be interested

in compromising. The public was not in favour of the four-year extension and many voiced their strong condemnation of the manner in which the decision was made. Tension was running high as the end of the *Guurti*'s original term in August 2006 approached. The overall feeling was that the President and the *Guurti* would get their way, and that the *Guurti* extension was a done deal.

Efforts to resolve this political impasse were made, though they ended inconclusively. Eventually, the talks simply faded away, the tension somehow evaporated and the *Guurti* extension became a reality. But this tacit agreement did not come without a cost as it embroiled the country in a prolonged and unnecessary period of political uncertainty, and denied the electoral process eight valuable months in which to move forward.

## 2.2 Appointing a New National Electoral Commission

The term of the first National Electoral Commission was due to expire on 21 January 2007. In such a polarised political environment, where the distrust between the key stakeholders was so deeply entrenched and the willingness to accommodate competing views and demands so rare, it was commonly expected that the formation of such an important and sensitive body would be much contested.

Firstly, elections loomed large in Somaliland, especially those of the presidential race. Secondly, the perception was that the selection process of the NEC was profoundly biased towards the incumbent President: the President would nominate three members, the *Guurti* – often aligned with the President – would nominate two, and the opposition parties would nominate two. Finally, these nominees were subjected to Lower House confirmation, which was controlled by the opposition. The challenge was, given this complex selection process, how would the diverse stakeholders, each with competing interests, succeed in coming up with a competent, representative commission that was sensitive to gender issues and acceptable to all?

The best hope of overcoming this challenge was through consensus politics, in keeping with Somaliland norms. Unfortunately, this hope was not realised because of the following challenges:<sup>8</sup>

- The nomination by the President and the *Guurti* of five candidates with deep allegiances to themselves without consulting the opposition political parties;
- Complications within the clan composition of the NEC arising from the *UCID* party's nomination;

- The refusal of *Kulmiye* to appoint its candidate;
- The refusal of the Parliament to accept five candidates instead of seven;
- The renewal of the existing NEC by the Parliament;
- The Supreme Court's denial of the renewal of the existing NEC;
- The refusal by the House of the Representatives to appoint the two candidates nominated by the *Guurti*;
- The House of Representatives' dismissal of the two candidates appointed by the *Guurti* for the second time.

Instead, the President, the *Guurti*, the House of Representatives and the opposition parties remained at odds over the formulation of a new NEC, putting the country in another protracted political stalemate and jeopardising the entire electoral process. It took eight months to create a new NEC, through several private mediations and a Supreme Court ruling.

### 2.3 Limiting the Political parties

Article 9 of the Constitution limits the political parties to three and prohibits any party based on religion, regionalism and kinship. Its aim was to promote inter-clan unity and to prevent the proliferation of political parties along clan lines, as had happened in the Somali Republic

<sup>8</sup> Detailed information can be found in section 4.2.

in the run up to the 1969 elections; this provision, however, was and is challenged on constitutional grounds.

Critics have argued that this clause contradicts a principle Article in the Constitution which allows for freedom of association. Moreover, they maintained that Law 14 that governs the process of forming political parties did not help the situation, because this legal framework first allows an unlimited number of political associations to compete in the local elections, as happened in 2002, but only the top three to compete in national elections. Critics argue that this piece of legislation fails to indicate whether this course of action is a one-time process or not. The Parliament failed to amend Law No: 14/2000 of the Political Associations and Parties in order to clarify the legal vagueness since the 2002 local elections. The Constitutional Court refused to adjudicate the case independently and was not solicited by the President for an opinion. The three-party ceiling has been seen by such critics as an infringement of the fundamental freedoms and rights enshrined in the Constitution.

On 5 April 2007, a new political association named *Qaran* was announced, followed by announcements of the establishment of two other associations. Their sole objective was to participate in local council elections originally due to be

held in December 2007, but which were eventually delayed due to the failure of establishing a new NEC. The government and ruling party *UDUB* condemned the announcement of these associations and considered them illegal. *Kulmiye*, the main opposition party, tacitly welcomed these new political groups, whereas the other opposition party *UCID* was not enthusiastic at all. The saga of the emergence of these new associations, which posed tricky political challenges to the government, occupied the country's attention for a period of eight months.

The most prominent of these new political associations was *Qaran*, as it was led by two very well-known politicians: Dr. Mohamed Abdi Gaboose and Eng. Mohamed Hashi Elmi, who both served as ministers within the Egal and Rayaale administrations respectively. As soon as they had announced their association, they began conducting a country-wide campaign to broaden their public support and were surprisingly successful. Their political rallies drew huge crowds, and though nobody knew exactly the level of support this new association was enjoying, it was certainly seen as a threat to the ruling *UDUB* party. The government seemed to believe that it had to act.

The government maintained that *Qaran* was an illegal entity engaged in unlawful

political campaigning and that wanted to challenge the government's authority. Their first counter-measures included writing a warning letter through the Ministry of the Interior, denying them legal sanction through the courts, limiting their movement in the country and using key ministers to campaign against them. The *Qaran* leadership looked unperturbed by this opposition and continued their public campaigns to sell their case. In the process, some in the international community began to lend support to their cause, and met with *Qaran* representatives during their visits to Somaliland<sup>9</sup>, much to the seeming dismay of the government. Another show of the international community's support was setting the participation of *Qaran* and other political associations in local elections as a pre-condition for its funding support to the electoral process. This was something the government could ill afford to lose.

Day by day, the *Qaran* leadership appeared to gain in confidence. *Qaran* and some observers believed it would now be too risky for the government to move on them. Eventually, however, after almost four months in the limelight the top three *Qaran* leaders were arrested on 28 July 2007. *Kulmiye* and the House leadership condemned

the arrests, while the Chairman of the other opposition *UCID* party welcomed it, stating that nobody was above the law. Their detention did not bring about any notable political unrest, but it did damage Somaliland's democratic credentials yet further in the eyes of the international community.

The government went ahead with a criminal trial of the *Qaran* leadership in the regional court, though *Qaran* supporters argued that the dispute was constitutionally based and should be heard by the Constitutional Court. Despite this, the government pressed on with the trial and on 19 August 2007, the three *Qaran* leaders were sentenced to three years and nine months in prison, and were forbidden from standing for public office for a period of five years. The Court found them guilty, among other things, of disturbing the peace, creating an illegal political association, not heeding a warning letter from the Ministry of the Interior, and insulting national leaders such as the President by calling him a former domestic spy for Siyad Barre's regime<sup>10</sup>.

The government refused to heed repeated calls from human rights groups, Somaliland's diaspora and the international community to release

<sup>9</sup> Before they were jailed, an EU envoy to Somalia/Somaliland met with the *Qaran* leadership, and the US Assistant Secretary for African Affairs Jendai Frazer met with them after they were released.

<sup>10</sup> President Rayaale was a former National Security officer under the Barre regime.

the three politicians and to restore their political rights. The government's actions were seen as detrimental to Somaliland's emerging democracy. Eventually on 18 December 2007, the three *Qaran* leaders were released after having been in jail for 144 days. Most of the people welcomed their release and felt that a great damage had been done to the country.

## 2.4 Voter Registration

Voter registration has been a persistent issue throughout the transitional process<sup>11</sup>. There was concern that it would drag the process on for several reasons. First, drafting a Voter Registration Act, passing it through the Parliament and then making sure that the President signs it was all challenging. Some stakeholders were unenthusiastic about the voter registration exercise. The western regions have tended to be in favour while those from the eastern regions, with large nomadic populations, have been reluctant. The underlying reasons behind these regional differences can be found in the social and economic organisation of the east and the west, with the western regions being mainly agro-pastoralist while their counterparts in the east are nomadic. In addition, the Voter Registration Law stipulates

that every person will vote in the place where he/she had originally registered. This imposed a severe legal limitation upon the nomadic communities, as their migration patterns often prevented them from being in the same place on Election Day as where they had registered<sup>12</sup>. This ambivalence was reflected in the prolonged process of formulating the Act, which began in April 2006 and continued through July 2007, when it was signed by the President. It passed through the *Guurti* by one vote and the House of Representatives had to vote on it twice.

There was also a fear that once the voter registration legislation was in place, that it would be a hindrance to the electoral timetable. The opposition parties, particularly *Kulmiye*, were concerned that the government would use the requirement of voter registration as an excuse to push back the election dates, thereby extending the mandate of the President. The technical and legal complexities of the voter registration exercise also gave cause for concern. As the process progressed, these concerns proved valid.

## 2.5 The Political Climate

A number of incidents occurred that brought into question Somaliland's

<sup>11</sup> *Ibid.*, APD/Interpeace, A Vote for Peace, 2006, p.11.

<sup>12</sup> Further information can be found in section 4.1.

commitment to freedom of expression and human rights, and that distracted attention from the pressing need of moving the electoral process forward. The first involved the arrest and jailing of three journalists between 2 January and 3 March 2006 after they publicly claimed the President and his family were corrupt. For all the shortcomings of the jailed journalists, the decision of the government and the manner in which they were arrested was met with widespread and robust criticism and condemnation. The jailed journalists were eventually released on 3 March 2007, but Somaliland's credibility had again been damaged.

Another event related to a Government-orchestrated takeover of one of the leading human rights networks in Somaliland, known as Shuro-Net. The network has been known for being critical of the government in the past. The organisation suffered from internal differences and challenges with some of its leadership proven to be partisan. Internal power struggles gave an opening to the government to organise a rival General Assembly and it succeeded in ousting the old leadership of which it disapproved.

## 2.6 Political Stability and Security

Although Somaliland has enjoyed relative stability and peace in an otherwise troubled region, maintaining this level of tranquillity is still a paramount concern. The sudden ascent to power of the Islamic Court Union (ICU) in south Somalia in 2006 posed a real threat to Somaliland's political stability, as well as to its electoral processes. In some quarters of the country<sup>13</sup>, there were calls for an immediate implementation of Sharia Law. There were even talks about the potential domino effect that could ensue should Puntland succumb to the Islamists. The subsequent Ethiopian military invasion in late 2006 to oust the ICU triggered a different security risk to Somaliland – namely, the threat of terrorist attacks by newly radicalised elements. In early 2007, *Hargeysa* experienced numerous bombings that targeted high profile places and Government officials' residences. Although the bombs were not fatal, they created a level of uncertainty and distress.

These bombings continued sporadically until April 2008 when blasts erupted in the middle of the *Guurti* premises and damaged one of the offices. No group claimed responsibility for these bombings and no one was jailed for them. On 28 October 2008 a wave of suicide bombings struck three targets

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<sup>13</sup> Suldan Osman Ali Madar, one of the prominent traditional leaders of *West Burco* community [BY], was jailed when he called his clan and all other clans of Somaliland to adhere immediately to *Sharia* Law. He helped to form a council for the implementation of *Sharia* Law within the community in November. Even the President talked about implementing *Sharia* in the country.

in the city of *Hargeysa*: the Presidential Palace, the United Nations Development Programme (UNDP) compound and the Ethiopian Commercial Office, killing 23 people and wounding another 29. While the predominant feeling was that the attacks were the work of *Al Shabaab*, the extremist group wreaking havoc in the south, there were also some whispers within the main political circles that *Kulmiye* was behind the attack, while others stated that the government had somehow planned the attacks to further delay the proceedings. None of these allegations have been substantiated by facts that could provide an undisputed link between the attack and these allegations.

The threat of armed conflict between the forces of Somaliland and Puntland also continued to hang over the eastern regions of *Sool* and *Sanaag*. In April 2007, a military confrontation between Somaliland and Puntland occurred in *Dhahar* district in *Sanaag*, which led to casualties on both sides and the possibility of opening another war in the east. Though there was no further escalation, the possibility of another armed conflict could not at the time be ruled out, contributing to further uneasiness and tension.

In early October 2007, when key Minister Ahmed Abdi Habsade from

Puntland changed sides and crossed over to Somaliland, the latter's forces attacked the city of *Laascaanood*. On 15 October, they were able with the help of local militias to capture the city and bring it into the fold of the Somaliland administration. The fear of counter-attack from Puntland loomed for months, but did not materialise. The takeover was strongly opposed, however, by all prominent traditional leaders in the region, thereby undermining Somaliland's legitimate claims to the area and its people. Though the overall security of the city of *Laascaanood* improved under the control of Somaliland, bombings in the city in 2009 claimed a number of high ranking military persons. Though some of these targeted bombings had subsided in early 2010, they resumed after the Presidential Election and continue, highlighting the instability of the situation.

The emergence of the *Sool*, *Sanaag* and *Cayn* (SSC) militias in 2009, with the intention to bring together the *Dhulbahante* inhabitants under one administration independent of both Somaliland and Puntland through any, including violent, means, further complicated the political/security situation. This was seen as an indication that armed conflict remained a serious risk in the region and that implementing a credible voter registration process in the area would be extremely difficult.

## 2.7 Key Stakeholders

### 2.7.1 The President

In Somaliland, the President wields enormous power. President Rayaale, as incumbent, had a huge stake in the election process. Much of the fate of the electoral timetable hinged upon his political will for supporting the electoral process. Although the realisation of the last three elections was partly attributed to the support of the President and he had publicly pledged his commitment to move the democratisation process forward, the President's commitment to the Presidential electoral process was clearly suspect at numerous times.

Critics of the opposition and Government blamed the President for failing to meet the electoral timetables. Firstly, they claimed that the President showed no sense of urgency and commitment to the electoral process<sup>14</sup> as he was relying on the *Guurti's* extension of his own mandate. Secondly, they pointed to the President's insistence that the elections be held "on his terms" or not at all, knowing that if the opposition parties agreed to elections on "his terms", the President would almost certainly win again. Thirdly, they claimed that the President had become increasingly autocratic in his methods, with little regard for other stakeholders'

perspectives, concerns and counsel on sensitive national issues.

The attitude and views held by the government made it difficult for timely compromises and concessions to take place in order to settle political disputes and move the process forward. In contrast, the President and senior officials in the government strongly believed that they were sticking to the letter of the Constitution, acting in good faith, and argued that they were willing to deal with any challenge in the courts. According to this logic, they claimed that the request by the President to the *Guurti* to extend his term was simply the government exercising its constitutional role within its legal capacity.

As in the previous elections, APD continued to maintain close links with the President – including through telephone and regular face-to-face meetings – in recognition of the overriding importance of his leadership in both the process and the outcome of the upcoming elections. The main aim of this communication was to keep the President on board and solicit his support for the election process, while at same time to mitigate conflict and create an enabling environment for credible elections. APD had not only maintained close links with President Rayaale, but also developed

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<sup>14</sup> For example, reference was made to his frequent overseas trips in the midst of the process.

a trustworthy relationship with other the key stakeholders relevant to Somaliland's electoral process, including other political parties and the NEC.

### 2.7.2 The House of Representatives

When opposition parties won the leadership of the House of Representatives in September 2005, the concern was whether the House leadership would be able to accommodate the views and concerns of the *UDUB* ruling party members to ensure<sup>15</sup> a certain degree of unity in this important legislative body. The House leadership had difficulty in accommodating *UDUB* MPs by failing to give them legitimate share in the top three posts of the House (both Chairman of the House and his two deputies are from the opposition).

The opposition political party secured the House leadership in the aftermath of the legislative election in September 2005, in a controversial manner, which led to suspicion between the opposition and the ruling party *UDUB*. Of the 82 seats, *UDUB* (the government party) won 33 seats, but *Kulmiye* won 28 seats and *UCID* 21 seats, giving the combined opposition an overall majority. Since neither of the two main antagonists - *UDUB* and *Kulmiye* - was able to win a working majority, they were obliged

to compete for the support of *UCID*, which emerged as an obvious "power broker", to secure the three top spots of the House leadership. After a relentless campaign from both sides to gain the support of *UCID* MPs, *Kulmiye* and *UCID* struck a deal agreeing that they would share the House leadership with an *UCID* MP as Speaker of the House, and *Kulmiye* MPs as the First and Second Deputies, before the first session of the new elected House.

In these confrontations, some of the actions taken by opposition parties were not favourable to the democratic process, or to the working relationships between House members. For instance, the controversial move by the House of Representatives to extend the term of the first NEC after the President and the *Guurti* had forwarded their respective nominees to the House of Representatives in early 2007 was seen as a strategic mistake and counter-productive.<sup>16</sup> The opposition seemed to calculate that the interest of the opposition-led House lay in the progression of the electoral process with elections taking place on schedule, and its tit-for-tat tactics partially derailed the process and gave the incumbent government the excuses it needed to postpone the elections.

Other moves by the House leadership

<sup>15</sup> *UDUB* has 33 of the 82 members in the House of Representatives.

<sup>16</sup> Further information can be found in section 4.1.

included misrepresenting the House as an institution and introducing controversial legislation to the floor of the House. There were several occasions in which the House leadership<sup>17</sup> responded in an official manner either to the President, the Supreme Court or the *Guurti* without consultation with or the knowledge of other House members. They were also accused of bringing to the floor divisive legislation, as well as important ones, without accommodating the concerns of members of the ruling party. These bills included the *Guurti*, Local Councils and Presidential electoral laws. This attitude on the part of the House leadership antagonised ruling party MPs thereby making it difficult for the opposition to secure their cooperation. This in turn contributed to low morale and absenteeism in the House.

APD made several attempts to maintain close links with the House of Representatives, but was not as successful as it had initially hoped. Many MPs believed that APD had financial interests in the electoral process because of the partnership it had with Interpeace which had been a vocal advocate for pushing forward with the registration. This outward appearance of involvement distracted from the fact that APD had not any financial interest in the entire process, and indeed the

organisation's professional reputation and personal interests revolved around the successful elections that all sides were satisfied with. In the end, despite suspicions held within some pockets of the legislature, APD's close working relationships with many of the House's sub-committees continued unabated.

### 2.7.3 The House of Elders (*Guurti*)

The *Guurti* consists of 82 members, nominated from each of Somaliland's clans. As part of a formal body, the members of the *Guurti* play a critical role in managing conflicts and maintaining equilibrium within the system of government. Since its formation, the dual role of the *Guurti*, as a check on competing political actors and as the safeguard of peace, has been challenged. This has largely been because it has become increasingly politicised, and was regarded by many to have aligned itself with the government.

Following the election of the new House of Representatives – which was seen as the final step in Somaliland's political transition – the relevance of the *Guurti* in its current form came under close scrutiny. Critics maintained that it was no longer relevant as an honest broker in mediating conflict because it had itself become party to many conflicts.

<sup>17</sup> Despite the fact that *UDUB* has 33 seats in the House, it is not part of the House leadership. This term is neither legal nor constitutional but is frequently used.

They cited the dispute over the self-extension of its mandate, the fight over the establishment of the NEC, and the numerous extensions of the mandate of the President. *Guurti* members and their supporters appeared to have failed to realise the impact of these controversies, and still defended the institution's relevance. APD maintained a cordial relationship with the *Guurti*, though some its members regarded APD as a rival institution because of its involvement in a number of mediation efforts.

#### 2.7.4 The Supreme Court

In the Article 97.2 of the Constitution, the independence of the Judiciary is clearly stated. According to Article 98 of the Constitution, the Judiciary should have the power to interpret laws and adjudicate on disputes between state bodies and the public, as well as between state organs.

In previous political disputes, the Judiciary had remained on the sidelines as some conflicts were simply resolved by other means, or went unresolved. During the electoral process, however, the Supreme Court was forced to make two critical rulings. The first was on the deeply contested 2003 Presidential Election in which the

Court ruled in favour of the incumbent President Rayaale, while the second ruling concerned the nullification of a controversial House of Representatives Electoral Law passed by the House of Representatives that would have made the House of Representative elections of 2005 impossible. Again, the Court ruled in favour of the government, thereby paving the way for the 2005 elections.

The High Court has been put to the test by the recurrent political disputes, which many have argued have exposed the Court's incompetence and lack of independence. The Court rejected numerous cases brought forward by the opposition parties, the political association *Qaran*<sup>18</sup>, and various human rights groups among others. For instance, it refused to listen to the case of *Qaran* on the basis of it being an illegal entity, unlike the Presidency or the House of Representatives. However, it automatically took into consideration all disputes forwarded by the President, such as the confrontation over the extension of the House of Representatives' mandate and the issue regarding the old NEC. These apparent double standards seriously diminished the opposition's confidence in the Judiciary.

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<sup>18</sup> The Constitutional Court has always maintained that no case regarding *Qaran* was ever forwarded to it.

Critically, the Constitutional Court was seen to either over-reach or abdicate its role consistently in support of the President. First, as in the case of *Qaran*, the judges referred them to the House of Representatives, to check whether their political association was legal or contrary to Article 98. Second, in an unusual move, the judges provided written legal advice in response to a request from the President. In this written counsel, the Chief Justice stated that the *Guurti* had the authority to extend its own mandate. This counsel then became the basis for the extension controversy<sup>19</sup>. In this case, the Court was acting as the legal advisor of the President, effectively making a ruling before the fact and any challenge could be issued. So rather than resolving constitutional disputes, the Court contributed towards them and fostered protracted political deadlock.

### 2.7.5 The National Electoral Commission

The members of the first National Electoral Commission (NEC), whose mandate ran from February 2002 to February 2007, had gradually become more assertive and pragmatic in their dealings with key stakeholders, and were able to manage three elections with relative success. They also achieved a certain level of cohesiveness and discipline, though the body was continually dominated by a

few individuals. There were hopes that, when its term expired, some members of the first NEC would be included in the new NEC in the interest of ensuring continuity. To the dismay of many, this did not happen. None of the stakeholders – the President, the *Guurti*, nor the two opposition parties nominated a single member from the old NEC.

Once the second NEC was sworn in August 2007, the main question in the minds of many was whether the new NEC would be cohesive enough to work as one team, and strong enough to resist pressure from the competing parties and to develop good working relations with all stakeholders in order to move the process forward.

From the onset, the NEC members found it difficult to agree on issues. The Commission was regularly plagued by in-fighting and power struggles as well as considerable external pressure from the President and international community who ultimately pressed for their replacement. The resignation of the first chairman, Maxamed Yusuf, after only six months was the first significant visible evidence of the constant in-fighting, a lack of team work, insufficient institutional integrity, the inability to foster a unified voice and a partisan agenda. A month later, the Vice-Chairman Xirsi Ali

<sup>19</sup> APD (Unpublished), *Political Impasse in Somaliland: An assessment of the relationship between the House of Representatives and the Executive*, Action Aid, Hargeysa, 2007.

X. Xassan also resigned. The reasons behind the Chairman's resignation are subject to much speculation. General concerns over all the Commissioners' competence and leadership grew steadily as the election process progressed. Eventually, the Commission lost credibility and the confidence of the public and the President when it failed to exercise full responsibility during the voter registration process<sup>20</sup>.

On 27 July 2009 the leadership of the NEC, with the explicit support of the President, announced that the election would go ahead on 27 September without a voter registry.<sup>21</sup> This controversial decision further damaged their credibility as an independent body. All major stakeholders, with the exception of the President, refused to support this decision and voiced a loss of faith in the NEC's ability to organise an election.<sup>22</sup> Consequently, restoring public confidence in the NEC became a central issue in any future agreements among the stakeholders in order to revive the process.

In the subsequent negotiations among the stakeholders, dealing with the issue of the NEC became very tricky. It was very difficult to come up with a specific

format to reformulate the NEC, though there were various options that included the sacking or the voluntary resignation of all the Commissioners. On this basis, the six-point agreement stipulated that the three parties needed to find a way to restore public confidence in the Commission. Fortunately, all seven Commissioners resigned to pave the way for the appointment of a new NEC.

The newly constituted third NEC (in October 2009) turned out to be instrumental in the final realisation of the stalled Presidential Election and the restoration of the credibility of the NEC as an independent institution. The new Commissioners, unlike their predecessors, spoke with one voice, withstood external and internal pressures and developed a robust working relationship with the donors and Interpeace. More importantly, they stayed focused on steering the country through a very critical period<sup>23</sup>.

### 2.7.6 The Political Parties

Somaliland's political parties contested four rounds of elections in extremely difficult circumstances. Parties were operating without adequate funding, sufficient training for party members or internal democratic rule. These

<sup>20</sup> The President wrote a letter to the NEC and Interpeace on 7 January 2009 to express his concern about the failure of the NEC in the voter registration process.

<sup>21</sup> Michael Walls, *Somaliland: Democracy Threatened Constitutional Impasse as Presidential Elections are Postponed*, 2009.

<sup>22</sup> *Ibid.*

<sup>23</sup> See further details in section 5.1 in which factors of success are well documented.

factors remain in place and thereby pose a challenge to the sustainability of multi-party electoral competition in Somaliland.

When it comes to the electoral process, the effectiveness of political parties – particularly the opposition parties – has been mixed. Their constant wrangling tended to put great stress on the election timetables, and they seemed to prefer contesting each and every political issue, rather than cultivating a sophisticated ability to choose their battles.

So far, in terms of promoting broad participation and offering different preferences and perspectives, the political parties' record has been dismal. A number of factors contributed to this including a lack of internal, democratic mechanisms that allowed for the free competition of choice in caucus. Challengers to the leadership are seen as trouble-makers and are occasionally purged. Despite the existence of a degree of internal discussion and dissent, the three political parties remained largely dominated by their respective Chairmen, support for whom was narrow and fluid.

All political parties were wary of holding their second party congresses because it was the only time that party leaders exposed themselves to internal challengers. Knowing the risk that would

be involved, no party leader was willing to hold the Congress unless its outcome ensured their leadership. To that end, a great deal of time was spent on selecting, screening and rubber stamping party delegates. Once this process had taken place, each party congress was convened, and the outcome was pre-determined.

The three political parties' congresses were controversial. There were challenges to delegate selection processes and the leadership, but these attempts ended in vain and the three previous leaders were able to retain leadership of their respective parties. So, the three candidates for the next Presidential Election were the same as those who stood for the previous 2003 Presidential Election.

Despite these internal party shortfalls and having serious political confrontations with each other, the political parties, particularly the opposition, were willing on occasion to come to the negotiation table. Their readiness at certain times to compromise on the many controversial issues that had stalled the process thus far did help to revive the electoral process. For many observers, including the international donors, this willingness to compromise proved critical to the progress of the electoral process<sup>24</sup>.

APD constantly reached out to all three political parties, and was met with a

<sup>24</sup> Briefing by members of the international donors community, Hargeysa, June 2008.

mixed response. Some individuals and leaders welcomed and encouraged the engagement, while others remained reserved and suspicious. Particularly, certain individuals within *Kulmiye* remained suspicious of APD's intentions and impartiality. These individuals believed that APD was promoting the government's position since APD did not vocalise concern against some of the government's acts which were perceived by the opposition as unacceptable. This silence was in fact not due to sympathy with the ruling party, but instead part of APD's larger commitment to neutrality, a reality which was eventually made clear to the opposition during the course of APD's successful mediation efforts between all sides.

### 2.7.7 The Media

The media in Somaliland enjoys a degree of freedom. The private ownership of radio is restricted, but there are several private and independent newspapers and television channels. Newspapers, radio and television each provide platforms for the expression of political ideas and perspectives, the presentation and debate of critical issues, and the engagement of public opinion.

Critics of the Somaliland media maintain that it is struggling to act in a responsible way. Public media tends to be a 'cheerleader' for the government and

portrays a government that can do no wrong, while the private ones are inclined to be very critical of the government, depicting a leadership that can do no right. There is very little middle ground. This polarisation has occasionally had a contaminating political effect, and has sometimes undermined the electoral process. For instance, public television<sup>25</sup> used to consistently demonise the opposition parties, while some private newspapers reported rumours, rhetoric and innuendo, including about the voter registration exercise, thereby undermining public confidence in the entire process<sup>26</sup>.

The media is also very limited in its reach. All outlets are concentrated in urban centres, cater to a small stratum of the population and focus on politicians' personalities rather than policies. Even the radio, which has the widest reach in Somali society, has serious flaws. The government-owned station, which is the only Somaliland radio station, reaches a limited audience in *Hargeysa* and its environs.

In an attempt at some kind of self-regulation, journalist associations have been established, first the Somaliland Journalist Association (SOLJA) and subsequently the Somaliland Society for Journalists and Writers (SSJW), formed by journalists unhappy with SOLJA. These new associations, in

<sup>25</sup> For instance, in May 2008, when the opposition refused to recognize the *Guurti's* extension of the President's mandate, the government paraded prominent figures from *Hargeysa's* main clans in front of national television every night, in an attempt to demonstrate popular support and intimidate the opposition and its supporters.

<sup>26</sup> *Waheen* newspaper continuously discredited the electoral processes and the voter registration with numerous false allegations

particular the larger SOLJA, have made slow and steady progress. However, the associations have suffered from low intensity internal struggles, especially over the issue of owner participation. Most newspapers in Somaliland are owned by their chief editors and these owners have long been members of the two journalist associations. Regular journalists have suggested that there is no point in having an association if the media owners are included within it, as the essence of the association is to safeguard the interests of regular media people and not of the owners. The disagreement on this issue led to the creation of another association, named the Union of Somaliland Journalists, with its members drawn from the new media owners.

In Somaliland, journalists are under pressure from the government and the relationship between private media and the government is in poor shape. Consequently, it is common to hear or read that a journalist is being detained or jailed in one of the major cities of the country. In a move seen by the media as indicative of the government's desire to curb freedom of the press, in November 2007 the Government tabled draconian new press legislation that was contradictory to the spirit of democratisation<sup>27</sup>.

Furthermore, in March 2008, President, *Daahir Rayaale Kaahin* issued a directive to restrict the access of private media to presidential press conferences and other events.

<sup>27</sup> Adan H. Ali, *Somaliland Press and Media Law*, University of Hargeysa.

The main law governing the press (or more accurately, the media) is the Press Law (Law No: 27/2004) (Xeerka Saxaafada) and its attached Press Code of Conduct which was added as a compromise. This Law, which is based on an Ethiopian law was initially proposed by the government as far back as 1999 and has been vigorously opposed by many organisations and individuals. An illustration of the criticisms levelled against this Law can be seen in the following submissions and press releases by the Somaliland Forum (see below). On the promulgation of the Law, the Forum recommended that the Law be reviewed within three years. (Somalilandlaw.com)

Ministers have repeatedly commented that the government will be introducing amendments to the 2004 Press Law. The reports indicated that Ministers consider the Law as being too lenient. Critics, however, claim that despite the clear provisions of the Law, journalists are sometimes detained unlawfully. (Somalilandlaw.com)

The arrest and detention of the Managing Director and the Editor of the Somali language daily, Haatuf, on 2 January 2006 and the criminal charges brought against them for articles relating to alleged corrupt practices of the President and his spouse have raised issues about use of old "insult" criminal laws against journalists. One of the drawbacks of this Law is that it purports to deal with all forms of the media when it would have made more sense to have separate legislation for the broadcasting media. Currently, no radios other than the government owned Hargeysa Radio is allowed based on a ministerial decree banning privately owned radio. It is not clear under which Law this decree has been issued and it has been argued that it is unlawful, but no one has challenged it at a Court of Law. Meanwhile the ban on radios broadcasting continues but some Somalilanders now utilise radio broadcasts from abroad. Legal expert Ibrahim Hashi suggested that:

- Improvements of the current Press Law be made, in consultation with the media and the civil society;
- The self-regulation of the press be strengthened;
- A modern civil law dealing with issues of libel adopted;
- All criminal sanctions in the Penal Code affecting the press repealed.
- All registration of press activities beyond what is necessary for all businesses be abolished;
- Separate broadcasting laws for both publicly owned and private broadcasting enacted;
- Further measures to entrench freedom of information and expression introduced;
- Clear sanctions and compensation for infringements of human rights introduced.

(source: Somalilandlaw.com)

There were also direct attempts on the part of the media to get involved in the mediation of some political crisis. With the help of APD in providing support in the areas of financing, logistics, venue and technical advice, journalists mobilised for the resolution of the political crisis in September 2009, as a result of the nullification of the voter registration lists. Their efforts contributed to the beginning of the mediation that attempted to resolve the impasse.

In April 2010, at the request of the third NEC, APD partnered with Interpeace and the NEC to organise a media training on election reporting for the media groups. The training materials included lessons learned from the role of media in Kenya's post-election violence in early 2008, based on a case study co-authored by a leading Somaliland journalist.<sup>28</sup> One question, for example, was whether or not the media would speculate on the election results or wait for the official announcement by the NEC. The media training concluded with the formulation of, and agreement on, a Media Code of Conduct (see *appendix 4*) for the election period, which was signed by the media houses, journalists, Ministry of Information and the NEC. Subsequent monitoring and evaluation undertaken by the Media Monitoring Committee established under the Media

Code of Conduct on the behaviour of the media during the election found a high degree of compliance with the Code of Conduct, with the few breaches dealt with swiftly and effectively by the Election Monitoring Board (EMB).

### 2.7.8 Civil Society Organisations

Local civic organisations slowly became more involved in the electoral process over time. There are a number of such organisations, ranging from Non-Governmental Organisations (NGOs) to academic institutions that hold public debates on critical issues, conduct trainings on leadership, and do election-related advocacy. Civic organisations like APD, and people from the business community and religious groups spearheaded a number of mediation efforts during the electoral crisis to resolve some of the political disagreements. For example in August 2007, a mediation committee consisting of members from APD, two famous poets, three prominent religious figures and four well-respected intellectuals stepped in to mediate a disagreement among the opposition parties and the Government over the formation of a new NEC and were able to resolve the issue<sup>29</sup>.

There are NGOs that advocate specifically for certain groups or issues, such as

<sup>28</sup> Nicole Stremmlau, Mathew Blanchard, Yusuf Abdi Gabobe and Farhan Ali Ahmed, *The Role of the Media in the Upcoming Somaliland Elections: Lessons from Kenya*, 2009.

<sup>29</sup> The following were the members of the Committee: Maxamed Siciid Gees, Xassan Cumar Hallas, Salabeen Guleid, Dr. Adan Abokor, Maxamed Hashi Dhamac Gaariye, Maxamed Ibrahim Warsame Hadrawi, Sheikh Ismail Dheeg, Sheikh Maxamed Cumer Dirir and Sheikh Maxamed Yusuf.

those that work to enhance women's roles in the electoral process. Their involvement has been seen as a step in the right direction, but they have been struggling to translate their demands into concrete political action. For example, *Nagaad* and other advocacy groups did not ultimately succeed in their attempts to pass legislation on affirmative action for women and marginalised groups through the Parliament in July 2007<sup>30</sup>.

There were also direct attempts to give the civic organisations a chance to make their voices and views heard. The Independent Scholars Group (ISG), organised by the Social Research and Development Institute (SORADI) offered from March 2008 objective analysis on the status of the electoral process and recommendations to move the process forward.

Another positive development was the establishment of the local NGO advisory group to work directly with the third NEC and consisting of seven members from the major networks and institutions. This advisory group assisted the NEC in selecting the appropriate local organisations to conduct voter education during the display period of the voter lists and in monitoring the performance of these organisations. The

group was also instrumental in selecting, training and deploying 600 individuals from the civil societies to mediate in electoral disputes outside the polling stations during the voter list display period and on polling day. The process of selecting, training and deploying these mediators was supported by the Centre for Humanitarian Dialogue (CHD). Furthermore, member organisations of this consortium trained and sent on the field around 800 local election observers supported by the Somaliland Non-State Actors Forum (SONSAF) and its international partner, Saferworld.

Despite the involvement of certain organisations and individuals in the electoral process in different capacities, these civic organisations lack the power base to put pressure on the parties to adhere to the terms of the agreement or face off pressure from the government and other groups. It has been suggested by some critics that civic organisations, due to lack of local resources, tend to be more accountable and connected to their donors than to the locals they claim to represent. It is true that the concept of organised civil society is fairly new to Somaliland's socio-political dynamics, especially after decades of political marginalisation and a period of intense war and militarisation

<sup>30</sup> The legislation was passed in a controversial manner and in close vote through the Lower House of the Parliament but was rejected by the *Guurti* (Upper House).

of society. To some degree, there has been significant progress made by civil society in wide-ranging areas, and these organisations are beginning to enjoy effective internal democratic governance and transparency to an unprecedented scale. As the capacity of Somaliland's civil society grows, its ability to balance the demands of its donors with the needs of its beneficiaries will no doubt increase.

### 2.7.9 The Electorate

Historically, the political leverage of the Somaliland electorate has been confined to Election Day, when citizens come out in thousands and vote in a peaceful manner. Their concerns or regard, however, are largely ignored by politicians who usually have sought to manipulate the electoral process for their own ends regardless of the views, and do not fear public repercussion in cases of political mishap. This is one of the reasons why the government was able to keep pushing back the election date with relative ease. It is with this in mind, that one woman from the Somaliland diaspora remarked: *"How come the whole fate of the electoral process hinges on these three political leaders [the President and the two leaders of the opposition], and the public whose political rights are at stake has no say or is not weighing in?"*<sup>31</sup>

The public has its reasons for being indifferent or silent to these political disputes or any violation of their political rights; it is believed that they are largely unwilling to call politicians' behaviour to account and protest as they fear that such actions may jeopardise enduring peace and stability<sup>32</sup>. Another explanation for the lack of strong public involvement in the electoral process is that the Somaliland electorate has little or no understanding of their political and civil rights. Devising effective nationwide civic education that ensures that the electorate understands their basic rights and how to vote remains a challenge.

Nevertheless, there were numerous occasions on which the public felt a pressing need to act. In September 2009, a large number of people came out in support of the House leadership when they were denied to enter the premise of the House of Representatives by the police under the order of the government<sup>33</sup>. This public stand-off turned into a violent confrontation in which several civilians were killed and many others wounded. As a result of the strong show of public support, within a couple of days the House leadership was allowed to resume their work in a peaceful manner.

Again in September 2009, mounting public pressure forced the *Guurti* to base

<sup>31</sup> Member from the ISG, Interview, Hargeysa, August 2009.

<sup>32</sup> Human Rights Watch, *Hostage to Peace: Threats to Human Rights and Democracy in Somaliland*, 2009, p.15.

<sup>33</sup> The closure of the premises of the Parliament by the government happened when the House MPs were divided over a motion to impeach the President. Their disagreement over this motion turned into physical confrontation.

its extension of the Presidential term on the six-point agreement. It was reported that the pro-government members in the *Guurti*, who had the majority, wanted to extend the mandate of the President without taking consideration of the six-point proposal made by some members in the international community. This move by the *Guurti* faced strong resistance from the opposition and the public who were determined to stop the *Guurti* extending the President's term yet again, by any means necessary.

### **2.7.10 The International Community<sup>34</sup>**

Because of relative peace and political stability, coupled with the on-going democratisation process that contrasts sharply with recent developments in other parts of Somalia, Somaliland has been able to garner diplomatic and financial backing from the international community. The most important aspect of all with regard to the international community has been the sustained and cohesive engagement of the Interpeace-facilitated Democratisation Steering Committee, which has enabled the international community to speak and act with one voice over a prolonged period and through numerous challenges. This is a unique experience in terms of international engagement in the Somali region, and

certainly a positive contributing factor to the ultimate success of the Somaliland Presidential Election.

As the electoral process progressed, the relationship between the government and the donors suffered numerous setbacks. Disagreements over the jailing of journalists and *Qaran* politicians, numerous extensions of the Presidential mandate by the *Guurti*, and the nullification of the voter list by the leadership of the NEC in July 2009 resulted in prolonged discussions, strained relations, and the donors' suspension of funds.

APD was able to lessen the misunderstanding and suspicion that has developed between Somaliland and the international community by conveying each side's views and concerns to the other. More specifically, APD played a crucial role in convincing the Somaliland government, which was deeply frustrated by what it saw as Interpeace's unwillingness to give in to their party's interests, not to expel Interpeace from the country and to work with them instead in order to continue the electoral process.

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<sup>34</sup> The positive contribution of the international community to the Somaliland's Presidential Election is covered extensively in the section 6.5 of this paper.



## 3. ACTIVITIES

APD initiated a series of formal and informal activities intended to assist the various stakeholders in moving the electoral process forward and to keep it on the right track. The primary activities are described in the following chapter.

### 3.1 Public Forums

It has been an APD tradition to organise monthly public discussions and debates on Somaliland's political process and other relevant issues. This regular gathering has been called "The Forum for Civic Dialogue". The purpose of this platform has been to provide a neutral space in which all views and ideas can be aired freely and objectively. All concerned parties, ministers, party representatives, women's groups, youth groups, international agencies, media and the public are all invited to present their cases in order to better educate the society.

Since September 2006, APD has held five such public debates under the democratisation entry point. These public forums covered various issues relevant and critical to Somaliland's democratisation. The purposes of these forums also varied, as some were aimed at generating public support (e.g. for the voter registration process), others were intended to explore challenges (e.g. citizenship and the Constitution) and the remainder aimed at reconciling differences (e.g. political cohabitation and the Media Law).

**Table 1: List of Public Debates held by APD**

Topic	Date	Presenters
Political Cohabitation in Somaliland: Achieving Constructive Results Through Cooperation	19 September 2006	Rebecca Richards University of Bristol Department of Political Science
The Dispute Over Media Law in Somaliland	30 April 2007	Adan Haji Ali University of Hargeisa Department of Law and Legal Clinics

The Criteria of Somaliland Citizenship	27 May 2007	Mohamed Matan Jama University of Hargeisa
The Voter Registration Act	2 July 2007	Abdihakim Mohamed Abdi University of Hargeisa Department of Law and Legal Clinic
The Somaliland Constitution	5 August 2007	Michael Walls University College London Development and Planning Unit

Some of these issues, such as the debate over the Constitution, were particularly sensitive. APD received a letter from the Ministry of the Interior in August 2007, immediately after it had held its Constitution debate, which in effect forbade the Academy from holding further public discussions on governance issues without prior consent from the Ministry. Shortly thereafter, it was determined that this decision and related criticism was confined to the Ministry of the Interior only.

Following and despite these constraints, in 2009 and 2010, under the joint APD/Interpeace Pillars of Peace Programme (a follow-on from the Dialogue for Peace Programme), APD conducted extensive country-wide public consultations known as the Pillars Mapping Exercise. The field trips for these public discussions were carried out in June and July 2009, and in January and February 2010 respectively. The Pillars Mapping Exercise covered the six official

regions of Somaliland: *Awdal, Hargeysa, Saaxil, Sanaag, Sool and Togdheer*<sup>35</sup>. During this Mapping Exercise, a series of focus group discussions and individual interviews were organised that involved actors at the central, regional and local levels as well as representatives from all cross sections of the society with diverse views in order to discuss the state of political pluralism in Somaliland. Special efforts were made to solicit the views of women, youth and other marginalised groups on these issues, thus, when needed, special sessions for these groups were held.

### 3.2 Consultative Meetings

Another integral component of APD's peacebuilding methodology has been the holding of regular consultative meetings with some of the principle players in the electoral process, including the President, various ministers, senior party and parliamentary leaders, civic leaders, the National Electoral Commission and representatives from the international

<sup>35</sup> Other regions have been named by the government but they are not endorsed by the Parliament as required by law.

community. These meetings, designed to promote the exchange of information and sharing of concerns, have also included several one-on-one meetings between APD and various senior leaders.

Since 2008, APD has been able to facilitate over two hundred such meetings to discuss ways to resolve disputes over such issues as the formation of the NEC, the electoral timeline and the extension of the President's term in office. Some of these consultations contributed to the formation of the private mediation committee that was in turn responsible for resolving the impasse over the formation of the second NEC in August 2007.

APD also held three “afternoon consultations” between government, political parties and the NEC. Each was intended to discuss the electoral timeline. The first meeting took place in September 2007 and produced the first election timetable, which was signed on 12 October 2007. The second took place in April 2008 and led to an agreement on a new electoral timeline or election dates (although this was not upheld subsequently by the *Guurti* and the President – see below). The final consultation took place in May 2008, when other mediation attempts had been unable to resolve the impasse over

the *Guurti*'s extension of the President's term. Ultimately, all these sessions contributed to an atmosphere of political calm and helped broker a new electoral timeline.

### 3.3 Support to the National Electoral Commission

The Academy for Peace and Development was able to provide assistance to the NEC on the basis of a signed Memorandum of Understanding (MoU). This assistance included:

- Advice to the NEC regarding the resolution of disputes related to voter registration and the electoral process;
- The development of a voter education handbook;
- Monitoring of the voter registration and polling process;
- Serving as a member in the civil society advisory group established by the NEC.

### 3.4 Behind-the-Scenes Activities

Given the volatility of Somaliland's political climate, APD devoted itself to the consistent monitoring of the electoral process and to taking appropriate action when the process was threatened. These lesser known “behind-the-scenes” contributions included, for example, work done with the *Guurti* leadership to amend the House of Representatives' version of

the Voter Registration Act. The *Guurti* worked hard to reinstate Article 14 of the Act, which demands that voters cast their vote at the polling centre where they registered themselves. The alternative would have meant the voter registry would have become unworkable (see *below*).

### **3.5 The Audio-Visual Unit and Media**

APD's Audio-Visual Unit (AVU) videotaped all formal public events and activities related to the electoral process, including workshops and debates, and provided this footage to local media.

The AVU was also instrumental in informing the public about voter

registration procedures, which were new and complex. With the help of the NEC, the AVU filmed the process of registration to illustrate the procedure to the public. The film was shown on the new National TV channel and toured major towns and villages. The AVU also developed a 15-minute movie for the International Republic Institute (IRI) to use in their trainings of the Political parties' agents. The films produced were instrumental tools in the efforts to see the registration of illiterate people. Furthermore, the broadcasting and showing of those films to the public was crucial for quality voter registration, as it informed the public of the technical aspects of the elections as well as what was at stake.

## 4. KEY EVENTS AND IMPACT

The first NEC of 2006 made the strategic decision to include a voter registration exercise in the electoral process, in order to enhance the integrity of the elections. A Voter Registration Act was required and the NEC was interested in initiating it as quickly as possible.

### 4.1 The Passing of the Voter Registration Act

The NEC approached a House of Representatives sub-committee in a meeting facilitated by APD in April 2006, with the aim of asking them to begin introducing a Voter Registration Act. In the discussion, the NEC urged lawmakers to draft the Act as rapidly as possible, but the process moved forward at a glacial pace.

The NEC pressed on and continued with the drafting of the Voter Registration Act, with the provision by Interpeace of an internationally renowned electoral law expert, Ruben Zamora. The first draft was ready by the end of September 2006. In subsequent consultation with the government in November 2006, the government suggested to expand the Act and to include in the legal framework the necessity to issue citizenship cards, along with voter registration papers. The drafting of this legal framework was delegated to the Ministry of the Interior.

In March 2007, the new draft of the Voter Registration Act was received by the House of Representatives. Much of the debate surrounding the Act focused on the controversial Article 14 (j), which stipulated that voters are required to vote where they themselves were registered. Many MPs opposed this provision on the grounds that this would put nomadic populations at a significant political disadvantage.

On 11 March 2007, lawmakers passed the Act, with a provision allowing the voter to vote wherever they would like, regardless of where they registered themselves. This was unacceptable to the NEC and also opposed by the donors, as it went against the very essence of the voter registration process and would enable multiple voting.

There was a need for immediate action to rescue the Voter Registration Act. The next step was consultation with the *Guurti*, as the first point of intervention. APD began to concentrate its lobbying

efforts on the *Guurti*. One positive point was that the President was against the House's version of the Act and this made APD's lobbying much easier. APD was able to convince some of the *Guurti* leadership to amend the Act by reinstating the statement "to cast their votes where they are registered themselves". However, the challenge now was to get enough votes to pass the amended Act, and this required extra effort. Relentless lobbying on the part of APD and *Guurti* leadership eventually paid off, as the suggested motion was carried by one vote on 6 May 2007.

Similar lobbying was conducted in the House of Representatives once the *Guurti*-amended Act had been passed. Once again, APD's efforts were successful and the House chose to endorse the Act on 9 June 2007. It was signed into Law by the President on 8 July 2007.

#### **4.2 The Formation of the Second National Electoral Commission**

With so much at stake, compounded by the opposition's mistrust in the President and the *Guurti*, the establishment of the second NEC proved enormously challenging. The President, the *Guurti*, the House of Representatives and the two opposition parties all conflicted with one another over the formation of the new body, plunging the country

into a protracted political stalemate that almost derailed the electoral process.

Once the term of the first NEC had expired, the best hope of overcoming this challenge was through consensus politics, as has traditionally been the case in Somaliland. In this instance, joint stakeholder consultations were organised with the aim of reaching a compromise over the composition of nominees in terms of clan balance, gender equity and continuity, all within the appropriate legal framework. Unfortunately, this goal was not achieved. Instead, the President wrote a letter to the *Guurti* and the opposition parties, requesting that nominations be forwarded to him within seven days. He also instructed the *Guurti* – which is legally responsible for nominating two candidates – to provide four nominations, from which he would select two. He asked the same of the two opposition parties, which are each responsible for nominating one candidate. These requests were not well-received. Later on, the President, the *Guurti* and the Chairman of *UCID* nominated their respective candidates, with *Kulmiye* withholding its nomination in protest.

There were serious objections to the composition of the new NEC from various quarters. Women's groups

denounced the exclusion of women from the announced body of nominees and feared not having a single representative in the new Commission. Elements of two major clans from the eastern regions of Somaliland voiced great opposition to the nominees because it included two from *Garxajis* sub-clan<sup>36</sup>, who had one member in the first NEC. There were also concerns that the failure to include members of the first NEC would reduce the efficacy of the new body.

In spite of the growing list of grievances associated with the composition of the new NEC, the President forwarded six nominations to the House of Representatives for confirmation. With an overwhelming majority, the House decided to reject the entire list on procedural grounds claiming that the list was incomplete. The House resolution, which had the backing of MPs from all three political parties, was meant to send a strong message to concerned stakeholders – including the President – to get their act together and come up with an experienced, competent and balanced list of nominees that would be acceptable to all.

But hopes that the House's decision would provide a window of opportunity to resolve this controversial issue

were dashed when several *Kulmiye* MPs proposed a deeply divisive two-year extension of the first NEC Commissioners' mandate. Remarkably, the House's legal advisor endorsed the move, equating it to the President's extension of the *Guurti's* term. Some MPs claimed that their support for the move was intended to raise the stakes and force the President and the *Guurti* to compromise.

Observers doubted whether this move would actually compel the President and the *Guurti* to negotiate and saw it as a further escalation of the conflict. However, many continued to disapprove of some or all of the existing nominees going through a confirmation process in the House. Many, including moderate members of *Kulmiye*, saw the party's controversial move as a strategic mistake and counter-productive. Because it was so popularly believed that sticking to the election schedule was crucial, the party's tit-for-tat tactics were seen as a dangerous potential excuse for the government to postpone elections.

Each side had its own perspective on the crisis. Senior government officials close to the President claimed that his selection of his three nominees was conducted in good faith and that

<sup>36</sup> In terms of clan composition, the first NEC was composed of one member from the following sub-clans: *Garxajis*, *Habar Jeelo*, *Gadabirsi*, *Dhulbahante*, *Arap*, *Wersangeli*, *Habar Awel*. From the six second NEC nominees, two came from *Garxajis* and one from each of the following sub-clans: *Gadabirsi*, *Arap*, *Wersangeli*, and *Habar Awel*. Therefore, either the *Dulbahante* or *Habar Jeelo* would not be included in the second NEC, which these two sub-clans objected on.

he had no influence whatsoever over the *Guurti's* selection of nominees, as was commonly claimed by critics. Furthermore, the President felt that because the opposition had the ability to block any nominee (including his) in the House of Representatives which they controlled, there was no reason to make any fuss.

On the other hand, *Kulmiye* hardliners had their own reasons to contribute to the uproar. For them, this conflict was an extension of an ongoing confrontation, where they felt that the President always got his way. The feeling was that this conflict was not an isolated incident, but rather part of a pattern in which the President consistently disregarded the opposition's concerns, viewpoints and counsel on sensitive national issues. *"The President does not recognise or understand that the political parties are national institutions that have a role in policy-making"* lamented one senior official from *Kulmiye*. They generally believed that their only option was to play hardball with the President and to confront him head-on.

The stand-off over the formation of the NEC took yet another twist when the President attempted to remove all members of the first NEC from the scene. On 19 February 2007, he instructed abruptly the first

Commissioners to hand over their office to the Director General of the NEC. In response, the Commissioners called the President's move as *"inappropriate"* and *"disrespectful"*. They reiterated to the President that their legal status was still in dispute and that he therefore had no power to dissolve them. They also declared that if they were obliged to hand over their powers, they would only do so to another legal Commission. Many people considered this last statement particularly provocative and believed that things were simply getting worse.

After several abortive attempts to reconcile the two sides, the President ordered the seizure of the NEC's premises. Three officials – the head of the Civil Servants Commission, the Auditor General and the Accounting General – arrived at the NEC's office when none of the Commissioners were present<sup>37</sup> and confiscated all the office furniture and equipment. They then sealed the office's entrances.

Mediation efforts were undertaken by the President in order to break the deadlock, however those efforts did not bear any fruit and eventually, the only option was to invite the Supreme Court to make a ruling. Ultimately, the Court rejected the proposed extension of the old NEC's mandate and demanded that

<sup>37</sup> It was on a Friday, a public holiday in Somaliland.

*Kulmiye* name their candidate. All sides adhered to this ruling, with *Kulmiye* naming its nominee five days after the Court's declaration.

Finally, on 3 June 2007, the seven nominees to the second NEC appeared in the House of Representatives for confirmation. The problems, however, were still far from over. The sub-committee responsible for vetting the candidates claimed that three nominees had falsified their ages to fit within Article 11.3 of the Electoral Law. In spite of this report, the House charged ahead and proposed a vote for the confirmation of all seven nominees. Five candidates were confirmed, including one who falsified his age, while two were rejected. The unconfirmed candidates had three things in common: that they were *Guurti* nominees, that they were non-Issaq, and that they were among the ones who had falsified their ages.

Some saw the rejection of the two nominees as being clan-motivated, since the Issaq candidate who had falsified his age was endorsed in spite of the Law. In reality, the underlying reason for the refusal was that the two *Guurti* nominees were seen by the opposition as stealth nominees of the President. The *Guurti* nominated again the two rejected candidates and the Vice-President (as the President was out of the country) re-forwarded their names

to the House of Representatives for another confirmation.

This decision increased the suspicions that the opposition had about the two nominees. The House leaders ultimately refused to give these nominees another confirmation, though the House was quite seriously divided over the issue. Very few MPs were willing to compromise and so yet another political impasse between the President/*Guurti* and the House leadership was created.

In the midst of this impasse, the two sides began to clash over the swearing in of the five confirmed Commissioners. The opposition parties wanted the Supreme Court to swear them in immediately, as quorum had been met. The President fought this move with great vehemence. His objection was that so long as peripheral clans were not represented in the new NEC, the Commissioners could not be sworn in.

Ironically, the *Guurti* took the initiative to mediate between the President and the House leadership over the question of the two remaining NEC nominees, as well as over the budget of 2007. Their efforts met resistance from House leadership almost immediately. In their first encounter, the House asked the *Guurti* how it could act as mediator so long as it is party to the conflict, reminding it that the two candidates in

question were theirs. Inevitably, in the end, the *Guurti* mediation collapsed.

APD monitored the mediation efforts very closely. Once it failed, APD stepped in to attempt to salvage the process. At an in-house meeting, the Academy identified 15 to 20 people who could be invited to participate in a renewed mediation process, and it began to bring these people together almost immediately. After several meetings at APD's office, the number of mediation participants dwindled to only 9. With the guidance of APD, however, this 9-member mediation committee continued to work in earnest. The committee included two famous poets, three prominent religious figures and four well-respected intellectuals.

Two days before the committee was expected to begin its mediation, the President made a controversial move that further complicated the situation. On 7 August, he issued a decree ordering the new NEC to assume office, including the two unconfirmed Commissioners. The NEC adhered to this decree.

When the mediation committee began its work, it was quickly endorsed by all sides: the President, the *Guurti*, the House leadership and the opposition parties. After having listened to all sides' grievances regarding the unconfirmed NEC and the annual budget, the

committee decided that the first order of business should be to stop the unconfirmed NEC from claiming its office. Resolving this problem was absolutely critical and was required in order to win the confidence of the committee's detractors.

Eventually, the mediation group had no choice but to confront the President on this issue. They asked him to stop the unconfirmed candidates from assuming office, which surprisingly enough, he agreed to do. Later on, the President began to grow reluctant regarding his earlier decision. The Committee was forced to improvise. Without the knowledge of the other side, some members of the committee met the two unconfirmed candidates and managed to convince them to stay away from the NEC office so long as the mediation was ongoing. This unexpected success allowed the mediation to continue.

After meeting them separately, the committee was able to convince all sides to hold a series of face-to-face dialogues at the Presidential Palace. The first meeting was to be relatively informal – just a chance to shake hands and chat – while the second would allow both sides to air their concerns. The positive thing about the first meeting was that it gave the President and the Chairman of *Kulmiye* the opportunity to meet after almost four years of distance

between them, and both promised to meet regularly in the future. To some, the absence of regular meetings between the leaders of the country was telling and a symptom of deeply polarised politics. The bad news was that the second meeting did not produce the much-anticipated and greatly needed breakthrough. All sides were unwilling to concede or compromise on their positions. However, once it became clear that they would be unable to resolve their differences, the parties agreed to leave the matter to the mediation committee, whose final verdict would be binding.

Following one day of deliberation at the Academy, the committee was able to arbitrate the issue, having designed what they thought would be a win-win deal for all. On 20 August, they delivered their final decision at the Presidential Palace, in front of the media and all parties concerned. The three main points of the verdict were:

1. The House leadership was to give a second confirmation to the two NEC nominees, and if they were rejected again, they would be replaced;
2. The President was to accept the budget as passed by the House of Representatives;
3. All jailed *Qaran* leaders were to be

released unconditionally and their political rights<sup>38</sup> restored.

All sides accepted the Mediation Committee's findings and promised to carry out its verdict.

The first task was for the House leadership to show that they were going to cooperate. It was decided that the House of Representatives would hold a special session on 26 August to confirm the two NEC nominees, but because of the death of a prominent *UDUB* MP, the confirmation was ultimately postponed until 27 August. On the eve of the confirmation, *Hargeysa* was witness to a considerable number of campaigning activities from the Government, to secure enough votes to confirm the two nominees. There were allegations that a significant amount of money was involved in the process. The opposition was quite suspicious of the level of government support and the number of political risks that were being taken for the sake of the two nominees. The intensive advocacy campaign gave the opposition additional incentive to block the nominees by any means necessary.

Aside from the advocacy campaign, the government made another controversial move in an attempt to boost their prospects. Within 24 hours, the

<sup>38</sup> The *Qaran* politicians were sentenced when the mediation committee were in deliberations. One member of the committee proposed that the committee should address the issue of the imprisonment as that would serve the cause of peace in the country. The decision was unanimously agreed by the rest of the committee.

government had replaced the deceased UDUB MP with a new one who was to participate in the House session without the knowledge of the House leadership. Both the Chief Justice and the unsworn interim NEC Chairman helped to facilitate this unusual act. Under instruction from the President, the interim NEC certified that the new MP was a rightful replacement. Similarly, the Chief Justice swore in the new MP as quickly as possible. For many, this was a clear illustration of how these supposedly independent institutions are deeply susceptible to the influences of the Executive.

On 27 August 2007, the House was convened as planned. When the session was about to begin, the Chair was informed about the presence of the new MP, waiting out in the hall. The Chair asked the new MP to leave the assembly. He and his supporters showed some resistance, but eventually he had to be escorted out. The House then got down to business and proceeded to vote on the two remaining NEC nominees. Once again, the nominees were rejected, dealing a serious blow to the government and its supporters. Critics commented that this was one of the rare instances where things did not go as the President had planned.

The *Guurti* immediately nominated two new candidates. The President endorsed the two and he forwarded the

names to the House for confirmation. On 3 September 2007, the House confirmed them. The new NEC was sworn in at the Presidential Palace on 9 September, without the presence of the government or the two opposition parties. After almost nine months of political uncertainty, a critical impediment to the electoral process had been removed.

### 4.3 The First Timeline Agreement

After assuming office, the most pressing concern for the new NEC was to put in place an acceptable election timeline for all of the primary stakeholders. As has been the tradition in consultative meetings with the government and the opposition parties, APD offered its services to help facilitate the timeline discussion. For the inexperienced NEC, dealing with competing stakeholders proved to be a tricky and frustrating experience.

The first consultation began on 27 September 2007. The challenge was to broker a realistic and acceptable timeline that allowed for the realisation of three processes: the voter registration and two elections.

In this meeting, the NEC presented a preliminary timeline in which the voter registration and first election would take a minimum of a year to take place. If they began the process on 15 October

2007, the first election would have to be held after 15 September 2008. President Rayaale was elected on 14 April 2003 and sworn in on 16 May 2003. Therefore, according to the Somaliland Constitution, his term of office was to expire on 15 May 2008, making a September election overdue by four months.

As expected, the positions of the three parties were profoundly different. *UDUB*, the President's party, had no problem with the NEC's one-year timeline, though they did note that the legal requirements of the voter registration process would probably force the process to extend slightly beyond the parameters of a year because of the time needed to implement such a registration. *Kulmiye* argued that registration, although desirable, would not be feasible within the given timeframe, unless election dates are pushed back which is something it did not want to happen. It claimed furthermore that elections should be held on their specified constitutional dates, with or without voter registration. *UCID* took what appeared to be the middle ground, as it wanted to postpone the local elections but to hold the voter registration and Presidential Election within the given timeframe.

The first consultative meeting allowed each side to explain their position, though there was no notable progress.

It ended in deadlock, with each side stressing one aspect of the process that was in line with their interests. The NEC was emphasising the technical needs of the process. *UDUB* and the President were referring to the legal aspects of the process, with particular emphasis on the voter registration exercise. *Kulmiye* saw the elections as being far more important than voter registration. The second meeting was no different, and it ended in much the same way. However, in frustration, the NEC decided to take matters into its own hands by coming up with its own electoral timeline.

Leaving the timeline to the NEC was agreeable for the government, but not for the opposition parties. Intensive behind-the-scenes activity spearheaded by APD, helped bridge the concerns of both sides. Voter registration was strategically important and added value to the electoral process, so it had to be included in any compromise. With this in mind, the challenge was to reconcile the technical needs of the process and the primary concerns of the opposition – namely, that the government would demand an open-ended timeline that would allow the election dates to be postponed indefinitely.

Following a period of extensive shuttle diplomacy on the part of APD, a compromise was forged, setting the dates for the elections and initiating

voter registration. The elections for local government were to be held on 1 July and Presidential Election on 31 August, with clauses stipulating that the dates could be changed if all of the primary stakeholders were in agreement. This agreement reinvigorated the electoral process and became the starting point for the operations of the new NEC.

#### 4.4 The Second Timeline Agreement

It became clear in April 2008 that the existing timeline would not provide enough space to conduct a successful voter registration exercise alongside two elections. As such, stakeholders were obliged once again to return to the negotiating table. But this time, negotiations proved to be especially tricky, as they involved the question of extending the mandate of the President, whose term was slated to expire on 15 May 2008. April thus became a critical juncture for the electoral process and coming up with a realistic, consensus-based electoral timetable before 15 April 2008 was imperative.

Apart from the extension of the Presidency, there was another cumbersome legal hurdle. Any election timetable that was short by 18 to 20 months would fail to comply with the Voter Registration Act<sup>39</sup>. In this case, the Act would have to be amended to

accommodate such a timeline. The government's resistance towards any shortened timeline was based on this legal caveat, whereas the opposition argued that the Presidential Election on 14 April 2008 was constitutionally mandated and that the Constitution takes precedence over the Act. Moreover, they maintained that the country was in an unusual political situation that demanded extraordinary compromises and solutions.

After conducting behind-the-scenes consultations with the various stakeholders, the primary difference that emerged between the timelines proposed by the government and the two opposition parties was approximately two months. The government was aiming to hold the Presidential Election on February 2008, while the opposition wanted them to occur on 31 December 2007. Each side was willing to move to the middle and would accept January 2008. In addition, the government was willing to amend its six-month Article in the Voter Registration Act.

Amidst these negotiations and impending stakeholders' compromise, the President forwarded to the *Guurti* a letter in which he instructed the *Guurti* to extend his term in the light of the Constitution and voter registration, which stipulated that there should be

<sup>39</sup> The Act stipulated that the election would take place within six months of the voter registration exercise.

at least six months between elections. With that the government was hoping for a two-year extension, but sensing public pressure on the *Guurti*, they went for only one year, partially applying the Voter Registration.

This unilateral *Guurti* extension of the term of the government was condemned by the NEC, the opposition and the donors, since it was not based on consensus-based timetable agreed upon by the three parties. Efforts to mediate between the parties led by the House of Representatives failed. The failure of the mediation was announced just three days before 15 May, heightening political uncertainty within the country. There was an urgent need to resume dialogue and to forge a new kind of understanding between the primary stakeholders. On the advice of APD, the NEC initiated a dialogue between representatives from the three political parties at the premises of APD on 13 May. The resumption of talks reduced the tensions that were building up to the 15 May, and facilitated face to face meeting between the three party leaders: the President and the two chairmen of the opposition political parties. The face to face meeting failed to generate an agreement that was acceptable to all.

The assumption that any consensus-based agreement would be sufficient to win back the support of the donors

was unrealistic. APD and Interpeace knew that it would take more than one year to undertake an electoral timeline in a realistic way, holding three complex processes – a voter registration exercise and two elections – in one year was too much of a logistical gamble for most donors. Therefore, real compromises had to be made.

Efforts had been made to convince the various sides to agree to a timeline for either one process or another: for two elections without a voter registration, or voter registration with one of either local or Presidential Election. The government was strongly in favour of maintaining the voter registration exercises and beginning with local elections first. *Kulmiye*, the main opposition party, wanted elections without voter registration.

After intensive behind-the-scene consultations led by APD with some figures in government, including the President, the government finally agreed to negotiate on the basis of the voter registration and Presidential Election proposal. On 1 June 2008, the leadership of the three parties met at the Presidential Palace to finalise talks. After hours of discussions, the three parties delivered an eight-point agreement:

- Local elections would be postponed and Presidential Election would be held first;

- The voter registration process would be given ample time to unfold, as local elections would be pushed back slightly;
- The NEC would prepare a date for the Presidential Election once the voter registration exercise was completed;
- The Presidential Election would be held before 6 April 2009;
- Articles in the Voter Registration Act that made it overly difficult for citizens to register would be nullified;
- In the case of a delay, the three political parties and the NEC would jointly determine an appropriate extension to the timeline, and the *Guurti* would be obliged to accept and endorse any revision;
- The three political parties should commit themselves to regular consultations; and
- A permanent technical committee should be established to deal with issues of confidence and trust-building among the political parties.

On 9 June 2008, the three national political parties officially signed the agreement that ended their differences over the electoral timetable, in a

ceremony organized by the Academy for Peace and Development. The Vice-President of Somaliland, Mr. Ahmed Yusuf Yassin, signed on behalf of the government and the ruling party *UDUB*. Chairman Faysal Ali Waraabe signed for *UCID* and first deputy-chairman Mr. Muse Bihi Abdi signed for *Kulmiye*. The agreement revived the flagging electoral process.

Based on this agreement, the Voter Registration Act was amended to be in legal harmony with the proposed registration model. Furthermore, on 20 May 2008, the two missing members were added to the NEC. The NEC with Interpeace's guidance was able to finalise the electoral timeline, making 29 March 2009 as the Presidential Election Day, and this decision was endorsed on 23 July 2008. The President of Somaliland Daahir Rayaale Kaahin, acting on the advice of the NEC, issued a decree making 14 October 2008 the first day of Somaliland's voter registration process.

As scheduled, the voter registration exercise began on 14 October 2008 in *Saaxil* region. Despite early difficulties and technical hiccups, the process was relatively successful. It was followed by registration in *Awdal* region on 25 October 2008 where the operation made progress. *Hargeysa's* exercise was, however, postponed in the aftermath of the 29 October 2008 suicide bombings. It resumed on 1 December 2008.

#### **4.5 Preparation of the Education Manual for Voter Registration**

Voter registration was a profoundly new exercise to Somaliland's electorates. As such, the success of the exercise was largely dependent on the level of information the country's citizens and communities received and, subsequently, how well they understood the process. In light of this, APD, in collaboration with and under the guidance of Interpeace's Project Management Team (PMT) which supported the NEC directly, collected and compiled all relevant material and information as part of a process to develop a voter education manual.

The Voter Education Manual specifically focused on both the importance of voter registration as well as the process itself: when, how and where to register. Following this, the material gathered was translated into Somali and, equally important, the collected material was adapted to the Somali context. Drawings accompanied the text in each chapter as part of efforts to both illustrating the process more elaborately as well as ensuring the manual was culturally adapted to the Somali context. In doing this, the scheme made use of a technician from the APD's Audiovisual Unit to put together the text and the illustrations during the production of the first draft. The draft was reviewed before publication by a team composed

of APD, the PMT and NEC. In the films and the displayed pictures, both men and women were used for the voter education exercise, a step which enhanced a feeling of inclusiveness in the voting process among women.

Once published, the manual was distributed to the public, various media outlets and members of the local NGO community who were already active in the voter education campaign. The local print media in particular made substantial use of the manual, supplementing the provision of civic education with excerpts from the manual.

#### **4.6 Education Campaign for Voter Registration**

The scheme met with some challenges in ensuring all the necessary logistics and resources reached the public, in particular. While the donors and the NEC did allocate funds for sensitising the public and raising their awareness, there was concern that the allocated amount may not cover all of the electorates, particularly those on the periphery. There was also concern the increased number of NGOs to implement the voter registration with small funds might compromise the exercise. It was, therefore, very important that other organisations get involved in the process of initiating a voter education campaign with a relatively broader scope and coverage.

As such, the Academy for Peace and Development undertook a voter awareness scheme that covered the entire region of *Hargeysa*, *Burco* districts, *Boorame* districts and *Ceerigaabo* district. Nearly 225 individuals, mainly comprising young people (both male and female), were involved in the process for a period of 25 days<sup>40</sup>. Seven teams, each consisting of 25 to 30 individuals, were deployed and divided into five sub-teams of 5 to 6 members. Then, each team worked for five days out the 25

days using a vehicle mounted with a microphone.

Although the scheme targeted all areas with a potentially good voter turnout, particular emphasis was placed on reaching disadvantaged groups such as women, youth and minorities. The Academy closely coordinated its efforts with the National Electoral Commission as well as other on-going civic education initiatives in order to avoid overlap in coverage and campaign efforts.

**Table 2: Regional Breakdown**

Region	Number of Registration Centres	Number of Centres Covered by Scheme	% Covered by Scheme
<i>Hargeysa</i>	337	315	93%
<i>Togdheer</i>	196	140	71%
<i>Awdal</i>	153	67	44%
<i>Sanaag</i>	147	97	66%
Nation wide	1041	619	59%

As indicated in the table above, the scheme covered 619 registration centres in the four targeted regions, accounting for nearly 60% of the total registration centres in the country. Moreover, 93% of *Hargeysa's* registration centres were covered, while a total of 71%, 44%, and 66% of the registration centres, respectively in *Togdheer*, *Awdal* and *Sanaag* benefited from voter education

campaign efforts as a result of the scheme.

The NEC allocated funds to various local NGOs which were assigned to conduct voter education in all regions. It was noted that in *Hargeysa*, which accounts for one-third of the registration to be undertaken, the various teams deployed by the Academy's scheme were the

<sup>40</sup> The National Electoral Commission allocated 25 days for voter education in each region.

only ones engaged in any kind of voter education awareness. In other regions, only sporadic efforts were reported. Remarkably, APD was not included as part of the NGOs who were funded by the NEC to provide country-wide voter education. However, using its own resources, APD provided parallel voter education to populations unreached by the NEC-mandated exercise.

In parallel, the Audio-visual Unit of the Academy scripted, filmed and produced a short video that demonstrated the voter registration process step-by-step through orchestrated mock registrations. The production of the video greatly benefited from the assistance of Interpeace's PMT, particularly Mr. Saeed Ahmed. The video was then shown to and approved by members of NEC, representatives from the government and opposition parties. After distribution, the video was regularly broadcast on Somaliland's national television station.

The vast majority of Somaliland's rural communities, however, did not have access to television. It consequently became imperative that the Academy travelled to remote areas of respective regions and screened the voter registration awareness raising video, making use of the Mobile Film Unit of the Academy's Culture and Communication Department. A total of 17 districts, 7 in *Hargeysa*, 4 in *Togdheer*, and 3 districts

respectively in *Sanaag* and *Sool* were covered. While turnout varied from village to village, feedback was always positive from all of the communities visited, who have demonstrated great appreciation.

#### **4.7 The Fourth Election Postponements**

The NEC with the support of Interpeace was able to complete the complex voter registration exercise in the first week of February 2009, just two months before the election date on 29 March 2009. The time remaining was insufficient to sort out the data to produce final credible voter lists and conduct election operations. The NEC proposed to the three political parties a new timeline, which pushed the election date to 31 May 2009. *UDUB* and *UCID* endorsed the new election date, whereas *Kulmiye* vehemently rejected it, saying no more extension should be given to the current government. They called the Parliament to convene in order to create a "caretaker" government to oversee free and fair elections.

Many observers saw the refusal of *Kulmiye* for this short period extension as unreasonable. For one thing they felt that the extension was justified due to the time lost in dealing with technical hiccups and disruption, which were caused by unforeseen events such as the

2008 terrorist bombing during the voter registration process. Other observers could not understand why *Kulmiye*, who had the patience to endure more than one year of delay by accepting numerous postponements, was not willing to consent to this short extension. Many prominent people urged *Kulmiye*'s leadership to accept the new date to spare the country unnecessary political uncertainty that could jeopardise the whole electoral process.

One likely explanation for *Kulmiye*'s rejection of the new election timetable was the opening of a new opportunity to challenge the further extension of the government's mandate by the *Guurti*. This prospect came to light when the President and the Chairman of the *Guurti* had a falling out just before the issue of another election delay and possible extension emerged. The row between these two leaders, which began in late January 2009, reached a climax in mid-February 2009 when pro-government *Guurti* members, allegedly with the support of the President, publicly challenged the Chairman's leadership.

These controversial moves gave the Chairman of the *Guurti* the support of the opposition parties and some members of the *Guurti*, and prompted the Chairman to declare his opposition to any more extensions of the government mandate. Following this, *Kulmiye*, with

the Chairman on their side, sensed that they had a better opportunity to deny the President any further extension, as the Chairman of the *Guurti* and *Kulmiye* believed they had enough votes to defeat the motion proposed by the President.

To *Kulmiye*'s dismay, on 28 March 2008 the pro-government *Guurti* members succeeded, winning a close vote 42-35 to extend the term of the President for six more months rather than the two months which *Kulmiye* refused to endorse. *Kulmiye* lost this confrontation with the government despite a vigorous campaign that allegedly involved financial incentives for the votes of some *Guurti* members and despite their optimism on the eve of voting. It has been suggested that the reason such bribery and lobbying fell short was that the Chairman of the *Guurti* was against the extension and he was able to rally his supporters to vote in opposition to the move.

The *Guurti*'s extension of the President's term for six more months triggered more political tension. The opposition parties declared that they would no longer recognise Rayaale's administration after 14 April 2008. To keep the pressure on the government, *Kulmiye*'s leadership decided to stage daily peaceful rallies. The public feared that the authority might overreact to these public rallies in an effort to stop them.

This anxiety got stronger when on 6 April 2008 the police open fired on *Kulmiye* leadership as they were trying to lead a peaceful march within the city of *Hargeysa*. In another *Kulmiye* public gathering, an individual with unknown connections fired a pistol among the crowd, disrupting the rally. All these events signalled that the ongoing political confrontation could get out hand unless there was some kind of dialogue between the two sides. This political uncertainty led the public to fear that their hard-won peace would fall apart after two decades of progress and a new politically-motivated conflict would erupt. There was a widely popular belief, however, that Somaliland's long record of consultation and compromise would win out in the end. This belief brought hope that a prolonged political confrontation would be diffused eventually.

Calls for dialogue between the two factions echoed throughout the country though there was the issue of private mediation fatigue. Given the recurrence of these political crises, and since many of them were solved through private intervention, many people who were involved in the previous negotiations were reluctant to step in yet again. Despite this scepticism about mediation efforts, attempts to initiate dialogue began. Seven members from the Election Monitoring Board managed to get the consent of the three leaders -

the President and the two leaders of the opposition parties - to start a mediation process.

After shuttling between the sides and holding face-to-face meetings in which the parties aired their stances and grievances, the antagonists gave the mediators the mandate to reach a judgment. On 30 April 2008, the Mediation Committee reached what was considered "a compromise decision" that consisted of these points: keeping the agreed timeframe to election date and not extending the mandate of the government further than had already been done; expanding the number of the NEC members to nine Commissioners to strengthen the dysfunctional NEC; and agreeing that there would be no further extensions to the term of the government.

At first the opposition was reluctant to accept this verdict, as there was no guarantee against any more extensions of the mandate of the government. However, due to public pressure and the belief that the President would sign the agreement, the opposition accepted the proposed deal. The President, who in principle accepted the decisions of the committee, refused to sign the agreement saying that it contained a provision that was against the Constitution. This was seen as a political tactic used by the President to stall the negotiations.

Despite the persistent refusal of the President to sign the agreement, the opposition parties adhered to these provisions in order to claim the moral high ground and gain favourable public opinion. For the President, the rejection of the agreement was a public relations disaster and reinforced public perception about his untrustworthiness and lack of commitment to the political process.

Meanwhile the technical groundwork for the election continued. On 27 May 2009, the NEC and the three political parties came to an agreement on the preparations for the election to be held on 27 September 2009. The agreement stipulated the parameters for the voter lists and required the production of the final list before 27 July 2009.

#### **4.8 Turbulent Period**

For Somaliland, the period between June and September 2009 was very challenging. The country experienced political turmoil that threatened its long enduring stability. The continuing disputes led the donors to present a list of issues that would have to be addressed by the government and the three political parties by the deadline of 21 June 2009 in order for the electoral timeline to be sustained. If not, the donors would not commit any further funds to

the process. Dealing with some of these conditions<sup>41</sup>, particularly resolving the issue of changing the leadership of the NEC, proved very tricky.

Following increasing internal and external concern about the NEC's ability to organise a credible election, pressure grew from various quarters both inside and outside Somaliland suggesting a need to replace the NEC's leadership. Several proposals were put forward to tackle this concern. The most plausible compromise was for the opposition party to replace its nominated Commissioner and the President to recall one of his three nominated members. Such a deal would have had facilitated the removal of the defunct NEC leadership plus one Commissioner thus injecting three new Commissioners into the process. The parties flirted with this proposal for a while, but failed to address the issue of the NEC thereby further deepening the ongoing political crisis.

Criticism and doubts about the technical capability of the voter registration system to capture and manage accurate data exacerbated the political problems. This cause for concern emerged when it came to light that the registration system faced difficulties in removing from the 1.4 million registered voters people registered multiple times. The

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<sup>41</sup> On 27 May 2009, the donors put forward issues to be addressed by the government and the three political parties before committing any financial support to the process. These concerns were to be addressed by 21 June 2009.

government, which was signalling its disapproval of a voter registry larger than eight hundred thousand, began to question the credibility of the sorting process and the role of Interpeace. Subsequently, it sent a delegation to Nairobi to plead its case against the server and Interpeace to the donors and to ease some of the conditions demanded by the donors. The problem of the credibility of the voter registration was not an institutional mistake on the part of Interpeace, nor technical flaws of the system, but instead was largely due to the lack of adhering to the procedures of the process by the NEC registration teams in the field.

This disregard for procedures critical to the integrity of the system was motivated by inter-clan competition which led to various instances of fraud, including multiple registration, registration of non-present persons through the photographing of photos (rather than the actual person), refusal to take fingerprints and underage registration. This occurred in tandem with many other problems including the incursion of party politics into the process, unskilled staff, and the staggered registration approach, which was conducted without coordination between regions.

With growing frustration and diminishing confidence from the population and

political parties, the NEC decided to nullify the draft voter registry and to hold the elections without voter lists. Furthermore, the government expelled the Interpeace Programme Director, Ruben Zamora, from the country after he distributed the draft voter registry to all the political parties, without the consent or presence of the NEC. Though he followed the legal requirements, which clearly stated all three parties shall receive a draft copy of the registry for review, the governing party refused to receive the registry, the NEC announced there was no registry,<sup>42</sup> and the Government decided he should be expelled. The expulsion was denounced by the opposition parties, the leadership of the *Guurti*, the House of Representatives and the donors.

Despite external and internal pressure on the Government to retract the decision to nullify the voter registration, the President insisted on holding the election without voter lists. At the same time he asked the opposition parties to participate in the election processes, a proposition flatly rejected by the opposition. Many political analysts doubted the capacity of the sitting NEC and the ability of Rayaale's government to raise the needed funds to organise an uncontested election. For some, this was a ploy to stall the election and get a further extension of his government's

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<sup>42</sup> This was the draft Voter List which still required approval according to due process as specified in the procedures.

term. The analysts argued that this move would destroy Somaliland's democratisation process and put the country unnecessarily in serious political uncertainty.

The House of Representatives, and to certain extent the *Guurti*, became the epicentre of this ongoing political storm and the power struggle between the government and the opposition parties. Members of the *Guurti* and the House of Representatives began to table motions against the nullification of the voter registration. These propositions prompted stiff opposition from pro-government MPs and interference from the Executive to stop these motions, thereby making the House of Representatives, and to certain extent the *Guurti*, an unruly body, which further worsened the situation.

The proposal to debate the dismissal of the voter registry split the leadership and rank and file of the *Guurti*. The campaigns on both sides to either bring the issue to debate or prevent it from being brought to the floor deepened the rift within the *Guurti*. The schism among the MPs made the *Guurti* dysfunctional. Following initiatives to mend fences by the *Guurti* leadership in an effort to save the *Guurti*, MPs finally reached a compromise in 2009 to stay neutral and to resume their traditional role of mediating conflicts. To act on that, they formed a mediation committee

and pledged to endorse the outcomes reached by the government and the opposition from any private mediation.

The House of Representatives, overcoming stiff opposition from pro-government MPs, managed to hold a debate on the controversial draft voter registry. Many of them called for the impeachment of the President and the removal of the NEC Commissioners. On 11 August 2008 in another session, which was delayed for 4 hours to reach a quorum (as some of members of the *UDUB* party stayed outside to prevent having a quorum), the House passed a resolution on the political impasse. The House resolution included these provisions:

- The President and the NEC should accept the outcome of the revised voter registry;
- The President and the NEC should rescind their decision to nullify the voter registration and comply with the Law (20/2001) and Voter Registration Act (37/2007);
- The President and the NEC should refrain from actions that would damage or restrain Somaliland's relationship with the international community; and
- The House of Representatives would take legal action against the President and the NEC if they failed to comply.

As expected, the Government rejected this resolution and called it illegal. It also put the Executive and the House of Representatives on a collision course. The first confrontation between the House of Representatives and the Executive was over 6 MPs from the ruling party, *UDUB*, who were disciplined by the House's disciplinary committee for disrupting previous plenary sessions. These lawmakers were asked not to attend three sessions of the House. In response the Executive, using the police, took over the House of Representatives and prevented the House leadership from barring the six MPs from Parliament. The House of Representatives halted proceedings and went to the public with a statement that the President had illegally taken over an elected body.

In this intense political environment and with the premises still overwhelmed with police, on 5 September 2009, 38 MPs from the House of Representatives tabled a motion to impeach the President for breaching Articles 37, 38, 44, 53 and 54 of the Constitution. The House leadership referred the motion to the legal adviser of the House to check whether the proposition was in line with the Constitution. On 8 September 2009, the lawmakers convened as scheduled to debate the tabled motion.

As soon as the plenary debate on the issue began, pro-government MPs

started disrupting the process by yelling and shouting. Scuffles among the legislators followed, causing one pro-government MP to draw a pistol. Fortunately the pistol was quickly grabbed by other lawmakers. The police moved in, removing everyone from the premises and took over the hall of the House of Representatives.

Local observers saw these events as a move by the pro-government MPs to shut the House of Representatives with the help of the government in order to prevent the impeachment process. In an interview one of the ring leaders of these lawmakers acknowledged that they had asked the government to move in to prevent an outbreak of violence among the MPs. This admission is an indication that they were willing to use any means to disrupt the proceedings and that they were colluding with the government on this issue.

Some members of the *Guurti* began to ask the President to reopen the House of Representatives in an effort to lessen the ongoing political crisis. They succeeded in convincing the President to allow the House to resume its official duty on September 12. Large crowds from the public gathered around the premises of the House of Representatives in support of the House leadership and to check whether the House MPs were allowed to resume their work as promised. The situation got tense when the police

were trying to prevent the vehicles of the Speaker and first Deputy Speaker of the House of Representatives to enter the premises; a mob overwhelmed the police lines to allow the vehicles to go through.

According to a news report, law enforcement officials responded by calling in the riot police.<sup>43</sup> The riot police used tear gas and the police fired their guns in the air to ward off the crowd of people advancing towards the compound of the Parliament. The death of a young man as a result of the police firing sparked further confrontation between the law enforcement services and the crowd, who began to throw stones and other things at the police. A widespread public riot in the city of *Hargeysa* followed. In an attempt by the police to put down this public uprising, two more young men were killed and approximately twenty people were injured. The crowd in turn burned a couple of government owned vehicles. Throughout these boiling political tensions there were local and external mediation initiatives to either contain or resolve the ongoing crisis. There were several local reconciliation efforts. The first local intervention was led by members from the media groups with the financial and technical support of APD. Though the opposition welcomed this mediation effort, the President refused to meet this group. This initiative

was followed by another one headed by group of Sultans who stepped in when the tension between the President and the opposition members in the House of Representatives escalated.

This group succeeded in deescalating the hostility between the House leadership and the President, and between members of Parliament. The government agreed to remove the police from the premises of the Parliament and House members agreed to forgive each other, thus allowing the House of Representatives to resume its regular sessions without interference. The debate on the impeachment of the President, however, continued.

Against the backdrop of the confrontation between the President and the House leadership, there was another political crisis looming large with the potential to escalate into violent conflict. After the failure to hold the elections on 29 September 2009, disputes over another *Guurti's* extension of the Government's mandate emerged. In mid-September, a private mediation committee consisting of people from the business community and religious groups came forward to facilitate dialogue between the main political rivals: the President and the opposition leaders. After holding separate meetings with these officials, the Committee was able to get the consent of the parties to continue with

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<sup>43</sup> *jamhuuriya*, September 2009.

their mediation effort, but the initiative ended inconclusively.

Though Somaliland remains unrecognised by the international community, a destabilised Somaliland was not in the best interests of the international community in terms of security in an already troubled part of the world. External intervention, the first of its kind in Somaliland, to resolve the political impasse began. The Ethiopian State Minister of Foreign Affairs paid a visit to *Hargeysa* on 19 August 2009 in an effort to facilitate talks between the Government and the opposition parties to save the electoral process. Both sides welcomed these external mediations. After holding extensive discussions with the parties, the NEC, members from previous mediation efforts, civil society groups, and other concerned groups, the Minister proposed a set of points that would serve as the basis for negotiations. These included:

- To hold elections with the voter register after it was refined by external experts; and
- To base the election date and the extension of the mandate of the government on a technical basis according to the amount of time required to fix the voter register by the external experts.

In this proposal, the President gained an extension while the opposition got an election with a valid voter register. This deal was not palatable to the opposition, particularly *Kulmiye*, as they wanted a guarantee for no further extensions of the President's term. In the end, the Ethiopians left the country without securing a concrete settlement, but urging the parties to continue with the negotiations on these points.

The joint external mediation by officials from the Ethiopian Foreign Ministry and the British Embassy continued in Addis Ababa. In September 2009, after consulting with all key actors (both external and internal) this initiative led by the Deputy British Ambassador in Addis Ababa produced a six-point proposal that addressed all key concerns of all stakeholders and served as the basis for credible elections.<sup>44</sup> On 23 September 2009, as the country was bracing itself for another divisive *Guurti* extension of the term of the President, *Kulmiye* endorsed the six-point proposal as a way of putting more pressure on the government and pro-government *Guurti* members who were in the process of extending the mandate of the government.

On 24 September 2009, pro-Government members of the *Guurti* led

<sup>44</sup> The three political parties (*UDUB*, *UCID* and *Kulmiye*) all agreed that the elections would use a valid voter list. The three parties also agreed to replace the (second) NEC in order to build the confidence of the parties. Third, the three parties agreed to hire international consultants who would provide technical assistance to the NEC on matters relating to the server-registration instrument, so that valid voter list could be produced upon which the date of the election would be based. It was also agreed that the extension of the President and Vice-President's mandates would expire one month after the date of the election.

by the two Deputies of the *Guurti* insisted on having a vote on a one-year extension of the term of the Government, despite objections of the opposition leaders and their Chairmen who wanted to give a chance to the on-going negotiations. An argument between the *Guurti* leaders ensued. A quarrel among the lawmakers erupted with each side threatening the other side. Finally one of the MPs asked the two leaders to step out of the hall to resolve their differences. The two *Guurti* leaders returned to the session announcing to hold the vote the next day, which was Friday.

On the eve of the 25 September 2009, the country's whole political future hung in the balance for the first time since 1997 (at the time of the conclusion of the *Hargeysa* National Conference). The main question in the mind of many Somalilanders was whether the President and pro-government MPs would go ahead to extend the term of the government in the face of the divided *Guurti* leadership, the opposition's threat to declare a parallel government, and unconfirmed reports of the mobilisation of armed groups - or if they would come to their senses in time to reach consensus on this political impasse.

The city of *Hargeysa* witnessed increased activities to either resolve the crisis or raise the stakes. There were various efforts to get concession

from one of the sides particularly from the President and the pro-government *Guurti* members to accept the six-point deal. On the other side, there were credible reports of mobilisation of clan militia to storm the presidential palace and the *Guurti* premises if the *Guurti* went ahead with the one year extension.

At the same time some pro-government *Guurti* MPs received threats from the public and the opposition parties were in the process of forming a parallel government. With pressure building and the clock ticking, the President conceded in the early morning hours of October 2009 and informed his supporters in the *Guurti* of his decision to base the extension on the six-point proposal. His concession reduced the on-going political tension, though it would not be over till the *Guurti* endorsed the deal.

On the morning of 25 September 2009, all eyes were on the Parliament compound and hundreds of Somalilanders gathered around the premises to follow the unfolding event. The *Guurti* endorsed unanimously the extension of the mandate of the government based on the six-point agreement, which stipulated that that the term of office of the President and Vice-President would be extended for one month after the election date set on technical grounds by the NEC. The public welcomed the six-point agreement, though had some

doubts about its realisation. They found this deal quite unusual. They dubbed it a “free size agreement”, since it did not set the date of the election nor did it specify the extension period of the term of the President, leaving fears that it could become an open ended process.

#### 4.9 The Formation of the Third NEC

Although the six-point deal was the first agreement signed by President Rayaale on behalf of the government and *UDUB* party during Somaliland’s electoral process<sup>45</sup> and enjoyed the backing of the international community, the public remained largely sceptical about the chances of this agreement ending the political crisis for good. Many of them saw it as a temporary fix or pain reliever and thought that differences on key issues would very soon emerge to bring the process back to square one<sup>46</sup>. These scepticisms about the agreement were based on good reasons, as some issues were tricky to resolve - particularly the changes in the leadership or in the composition of the NEC.

Addressing the issue of the NEC proved the key hurdle for the implementation of the agreement. Judging from past experiences, there were public concerns that the parties might get bogged down on this issue, since there was no specific

formula to revamp the composition of the NEC. This predicament triggered public debate and speculation about the ways and the means to bring about changes in the leadership and composition of the NEC. Some were calling for the dismissal of all the members. Others saw this option as unfair to or incriminating for some capable Commissioners and recommended the dismissal of only those in question. In the midst of this public debate and with those Commissioners in question, particularly the leadership of the NEC, showing no sign of stepping down, the two most credible Commissioners made an admirable move by announcing their resignation on 4 October 2008 to ease the selection of new Commissioners. The unexpected resignation of these Commissioners put the rest of the members in an awkward position and mounting public pressure forced the remaining Commissioners to quit.

The *Guurti* and the two opposition political parties were the first to forward their nominees to the President. The President rejected one of the *Guurti* nominees and those of the opposition parties for different reasons. The only female *Guurti* candidate was rejected for being a member of the *Kulmiye*’s Central Committee and subsequently was replaced. *UCID* re-nominated one the

<sup>45</sup> Since 2002, it is either the Vice-President or the General Secretary of *UDUB* who has signed any agreements with the opposition political parties.

<sup>46</sup> During the BBC Somali service public debate on 25 September 2009 on the six-point agreement many people voiced this opinion.

resigned Commissioners; the President rejected the nomination on this basis.

As for *Kulmiye's* choice, the proposed Commissioner was rejected for being a known partisan and a member of the Executive Committee of *Kulmiye*. Unlike the others, *Kulmiye* refused to replace its nominee, arguing that the President has no veto on nominees, as it is the job of the House of Representatives to confirm or reject nominees. This standoff between the *Kulmiye* and the President over the *Kulmiye* candidate raised public fears that it might drag on for months, as it did in 2007, when *Kulmiye* withheld its nominees for months. Fortunately, the impasse over the *Kulmiye* choice was settled after two weeks when *Kulmiye* replaced its controversial nominee. Following the President's nomination of his three nominees, the House of Representative endorsed the new NEC on the 24 October 2009.

#### **4.10 Observation Mission on the Recruitment of Regional and District Commissioners**

APD sent teams to observe how the Commission was conducting the selection process of regional and district electoral officials. The selection process was based on the new recruitment scheme by the new Commission, in which all these positions were advertised thereby giving priority to the applicants with qualifications.

The NEC to a certain extent followed their newly adopted recruitment procedures and was quite successful in many places. This selection process kept the role of clan elders and the political parties in check. In many places, particularly in the urban centres, clan elders were not actively involved in the selection process (although that did not mean the Commissioners did not take into consideration clan balance issues). For the remote districts, the new recruiting scheme was more problematic because no - or few people applied. In such places, elders and political parties representatives were called upon to make some adjustments.

Unlike the previous NECs, the third NEC did involve the local representatives of the political parties in the selection process. Previously, representatives at the national level (*Hargeysa*) travelled with the NEC to have a say in the selection process. This move was seen as decentralising the decision-making process of the political parties, by giving the local cadres the opportunity to participate in the process. Moreover, they are better equipped to represent the interest of the party in their respective localities since they are familiar with the local contexts and dynamics.

The inclusion of the marginalised groups was a challenge. However, two people from the minorities and three women

were recruited. The main opposition to their recruitments came from the clan elders. The new recruitment system was a step in the right direction and something that the Commissioners can learn from and build upon in any future recruitment.

#### 4.11 Civil Society Advisory Group

The Academy for Peace and Development served as a member of the Civil Society Advisory Group to the NEC with other six major NGO networks and institutions: NAGAAD, SONSAF, COSONGO, SONYO, SORADI and FOPAG. This was the first time a civil society consortium had been formed to provide advice and assistance to the NEC in conducting voter education campaigns during the voter registration display period. The Advisory Group was formed by the third NEC, in part to address the shortcomings of the poor education campaign carried out during the original voter registration.

The Advisory Group offered its expertise to assist the NEC to develop mechanisms to implement broad civic education through the existing local NGOs, and it included:

- Assisting in developing applicable materials, messages and means for voter education;
- Developing criteria for identifying and selecting suitably skilled and capable local NGOs to implement the voter education; and

- Monitoring the implementation of the voter education activities across the country or in specific areas.

APD was also responsible for monitoring the voter education efforts in *Hargeysa* and *Awdal* regions.

Before the implementation of the voter education efforts, the Advisory Group was already concerned about the insufficiency of funds made available to implement a comprehensive voter education campaign (approximately 80,000 US Dollars), and that concern proved valid.

APD found the voter education process rather insufficient for two main reasons. First the voter education process started late due to delays in getting the funds before the display period. Furthermore, the resources pledged to conduct an effective voter education campaign were not provided. Many of these local NGOs appeared not to have a sufficient infrastructure or capacity to conduct voter education, not least due to lack of resources. There was also the possibility that some of these NGOs allocated inadequate funds in support of their voter education exercised, even though the available funds to all organisations ranged from USD 4,000 to USD 5,000.

Another factor may relate to the method used to reach the people. The voter

education campaign reached most of the regions but due to the high rate of illiteracy in Somaliland, people were not able to read manuals. Furthermore, relatively few has access to television, through which most of the NEC's voter education was conducted. It looked like no microphones were used to get the attention of the people in public meetings and events, and therefore they did not noticed any voter education campaigns. According to one NGO person, NGOs were not using microphones and loud speakers but were instead distributing materials and had meetings with elders or community leaders hoping those leaders could then convey the message to their people. In *Hargeysa*, NAGAAD, realising this problem, hired a vehicle mounted with loud speakers with their own funds, to convey messages to the public. Although the campaign was effective to some extent, some shortcomings were identified.

Recommendations were made by APD after monitoring the effectiveness of voter education campaigns. The most important factors to consider in devising a voter education strategy are:

- The high rate of illiteracy in the country;
- Difficult terrain and scattered nomadic population with poor infrastructure;
- The non-existence of local radio or

TV that cover the whole country and acute shortage of printed press.

Other considerations should include:

- Releasing or making the funds available in time so that the voter education activities can be conducted before the polling day;
- If possible, increase the funds allocated to voter education campaigns; if not then it would be better to limit the number of NGOs involved in the process. It would be better to involve organizations that have resources and infrastructures, such as NAGAAD;
- The percentage of the budget being allocated to voter education activities should be specified in the contract with the implemented NGOs;
- The recommended methods of conducting voter education activities should be better understood.

#### 4.12 Training Members of the Media

Upon a request from the NEC and some members of the media, Interpeace and APD organised media training workshops on election reporting. The first training session began on 6 April 2010 in Addis Ababa for 14 senior figures of the Somaliland's media. The objective of this workshop was to highlight the importance of election reporting and the potential for this to contribute to peaceful elections (or conflict). A case study

co-authored by a senior Somaliland journalist on the role of the media in Kenya's post-election violence provided the basis for discussion on the value of a Media Code of Conduct<sup>47</sup>. The training put emphasis on the responsibility of the media to reflect public concerns (and not only power politics) during all election phases and the need to educate the public about the process.

The training also covered the importance of providing equal access to all political parties and maintaining objective and unbiased reporting and at the same time avoiding inflammatory remarks or reporting. Finally, the participants developed a draft Media Code of Conduct. A follow-up two-day training workshop was organised in *Hargeysa* on 24 April 2010 with the support of the senior media figures and the NEC for 64 representatives from the media groups. The objectives of this workshop were to review the draft Media Code of Conduct, which was signed by the Ministry of Interior, the NEC, and the media representatives on 25 April 2010. A further positive outcome was the reconciliation between the Minister of Information and the independent media.

As follow-up to the media training on election reporting and in line with the Media Code of Conduct, monitoring on media reporting was to be undertaken

to ensure they adhered to the Media Code of Conduct (see *appendix 4*). A format and indicators were developed to conduct such media monitoring by the Election Monitoring Board (EMB) during all the election phases: pre-election, campaigns, Election Day and post-election.

#### **4.13 The Election Monitoring Board (EMB)**

The Election Monitoring Board's role was to monitor whether the three candidates and supporters adhered to the political parties' Election Code of Conduct (see *appendix 3*). The members of the EMB consisted of individuals from the civil societies, elders, intellectuals, professionals, diaspora, and religious establishment. A core group was stationed in *Hargeysa* to oversee the whole process, while in each region a member of the EMB was present to monitor party activities at regional and district level.

The six-point agreement stipulated to embed an international advisor in the EMB to augment the efforts of the Board and to boost the opposition's confidence in its work. APD provided space and material support to the members of the EMB to conduct their day-to-day activities and in similar fashion it offered an office with internet access to the

<sup>47</sup> Nicole Stremmlau, Matthew Blanchard, Yusuf Abdi Gabobe, and Farhan Ali Ahmed, *The Role of the Media in the Upcoming Somaliland Elections: Lessons from Kenya*, Stanhope Centre, Oxford, September 2009.

international advisors. In addition to providing space, APD attached one of its assistant researchers to the EMB and the international advisor to document the activities and the proceedings of the EMB.

#### **4.14 Deployment of Mediators at the Registration and Polling Centres**

The proposal of the Centre for Humanitarian Dialogue (CHD) to have local mediators in the registration centres to deal with small disputes and confusions at these centres was welcomed by the NEC, and some members of Somaliland Civil Society Organisations (CSOs). To move the process forward, the Centre for Humanitarian Dialogue asked the Civil Society Advisory Group, to lead this effort. The Advisory Group was able to determine the compositions and the share of the 600 mediators each region will be granted. Following the identifications and the selection of the mediators as well as the provision of some training on conflict resolution, APD became responsible for the deployment and the supervision of 100 mediators in *Togdheer* region both during the display period and the Presidential Election.

#### **4.15 Walk-Through Exercise on the Election Day Process**

On 25 June 2010 one day before the Election Day, APD organised a meeting in its premises to discuss and share

information on final preparations for the Presidential Election: to identify and assess possible Election Day challenges and their subsequent potential impact on election results; and to examine possible worst post-election scenarios and identify effective preventive and mitigation measures. This one day discussion brought together 24 people representing the local civil society organisations, the NEC, donors, international NGOs involved in the electoral process, international observers and Diasporas.

The discussion was candid and very informative as every conceivable challenge was raised. Questions were asked as to whether the NEC had measures in place to deal with some of these pitfalls. The possibility of mitigating some of these challenges was explored. In the final analysis, various pointers based on everyone's experience were given to the NEC to address some of the potential issues. One example of a worst-case scenario was that neither party won with a comfortable margin. In this scenario, the NEC was advised to be proactive and to take initiatives to dictate the tempo of the course of events by constantly updating the public in a transparent manner through daily briefings.

Most of the participants found this timely walk through exercise of the Election Day process useful, and the minutes of

the discussion were circulated to all the key internal and external stakeholders.

#### 4.16 Observing the Polling Day

Like in previous elections, APD sent several observation teams on polling day, with each team consisting of one researcher and audio-visual person, to observe and document the process. The APD teams were mainly deployed in *Togdheer*, *Hargeysa*, and *Awdal*, and they worked closely with other local and international observers and the commissions. The following observers participated:

- Academy for Peace and Development (APD)
- Somaliland National Youth Organization (SONYO)
- Forum for Peace and Governance (FOPAG)
- The Network for Women's Organisations (NAGAAD)
- Somaliland Non-state Actors (SONSAF)
- International Republican Institute (IRI)
- Progressio
- The Development Planning Unit of the University of London (DPU)
- Somaliland Focus UK (SFUK)

The APD's observation teams, which visited more than fifty polling stations in these regions, expressed broad satisfaction with the exercise, as did other local and international observers. There was one major irregularity that involved the distribution of voting cards to the voters at the entrances of one polling centre in *Awdal* region. The APD team informed the Commission of the incident. In response one of the Commissioners immediately went to the polling station in question which was located in a remote area, and closed one polling station due to this irregularity. The International Election Observers reported that, *"regrettably in Awdal region, underage voting occurred in more than 20% of stations observed, thus constituting a significant problem. Most children attempting to vote appeared to hold valid voter card, although some doubtless belonged to other people."*<sup>48</sup>

<sup>48</sup> Michael Walls and Steve Kibble, Somaliland: Change and Continuity, Report by International Election Observers on the June 2010 presidential elections in Somaliland, Progressio, May 2011.



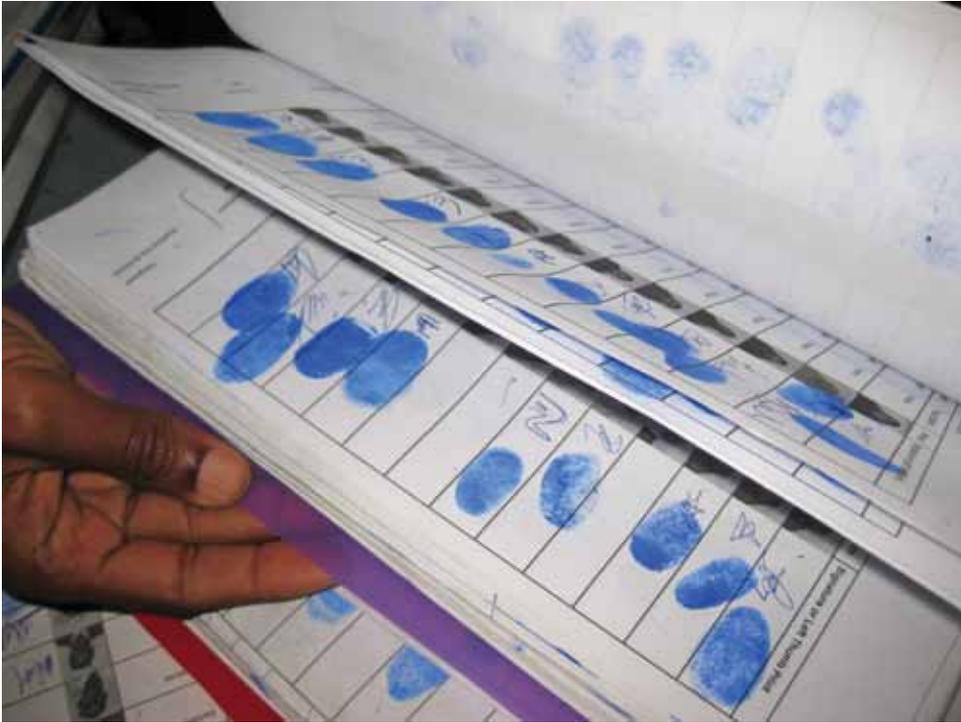
The Chairman of NEC Signing of the Code of Conduct for Political Parties

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A woman participating in the voter registration process

© Ulf Terlinden



Voter list with finger print and photographic verification information

© Ulf Terlinden



A voter displays his voter registration card

© Ulf Terlinden



*Political campaigning ahead of the election*

© Ulf Terlinden



*Women queuing to vote in Hargeysa*

© Asia Abdulkadir



*Election official preparing a ballot for a voter to cast*

© Ulf Terlinden



*President Rayaale making his transfer of power speech at the inauguration*

© Ulf Terlinden



## 5. THE ROAD TO SUCCESSFUL ELECTIONS

Although the formation of the new NEC was instrumental in the implementation of the six-point agreement, there was great apprehension about whether the new Commissioners would have the capacity and the integrity to salvage the whole electoral process and bring public confidence back to the institution.<sup>49</sup>

### 5.1 The Third NEC Kept the Ball Rolling

Without prior experience in planning, and organising elections in an extremely difficult environment, there were public concerns that the new Commissioners might not be up to this challenge. The prevailing sentiment towards the new NEC was, as described by a Somaliland politician: *“the last hope to salvage the electoral process.”*<sup>50</sup>

The first concern was whether the new Commissioners would be able to act in unity, something their immediate predecessors were unable to do. There were early signs that the new Commissioners, particularly the new Chairman, understood the importance of maintaining harmony and unity of purpose amongst the members. For the sake of keeping their cohesion, the new Chairman said that they would

stay away from actions and decisions that could divide NEC and would engage in concrete steps to strengthen their unity.<sup>51</sup> Fortunately, throughout the election process, the new NEC managed to show discipline and sense of professionalism in their day-to-day operations, thereby gradually restoring the public confidence in the NEC and the electoral process.

Unlike their predecessors, the new members of the NEC refrained from speaking individually to the media, and spoke mainly through their official spokesman, one of the seven Commissioners who was assigned that role. In fact, they maintained silence for four months while doing a lot of ground work such as internal training, recruitment, establishing the budget and work plans, etc. Critics of the new NEC were quick to jump on this. Critics saw this prolonged low profile by the NEC

<sup>49</sup> The following are the names of the newly constituted third NEC:

1. Ciise Yusuf Maxamed - Chairman
2. Cali-Khadar Xassan Cisman - Vice-Chairman
3. Mohamed Ahmed Hersi - Spokesman
4. Rabi Sharif Abdi Maxamed - Member
5. Farax Abiib Maxamed - Member
6. Cabdiraxman Maxamed Ismail - Member
7. Cabdifatax Maxamed Xassan - Member

<sup>50</sup> *Jamhuuriya*, 11 November 2009.

<sup>51</sup> Interview with the BBC Somali service, 11 November 2009 - Five days after assuming office.

as an indicator the electoral process was once again stalled and began to question the progress of the electoral process. This early criticism had no bearing on the behaviour of NEC as they continued to stay focused.

While President Rayaale had expelled Interpeace from the country and vowed to never allow them to work again in Somaliland, there was some international diplomacy at work behind-the-scenes to try to rectify the situation. It was clear that bringing in an entirely new international organisation to provide further technical support to the NEC would take valuable time. The President Rayaale accepted to allow Interpeace back into Somaliland provided they brought in new personnel, and provided the newly confirmed NEC accepted to partner with Interpeace. The newly formed NEC understood the importance of the support of Interpeace to the election process, accepted them to provide technical assistance, and immediately developed a robust working relationship with them<sup>52</sup>.

The previous Chairman of the second NEC had demonstrated that both he and the institution had been prone to the influence of competing politics, and were particularly susceptible to the demands of the President. They behaved as if the NEC was not truly an independent body and the President

was not one of the contenders of office, as if he had no stake in the process. Consequently, the second NEC's leadership was in constant contact with the President either to address some of his concerns, provide him with information, or to consult with him on key decisions<sup>53</sup>. This close association with the President undermined public and other stakeholders' confidence in NEC's leadership.

In contrast, the new NEC leadership managed to shun such influences and the appearance of being associated with one of the contesting parties, particularly the President and the ruling party. As expected, attempts by the President to establish constant contact with the new NEC were kept at bay by the new Chairman. To discourage such contact with the President, the new Chairman would only meet the President if accompanied by all other Commissioners, something that was not desirable to the President and he quickly lost his connection to the NEC.

The absence of a specific election date, which was dependent on the time required to technically correct the draft voter registry, meant that time was not on NEC's side. On the contrary, the expectations for the NEC to deliver were intense from all sides. It would have been extremely difficult to hold the election

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<sup>52</sup> Briefing from Interpeace, Hargeysa, February 2010.

<sup>53</sup> Discussion with a Commissioner from the second NEC, February 2010.

during the hot summer months of July and August; as such, most observers calculated therefore that any election taking place after June could not be held before September. This would coincide with the expiration the mandate of the two chambers of the Parliament, the *Guurti* and House of Representatives, and could lead to an unprecedented constitutional crisis.

## 5.2 Finalising the Voter Registration List

### 5.2.1 Sorting the Data

In early February 2010, the NEC began in earnest the process of cleaning the voter register, which was a key issue attracting close public scrutiny. First the NEC was hard pressed to give a definite timeline for the completion of the operation but instead gave a rough timeframe of two to three months.<sup>54</sup> This heightened ongoing public anxiety regarding the NEC's capacity to produce a final voter list and to hold the Presidential Election in either May or June 2010. Then there were reservations about the pace of re-sorting data as the opposition found it very slow<sup>55</sup>. Efforts to cast doubt on the whole process were made by *UDUB* in an attempt to prevent the voter list from being used in the election. Some of these attempts included news reports alleging that the NEC was secretly planning to conduct a new voter registration

process followed by an election as late as December 2010<sup>56</sup>.

To set the record straight, the NEC held a news conference on 9 March 2010, in which it informed the public that the cleaning of the voter registry was about to be completed. They attributed the delay in the initiation of this process to the time-consuming preparatory phase. They also highlighted their concern about the ability of the registration system to accurately eliminate multiple registrations using facial recognition.

Uniquely, facial recognition had been introduced by technical experts brought on by Interpeace after registration as a last-ditch attempt to rescue the entire registration process. Given the significant lack of biometric data (fingerprints), the only chance of combatting the high level of fraud (multiple registrations), was to use a second source of bio-data, in this case facial recognition. While this was not an ideal solution given that the quality of the photographs would not ensure 100% accuracy in results, technical experts and the NEC believed it would allow for the development of a credible voter list.<sup>57</sup>

It is important to note for the record that the greatest problem with the voter registration system was the way voter registration data had been collected in the field – not the hardware and

<sup>54</sup> NEC news conference, 10 February 2010.

<sup>55</sup> Sillaanyo, Interview with SSPC TV.

<sup>56</sup> Waheen Issue 311, 25 February 2010.

<sup>57</sup> Both reports from Creative Associates, a USA-based technical organisation specialising in voter registration, and ERIS, an electoral expert body out of the UK, concurred facial recognition should be used to improve the technical validity of the voter list.

software comprising the computer server that was analysing the data. To further strengthen the voter registry, the NEC also announced their intention to carry out manual sorting to supplement sorting by the system. Though they did not give a specific timeline for the finalisation of the voter list, they resolved to continue to move the process forward in accordance to the six-point agreement.

The other issue associated with the finalisation of the voter registry that needed the immediate attention of the NEC was the mechanism to validate the final list. Though various options were put forward and discussed, it came down to two possible solutions: issue new cards or put unique stickers on the old cards. Each option had its challenges. The first option was costly and there was a concern about the time it would take to get funding and produce the cards. The problem with the second option was that the stickers could easily come off the cards or be counterfeited, not to mention the difficulty of dealing with people who might have lost their old cards. The NEC felt the first option was the only viable option and was able to convince the political parties and the donors to support this approach.

Throughout this period, the preparations of the operational requirements for the election process were on course. By March all regional and district electoral officials, and most of the external

experts and local personnel responsible for election operations were in place and supporting the preparation efforts. Training for local personnel was being conducted, and voter education material was being developed and prepared.

Through mid-April the NEC continued to operate in a low profile manner, avoiding the political and public limelight. In so doing, they minimised confusion and the infiltration of political interests into the preparatory phases of the voter list display period and the election which could in turn prompt unnecessary and unhelpful criticism of the process from all sides. From mid-April through to the final announcement of results after the election, however, the NEC led the electoral process in a much more public manner.

This change in tempo began with the announcement of a tentative election date. On 14 April 2010, in a ceremony organised for the signing of the political parties' Election Code of Conduct, the Chairman of the NEC unexpectedly announced that the election would be held in mid-June 2010. He also shared with party leaderships and other participants, NEC's intention to conduct the display of the voter list in the second week of May.

The announcement by NEC got mixed reactions. The two opposition

parties embraced this announcement although they thought it could have been held earlier than mid-June. The public cautiously welcomed the announcement, but at the same time had some reservations about the completion of all remaining technical issues, such as the finalisation of the voter registration before mid-June. As for the government and ruling *UDUB* party, the possibility of holding elections in mid-June came as a shock. It is possible that the NEC had avoided engaging with the media in its early months in order to focus on its work and keep interference by the parties at a minimum.

*UDUB* officials considered NEC's decision premature and hasty since the result of the revision of the voter register was not finalised. There were also news reports<sup>58</sup> that the President was upset about this announcement and angry at the Commissioners.<sup>59</sup> Other senior *UDUB* officials were quite dismissive about the time specified by NEC and questioned the possibility of the NEC holding the election on 26 June 2010, and asked the Commissioners to stop misleading the public<sup>60</sup>. *UDUB*'s reaction was seen by the public as illustrative of party disarray, and intended to put pressure on the NEC to backpedal.

Rather than backing off, NEC launched another major initiative on 28 April 2010 in an effort to move the process further. In a news conference, it announced that the cleaning of the voter register data in server had ended, although the finalisation of the voter registration process as a whole was not yet complete. It pointed out that the process of obtaining the final voter register consisted of three phases: (i) electronic data cleaning using biometric software to identify duplicates; (ii) manual data cleaning using teams identifying under-aged registrants and inadmissible registrants<sup>61</sup>; and (iii) sorting and issuing new voter cards (noting that it would be very difficult for multiple registrants to show up in many different places during the card collection period).

The use of indelible ink to mark voters' fingers on Election Day would be used as a supplementary security measure to further minimise the possibility of fraud (multiple voting). The final voter register figure declared was 1,150,000 names, which was close to the previous one. According to the NEC, the clean-up exercise discarded about 100,000 names. 50% of the registrant data had no associated biometric record, and

<sup>58</sup> *Geeska Afrika*, 17 April 2010.

<sup>59</sup> It would have been unlikely for the previous NEC to do such important announcement without the knowledge and consent of the President.

<sup>60</sup> National TV Ali Guray, 26 April 2010.

<sup>61</sup> Fraud was made possible by taking photographs of Somalilanders unable to register (or non-Somalilanders that could increase the numbers in a particular district or region). Visually, it was very easy to isolate these registrants.

approximately 70,000 duplicate names were removed manually<sup>62</sup>.

The final outcome of the clean-up exercise announced by the NEC completely vindicated Interpeace, as these results were congruous with the previous ones. Criticism of Interpeace and claims they were manipulating the result completely disappeared. As expected, the Government and the ruling party had their reservations on the final voter register; both internal and external pressure, however, forced them to accept the result – albeit begrudgingly. The President, who was at the time of the announcement outside the country, seemed to face diplomatic pressure to accept the result. This external pressure came to light when the President upon his return to *Hargeysa* said that he accepted this erroneous result due to international pressure.

### 5.2.2 Display of the Voter Registration

On 13 May 2010, the display of the voter register and the card replacement exercise started. Overall, the distribution of the new ID/voter card began in all regions with the exception of *Sanaag* (where it started on 14 May 2010) at approximately 1,030 display centres.

Though the process enjoyed wide public support, there were some efforts by the government and *UDUB* officials, both at national and regional levels, to disrupt or discredit the process. Firstly, the government was slow to organise security for each of the display centres, resulting in fears that the police might not show up in some these centres. Despite internal and external pressure, the delays in preparation resulted in the government failing to make security available to all the centres. This forced the NEC to turn to the military leadership to fill the security gaps resulting in many registration centres being secured by the military.

It was also believed by some critics that the government and *UDUB* officials deployed various lines of attack to derail the process. It is alleged that clan elders and community leaders were urged to speak out, saying the voter list was too long on the grounds that these numbers would be used to allocate legislative seats<sup>63</sup>. There was also direct interference on operations on the ground. For instance, the seizure by the police of two distribution centres in *Hargeysa*, in which they confiscated material and detained personnel for two days, occurred without the knowledge

<sup>63</sup> *Saxansaxo*, 19 May 2010.

<sup>62</sup> One of the reasons for the fact that after all of the "scrubbing" the numbers of registrants remained largely the same than in early 2009 is that when all the data were put into the system, it was determined that 94,881 registrants had no biometric data at all (no fingerprints and electronically indiscernible photos). At the time, the NEC (NEC II) decided to disqualify these registrants. However, in 2010, NEC III felt that disenfranchising almost 100,000 voters was not viable and manually reviewed each of the registrants, allowing almost 80,000 back into the system (the other 14,000 plus were ineligible as their photo was completely absent – literally photos of blank walls).

of NEC. This move by the government drew immediate public condemnation and was seen as an effort to disrupt the process.

It was reported that Ministers that were sent to their home districts and in collaboration with local authorities were urging people not to go to the distribution centres to collect their cards. People appeared to pay little heed to their calls. These officials also pressured NEC officers to turn over scores of voter cards during and at the end of the distribution. In Boorome district of *Awdal* region (the President's home region), officials colluding with the regional NEC officers removed during the night a significant number of voter cards from some centres<sup>64</sup>, which prompted the resignation of a female member of the regional NEC in protest to this scandal. Later on, NEC sacked all the *Awdal* regional NEC officers.

Despite these seeming attempts by the government to derail the process, both phases of the voter card display period ended in a peaceful if not entirely satisfactory manner. The turnout throughout the regions was not very high, as there were no efforts by clan leaders to mobilise the people and transport them to the centres as it was conducted during the voter registrations.

One plausible explanation for the low turnout and the lack of clan mobilisation is that clan elders and relatives were collecting voter cards for absentees, provided they turn in the old cards<sup>65</sup>. Although this practice was widespread NEC seemed to be satisfied with the overall result of the exercise as no major entities raised specific grievances or objections to the process. Though not ideal, the conclusion of the display period was peaceful and did provide a good basic, if not perfect, foundation for the implementation of a credible electoral process.

Immediately after the conclusion of the display period, the NEC estimated that 75% of cards were collected, which at the time looked very reasonable given the modest turnout. The official result released by NEC on the June 20 was 20% higher than their previous estimation. The final voter list for the whole country was 1,069,914, which meant that a little more than 90% of the cards were collected or replaced. This 90% turnout clearly revealed that people also collected cards for others. In *Awdal* region, nearly all cards were distributed whereas on the roster a considerable numbers of collection signatures<sup>66</sup>.

This issue stirred debate within the NEC. One of the options they contemplated

<sup>64</sup> This incident led to the resignation of the only lady *Awdal* regional Commissioner over this scandal.

<sup>65</sup> In *Hargeysa*, relatives and friends picking cards for others were witnessed and in another region a person collecting cards and signing for 10 different persons was reported.

<sup>66</sup> Interview, *Hargeysa*, June 2010.

was to exclude from final lists names that had no signatures<sup>67</sup>. However, they did not opt for that, probably to avoid confrontation with the President who hailed from this region and to spare the election process, which was in its final stages, any further distraction. Furthermore, for strategic reasons the Commission announced the final national voter registration list and refrained to include regional and district breakdown, taking into account the political sensitivity attached to that issue.

During the voter list display period, the NEC was able to mark 26 June 2010 as the polling day for the Presidential election, which coincided with the 50th anniversary of Somaliland's independence from British rule. The President went along with the NEC's decision and decreed 26 June 2010 as an Election Day, as prescribed by the law. The setting of the date of the election put the whole country in an election mode.

### 5.2.3 The Campaign

Though officially the electoral campaign opened 21 days prior to the election as prescribed by law<sup>68</sup>, the real campaign had in fact begun many months earlier. It was intense and, at times, confrontational. There were several social gatherings in *Hargeysa* in which *UDUB*<sup>69</sup> officials faced public hooting

and jeering that heightened the war of words between *Kulmiye* and *UDUB*. In *Burco* and *Ceergaabo*, supporters from *UDUB* allegedly orchestrated by the ruling party disrupted *Kulmiye* public rallies leading to clashes. As a result of these confrontations and previous apparent government efforts to disrupt the ongoing electoral process, *Kulmiye* coined a new phrase: *dawladda Mucaarad ah* (government in opposition<sup>70</sup>).

This came into common use among the public to characterise the government's behaviour during the election. A commentary by the government run radio in which some of the leadership of *Kulmiye* were accused of having a connection with the terrorist group *Al Shabaab* further poisoned the political climate in the build-up to the election. Consequently, there were concerns about the risk of increased political tension during campaign period.

Though there was an undercurrent of political tension, the campaign period was peaceful and all three parties were able to conduct their campaign activities: organising public rallies, opening party offices, distributing T-shirt, badges and posters. One novelty in this campaign, particularly in *Hargeysa*, was the use of huge billboards that had the pictures of the candidates and some slogans.

<sup>67</sup> *ibid.*

<sup>68</sup> The law has been amended to change the campaign period from 30 days to 21 days

<sup>69</sup> One Senior official from *UDUB* from *Hargeysa*, said on the national TV, that *Silaanyo* would enjoy peaceful campaign in *Hargeysa* while *UDUB* leadership are being harassed in *Hargeysa*,

<sup>70</sup> Meaning government behaving like the opposition, *Kulmiye* leaderships were saying it is usually the opposition party that questions the electoral process and disrupts the ruling parties. But here it is the government and the ruling which is question the process and disrupting the opposition rallies.

The *UDUB* party got the opportunity to kick off the campaign period in accordance to the timetable set by NEC<sup>71</sup>. Initially, the party was able to stage large rallies in all the regions in an effort to demonstrate its level of support in the country. Although, the state machinery and resources were at its disposal, and allegedly was used of campaigning, it appeared to run out of steam and seemed in disarray as the election campaign period progressed. Its public rallies were poorly attended, and there were occasions, particularly in *Hargeysa*, when key Ministers and senior party officials were seen addressing an empty arena.

The news of the defection or resignation of *UDUB* officials in 2010, both in the party and the government, and the withdrawal of support by key sub-clans from *UDUB* in 2010 had overshadowed the party's campaign efforts throughout the campaign period. Moreover, *UDUB* officials found themselves on the defensive and seemed to be timid in their campaigning as their eight years in power became a key campaign issue and came under strong public criticism.

In contrast, *Kulmiye* appeared to start its campaign with the wind behind them and as a front runner. Thousands of people with *Kulmiye* flags, T-shirts, cups, head scarves, flooded the streets

of all Somaliland's major towns to mark the beginning of *Kulmiye*'s presidential election bid. This phenomenal public show of support was far beyond expectation, but appeared to rest upon mixed sentiments - a show of support to *Kulmiye* as well as a protest against the *Rayaale* administration. Surprisingly, throughout the campaign period, *Kulmiye*'s public rallies continued to attract large crowds that overwhelmed the public squares, prompting them to hold decentralised public rallies in *Hargeysa*.

This high turnout appeared to be sustained partly through grassroots and self-funded mobilisation<sup>72</sup>, the first of its kind in Somaliland electioneering. The *Kulmiye* leadership, encouraged by this high turnout and sensing positive election result, continuously urged their supporters to be peaceful and to refrain from any act that would disturb the process.

Though *UCID*, the second opposition party, was not regarded by most as a heavy weight contender, it began its presidential campaign throughout the country in a full swing. The party activists were able to stage huge public rallies that attracted hundreds supporters. In an effort to uplift their campaign, their presidential candidate promised in his first campaign speech to rule the

<sup>71</sup> During the campaign period, the three political parties were allotted seven specific days each on which to conduct their campaign activities.

<sup>72</sup> In *Hargeysa*, people rented buses and mobilized their neighbourhoods to come out to these public rallies. Others opened party offices at their expense and funded party campaign materials.

country in accordance to Sharia Law (Islamic law). Whether it was *UCID*'s commitment to Sharia or due to some other reasons, it seemed that the party was gaining steady support across the country.

This was inspired by the *UCID*'s change of strategy, stating that if *UCID* wins, Sharia Law would be adopted. However, the intention behind such a remark was not to actually implement Sharia, but rather to win populist support from some of the more religious elements of the electorate. And to finish on a dramatic note, the presidential candidate of *UCID* electioneered in five regions on the final day of the campaign using a private jet, which was unprecedented.

The EMC found the parties and their respective supporters largely refrained from inflammatory messages and committing acts of violence, and maintained peace and stability, despite some violations<sup>73</sup>. The most serious cases were reported by civil servants actively campaigning for the ruling party, the use of public resources by the ruling party and the ruling party's monopolisation of the National TV.

The winding up of the election campaign and build up to the polling day provoked various question marks. Would the ruling party *UDUB*, which did not fare well in

the campaign period, have something up its sleeve for the polling day to turn the election in its favour? Would the high public turnouts for *Kulmiye* rallies be translated into votes, giving *Kulmiye* a very comfortable margin of victory? Would the perceived momentum gained by *UCID* be enough to make *UCID* the surprised winner of the election or be the runner up?

#### 5.2.4 The Poll

After repeated delays, on 26 June 2010 more than 500,000 Somalilanders went to the polls to elect a new President for the second time in seven years. The election was conducted in a peaceful and transparent manner despite threats from Islamist militant groups to disrupt the process. Overall, the polling process met international standards as reported by both domestic and international observers.

There were several important differences between the organisation of this and previous elections. The introduction of the voter register provided an important and notable improvement to previous elections. The register made logistical planning and execution more effective, ensured greater enfranchisement and reduced opportunities for multiple voting. For example, it enabled the NEC to more accurately distribute

<sup>73</sup> EMC final report, 2010, p.1.

appropriate numbers of ballots to each polling station, rather than allocating them arbitrarily as had happened in the past. Furthermore, “staff-swapping” was deployed successfully to prevent collusion among party agents and election officials.

As over one million voters were registered, the NEC divided some polling stations (with 1,200 or more on the voter register) into two or more polling stations, thus setting up multiple stations within a single polling centre. This increase of 500 stations (with a final total of 1,794 stations) increased the rate at which voters could be processed on polling day.

Furthermore, the NEC had the support of dozens of external and local experts in addressing significant technical and logistical challenges. They helped the NEC deploy around 9,000 polling staff and security personnel. Unlike the previous elections, more than 75% of the election cost was covered by the international community. The government, however, was reluctant to honour its pledge to provide the remaining 25% of the budget.

‘Indelible’ ink was used for the first time to mark voters in an effort to prevent multiple voting. There were credible

reports that some people were able to relieve their ink stain by kerosene to vote one more time<sup>74</sup>, though this practice was not a widespread one.

In addition to party agents, 700 domestic and 78 international observers<sup>75</sup>, representing various organisations, were out in strength. The domestic observers were deployed to over 500 polling stations across the six regions. Similarly, the international observers were present in all six regions. Observer reports were invariably positive, and no major irregularities were noted. There were a few reports, however, of multiple voting, underage voter and people distributing ID/voter cards at the polling stations, particularly in *Awdal* region, though not of sufficient magnitude to make a material difference to the election result.

In general, the poll was deemed by all observers to be credible and in line with international standards, largely peaceful and without any major security incident. The public also sighed with relief on the peaceful conclusion of the polling, which seemed to exceed their expectations. This brief jubilation was followed by post-election jitters as the public were worried about the possibility of protracted post-election disputes.

<sup>74</sup> An APD researcher witnessed some of these incidents.

<sup>75</sup> In the 2003 Presidential elections there were 32 international observers.

### 5.2.5 The Result

Long before the polling day, the prevailing opinion among the public and political analysts was that the *Kulmiye* candidate would win the Presidential election with a very comfortable margin. As the vote counting and tabulation came to an end in most of the polling stations, unofficial preliminary results began to circulate quickly. These results were collectively projecting a victory of the *Kulmiye's* candidate by a comfortable margin.

Prior to the elections, the candidates and party leaders on all sides had committed themselves to abide by the election result. Sensing an electoral defeat, the ruling *UDUB* party began a campaign to discredit the whole election exercise and the NEC. On 20 June 2010, senior officials from *UDUB* held a news conference, presumably with the knowledge and support of the President, in which they complained about widespread vote rigging in four regions.

More worryingly, they issued an ultimatum to the NEC demanding that they withhold the election result until these grievances were addressed,

saying the failure to do so would lead to mayhem and anarchy. This move by *UDUB* was seen by observers as an attempt to gauge public reaction and to put pressure on the NEC to delay the announcement of the preliminary result. This action by *UDUB* turned out to be counter-productive and triggered widespread public condemnation. This public outrage prompted the President to apologise for these officials' controversial news conference. The President claimed that he had no prior knowledge of this news conference, but maintained that they had raised legitimate concerns that needed to be addressed.

Despite government's pressure on the NEC to delay the announcement of the result, the NEC organised a ceremony, with the help of APD, to announce the result of the election on the eve of 1 July 2010. Mounting internal and external pressures on the President to accept the verdict of the electorate prompted him to concede the election on 2 July 2010. The concession of President Rayaale led to the successful conclusion of the Presidential election and subsequent peaceful transfer of power; this increased his prestige and standing in Somaliland.

## 6. ANALYSIS AND LESSONS LEARNED

Somaliland's electoral process was marred by recurrent and protracted political disputes which have had the potential to lead to serious tension and possibly even violent conflict. Most of these political disagreements have involved issues that require consensus among the main political players. When one of the sides has been reluctant to negotiate, the result has been prolonged political gridlock that has almost derailed the political process and has deeply polarised the stakeholders.

### 6.1 The Importance of the Dialogue and Consultative Process

Fortunately most of these political impasses, particularly those that have most threatened the process, were resolved through inclusive consultative processes as it has been the tradition in Somaliland. The use of consultative methods throughout the electoral process since 2001 has had an impact on the approach and the thinking of the main stakeholders and promoted to a certain extent a "culture of consultation". Many outside observers have tended to be dismissive when told that Somalilanders would find a way to break these deadlocks, claiming that some of these disagreements were too divisive and complex for the stakeholders to reach consensus. Although these marathon consultative processes are slow, messy and at times frustrating for some quarters in and outside the country, there can be no lasting and

legitimate resolution of these issues without them.

But these consultative or dialogue efforts have their own limitations, particularly when the electoral process drags on and the same disputes persist throughout the process. As in the case of this election cycle, consultative and dialogue efforts sponsored by informal means lost steam down the road when the parties (particularly the opposition) lost confidence in them.

Often these exercises tend to be conciliatory, involve working behind-the-scenes and seeking win-win solutions with no retribution, enforcing mechanisms or penalties when failing to comply. Therefore, critics argue that such conflict resolution may not sometimes be applicable to the on-going political disputes as most of them may involve breaching of the Constitution or abuse of

power. They are calling for development and involvement of the formal conflict management institutions such as the Judiciary and Parliament. They argue the extensive use of informal conflict resolution mechanisms may not offer long term and structural solutions as the country moves towards constitutional democracy.

Since the institutions that have typically managed conflicts in democratic societies - such as the Judiciary and the Legislature - have not evolved enough and have been kept too weak to play their proper constitutional roles, Somaliland would continue to use the consultative process to manage conflicts. But in the meantime, there should be gradual development and involvement of formal conflict management institutions such as the Judiciary and Legislature. The right balance in the utilisation of these both (informal and formal) conflict management mechanisms should also be found.

## 6.2 Conflicts in Politics

Throughout the electoral process, the main political actors have found themselves embroiled in constant and protracted political disputes. Given their seriousness, these political stands-

offs have put the country at risk. These recurrent disagreements have happened either between the Executive and the House of Representatives, or within the House of Representatives and more recently between the *Guurti* and the Executive –and within the *Guurti*.

### 6.2.1 Balance of Power

It is important to acknowledge that confrontation between the House of Representatives and the Executive is not something new to Somaliland politics – the legislative body almost impeached President Cigaal in 2001<sup>76</sup>. But confrontation during this period was an exception rather than the norm. It is part of democracy to have disagreements over power, policy and personality, but the key is to maintain order and respect for the rule of law and the social contract. The dominance by the opposition political parties of the newly elected House of Representatives in late 2005, significantly changed political dynamics as both sides were then mired in constant power struggles which slowed down the business of government and the reform process.

This arrangement led to what is known as 'Divided Government' (i.e. where one party controls the Executive

<sup>76</sup> President Cigaal survived a House impeachment in 2001 by one vote.

with another controlling the House of Representatives). Observers thought this cohabitation might strengthen Somaliland's political stability. Since neither the *UDUB* executive nor the more extreme elements in *Kulmiye* had a clear advantage, both sides would be obliged to pursue cooperation negotiation and consensus, which would in turn encourage debate and public participation and would counter authoritarian tendencies<sup>77</sup>.

Others, however, expressed concern that it could create an impasse between the House (controlled by the opposition), and the President (not used to such political realities)<sup>78</sup>. Unfortunately, the latter was the prevailing tendency.

The President, who wielded enormous power, was forced to deal with an opposition-controlled legislative body, something he was not accustomed to. The ability to work constructively with the House came down to the President's approach and attitudes in dealing with contentious issues. The House leadership, the opposition political parties and observers had found the government's stands on these issues unaccommodating, as the government maintained the following positions: they maintained that they are simply

exercising their constitutional obligations in good faith and that they considered the House of Representatives' actions and behaviours to be a nuisance and interfering with the business of government.

In contrast, the House Leadership and the opposition political parties claimed that they were not challenging or disputing the government's constitutional authority, but rather exercising their constitutional role in governance. They claimed instead that they were in favour of consultations on critical issues.

In the final analysis, it is widely believed those in the government lacked the understanding that the business of governing is not the sole responsibility of the executive branch. Nor is there sufficient recognition of the concept of the separation of powers whereby the Legislature passes laws and oversights, the Executive implements them and the Judiciary adjudicates them.

### **6.2.2 Divided House of Representatives**

The continuous clashes between the two sides - the government and the opposition political parties - have taken their toll on the cohesiveness of the House members insofar as it has exacerbated partisan sentiments. The

<sup>77</sup> Progressio, *Further Step to Democracy: the Somaliland Parliamentary Elections*, 2005.

<sup>78</sup> *Ibid.*, APD/Interpeace, *A Vote for Peace*.

House leadership and their opponents in the House were accused of promoting the agendas of the various factions. Opposition House leaders and their supporters in the House of Representatives were said to have been receiving instructions from opposition party leaders. In a similar fashion, the remaining factions in the House were receiving their instructions from the government. Consequently, legislators were deeply involved in a proxy conflict that turned the House into a theatre of war between the President and the opposition.

These tensions created anxiety among some independent-minded MPs who felt that the constant squabbling in the House undermined its ability to stand up to the Executive and the House of Elders (*Guurti*). They raised these concerns when the House leadership unanimously rejected the first six of the NEC nominees forwarded by the President. Rather than build on this rare unanimity, the House leaders masterminded another controversial move by renewing the term of the old National Electoral Commission for two more years. In so doing, the House Leadership and their supporters ignored warnings about the dire consequences their actions would have in their on-going power struggle with the Executive and the *Guurti*. *“They failed to keep the House members together, even when they had*

*the opportunity”* observed a UDUB MP and former first Deputy Speaker of the House of Representatives.

*Kulmiye* and *UCID*'s control of the top three leadership positions to the exclusion of the ruling party (which has 33 of the 82 seats) further alienated UDUB MPs. *“In hindsight, it was a strategic mistake on our part not to include them in the House leadership”* admitted a *Kulmiye* MP. *“It excluded them from the agenda-making process and denied them a stake in it. Furthermore, it drove them into the hands of the President.”* Similar views were expressed by an UDUB MP: *“The House chairmanship failed to act as the leaders of all House members since UDUB had no representation. Feeling alienated as UDUB MPs, we turned to the President for leadership.”*

In addition, the House leadership fell into the same trap of which they accused the President — of not consulting with others. They themselves were accused of not conferring with their opponents and of deliberately marginalising dissenters. Critics found it ironic that the House leadership would call the Executive undemocratic while they themselves failed to be inclusive and democratic in their own actions.

In the final analysis, the House leadership lacked the political skills and tolerance to manage 82 MPs with diverse views

and interests<sup>79</sup>. Not only were they unable to accommodate different views and perspectives but they also failed to come up with common solutions, policies and legislation. When the House leadership was no longer able to rein in its members during legislative sessions, it lost the confidence of MPs<sup>80</sup>. Collectively, Somaliland's politicians were regarded as too often using public office to advance their own political gain rather than to advance the interests of the country's institutions or the public. As a result, the House was unable to live up to its Constitutional role as a centre of power that has the capacity to make policy, articulate and represent the public interest, and to check the authority of the Executive.

### 6.3 Legitimacy Matters

There are several plausible explanations for the President and members of his government's preference to prolong the electoral process repeatedly beyond April 2008. It is widely believed that the President and his key close advisors sought to stage an election on their terms, and to drag on the process as far as they had the means and conditions to do that until this occurred. This was aided by a *Guurti* that was ready to invoke Article 82 in case of election delay, a

new NEC leadership under his behest<sup>81</sup>, the power to completely circumvent the country's formal institutional bodies whether political, administrative or judicial without fearing public reprisal, and the need to overcome a number of complex processes before holding the Presidential election which included the execution of new voter registration exercise and local elections.

Other factors had a significant bearing on the unfolding events: a combination of serious political missteps and miscalculations on the part of the President; donors that were unwilling to support a seemingly sham electoral process; and a stubborn political opposition that was constantly challenging controversial decisions and undermining the President and his key advisors in their delaying tactics or orchestration of a staged election.

The first political misstep on the part of the President that shortened his delaying plan occurred when the President accepted in May 2008 the idea to hold the Presidential election before the local council one. The President was adamant about the sequence of voting, with the local council elections to be followed by the Presidential election; on the advice of some members of APD, however,

<sup>79</sup> According one MP, during numerous House members training workshops, the House leadership comes to open the training and then leaves as if the training does not concern them or as if they do not need such training. However, most of these trainings are relevant to them too.

<sup>80</sup> Based on discussions with some House MPs in *Hargeysa*, September 2010.

<sup>81</sup> The President was looking forward to the first NEC term's expiry in February 2007 since the first Commissioners were becoming increasingly assertive and independent. The President was not ready to entrust with them his re-election. Instead he got a new NEC leadership that was willing to accommodate him.

he changed his mind<sup>82</sup>. This move took away an opportunity for the ruling party to drag the process.

The constant challenges of the opposition to the government attempts to have control over the political process, and the *Guurti*'s controversial extensions of the term of the President, took their toll on the legitimacy of the government; something the President appeared unconcerned about. For the opposition, constantly contesting government moves presented its own dilemma.

On the one hand, challenging the government's control over the political process would delay the process thereby providing the government and NEC with an excuse to postpone the election<sup>83</sup>. At the same time, there was the danger of losing public opinion by being seen as trouble makers. On the other hand, letting the government dominate the process may have moved the electoral process forward, but leave the opposition to face the consequences of a government-controlled process that would likely amount to an easy win for the ruling party.

Despite the risks, *Kulmiye* opted for the first option. To some observers the constant challenge<sup>84</sup> of the opposition to any controversial move by the government, particularly the numerous extensions of the mandate of the President, undercut government's legitimacy to govern and gradually bled the President to a political death. Furthermore, the opposition parties' readiness to compromise and make concessions,<sup>85</sup> compared to the President's attitude of uncompromising and unconcern about growing public dissatisfaction, further eroded his public support. As a result of that many Somalilanders, including those who were involved in some of these private meditations, and the donors found the President becoming increasingly autocratic and out of touch with the reality on the ground. So there was growing public concern about the President's increasing dictatorial tendency to undermine the Somaliland's hard-won peace and stability.

Amid growing public discontent, the President took a controversial decision in July 2009 that had a serious and adverse effect on his bid to either drag on the election process or get re-elected through staged elections. With the consent of the President, the NEC

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<sup>82</sup> The three political parties agreed to push back the local elections in order to postpone the discussion around the opening of new political associations.

<sup>83</sup> The main challenge was coming from *Kulmiye*. *UCID* was reluctant and limited the times it challenged the government.

<sup>84</sup> There were some observers who were critical of *Kulmiye*'s challenges to these controversial moves saying they were in the hands of the government and the ruling party.

<sup>85</sup> *Kulmiye* in principle was not against the extension, but against blanket extension without taking into consideration the timeline needed to hold the election.

nullified the draft voter registration lists and decided to hold the elections without voter registration. This controversial move by the NEC, approved by the President and widely condemned by the opposition, the donors, the leadership of the House of Representatives and the *Guurti*, exposed the real intention of the government and the NEC. It showed, first, the level of influence the President had on the leadership of the NEC. Secondly, it showed that the government and the ruling party were not genuine about their insistence to have a voter registration exercise but rather had used it as a ruse to prolong the election process. Finally, it revealed the desire of the government to have an election on its own terms since it was willing to have the election without the voter registration or the participation of the oppositions.

Ironically, the government, which used the voter registration exercise as legal hurdle to extend its mandate back in April 2008, was using the same line of reasoning that *Kulmiye* had used against the voter registration. The government argued that voter registration was not an essential requirement to hold an election and that the Presidential election should be given precedence. Furthermore the government claimed that a voter list of 1,146,832 was a recipe for vote-rigging or ballot stuffing, particularly in the remote rural areas.

The opposition and some observers saw this move as a ploy by the government, in collusion with the NEC leadership, to rig the election. One key issue with use of a voter register is the number of ballot papers distributed to each polling station (whether in pro-government or pro-opposition areas) since it limits the opportunities for ballot-stuffing. With the voter registration the President and the NEC had no control over the allocation of these ballot papers to the polling stations as they were predetermined. But without the voter registration the allocation of these the ballots would be at the mercy of the NEC leadership and the President.

With the donors' suspension of their financial support to the election following the nullification of the voter registration lists and the expulsion of Interpeace's manager from Somaliland, the President and the NEC insisted on having the election with or without the donors' support. As expected, the government failed to come up with the funds to stage an election. The withdrawal of the financial support by the donors denied the government and defunct NEC leadership the chance to hold a sham election. Equally important, this saga of the nullification of the voter registration and subsequent bluff by the government to hold the election saw the President's credibility spiral down to the ground.

Contrary to the prevailing belief that the six-point agreement brokered by the international community was a recipe for an open-ended process, it proved to be the final chapter of the President's manipulation. For one thing, the replacement of the NEC leadership and the stopping of another return to the *Guurti* for yet another extension curbed the leverage the President had on the election process. Everything came down to the new NEC and the six-point agreement. Secondly, unlike their predecessors, the new NEC was able to shun any effort by the President to have influence on its decisions.

The NEC with strong determination and public support overcame numerous attempts by the government to derail or discredit the election process, particularly the finalisation of the voter list exercise. In similar fashion, the third NEC endured enormous pressure from the government and the ruling party *UDUB* officials to discourage them to set the date of the election before September 2010.<sup>86</sup> That effort too, ended in vain as the NEC took the decision to hold the election on 26 June 2010. They knew that going beyond this date would have dire consequences for Somaliland's political stability and democracy, because it would mean

holding an election in late September or early October 2010, by which time the mandate of the two chambers of the Parliament – the *Guurti* and House of Representatives – would be expired and thereby lead to an unprecedented constitutional crisis<sup>87</sup>.

An election before September of 2010 was likely not to be in the preferred game plan of the President and his close associates, with them probably believing strongly that the process would somehow falter or that the NEC would fall apart due to the pressure on them for failing to set an election date before September. The announcement of holding the election on 26 June 2010 was a shock to the ruling party as it was not ready to contest an election. So the President had to accept the date of the election and entered the election in a very disheartened manner, which in the end most likely contributed to his losing his presidency.

In the final analysis, it was a lack of legitimacy that cost President Rayaale his presidency; he and his close associates never appeared to quite understand the importance of his legitimacy in the eyes of the country and underestimated the public's views and intelligence. Instead of pursuing the realisation of regular

<sup>86</sup> Since July and August are the hottest months in Somaliland, it is not feasible to hold elections in the coastal areas.

<sup>87</sup> There was an unconfirmed report that the President and his close advisors wanted to drag the process till September 2010, to coincide with the expiration of the terms of both Chambers of the Parliament, creating some kind of constitutional crisis, and thus turning the focus away from him.

periodic elections, seeking consensus-based politics and utilising peaceful conflict resolution to boost its legitimacy, the government was seemed more interested in subjugating both state- and non-state institutions to the wishes of the Executive so as to stay in power, or extend its term through controversial or dubious means. This is something the current and the future Somaliland leaders must keep in mind if they genuinely wish to pursue consolidation and advancement of democratic gains and truly engrain a democratic culture and practice in Somaliland.

#### **6.4 Voter Registration**

The absence of essential instruments such as a reliable census, delimitation of the constituency, lack of an official register of birth, or national identity cards all posed serious challenges for the conducting of a credible voter registration process in Somaliland. The country had no reliable census to understand the distribution of the citizens in the territory and to cross check with the outcome of the voter registration exercise. Similarly, there was no state-recognised register of births for the whole population to verify the age of would-be voters to prevent underage registration and to safeguard the integrity of the process.

In addition, the voter registration exercise, despite great technical and legal complexity was implemented in an unfeasibly tight timeline as it was implemented against the backdrop of looming election dates. This time constraint did not allow the luxury to deal as effectively with issues such as necessary legal adjustments, future technical hiccups, and unforeseen events such as the terrorist bombing in October 2008. Due to time pressure there was not sufficient time to conduct pilot testing on the equipment and the materials to check their utility and durability.

A lack of an effective and comprehensive nation-wide voter education exercise<sup>88</sup> on the purpose of the voter registry and the weak presence of government institutions in many areas in Somaliland also undermined the integrity of the exercise by allowing clan and local leaders to control the registration process<sup>89</sup>. Many of these leaders saw the voter registration operation as census exercise, so each sub-clan mobilised themselves in the hope to out-register other rival sub-clans in the region or at the national level, to benefit from the inflated number of registrants and therefore have greater strength. Security and other local officials were

<sup>88</sup> Though the second NEC spent the funds it had for voter education, the campaign was ineffective compared to the voter education carried out before the 2005 parliamentary elections.

<sup>89</sup> Based on interviews with registration centres staffs in Hargeysa, March 2009.

unable to protect registration staff from various kinds of clan pressure aimed at coercing or co-opting the young men and women conducting the voter registration. Furthermore, another overwhelming – and illegal - abuse of the system was to allow people to by-pass finger printing, which was the key to the whole technical exercise.

Some of the measures<sup>90</sup> clan and local leaders undertook to register the most people included making sure that the two Ministry of Interior representatives<sup>91</sup> were from other local sub-clans rather than rival and neighbouring sub-clans. They also transported people from inside and outside the region; pressured staff to speed up the process by circumventing required registration procedures such as bypassing finger printing; ensured the registration of under-age voters; turned away or denied other rival sub-clans from registering their voters, etc.

Clan leaders were driven by a desire to not only register their people for the election, but also ensure their clan would not be documented as smaller in number than the other clans or sub-clans in the locality. This reflected the cultural importance that people attached to larger birth lineage and kinship networks, but was also spurred by information spread by politicians that

the future regional share of the seats of the Parliament would depend on the number of potential voters.

Despite these shortcomings and an unexpectedly large turnout, the process took place in a peaceful manner. This was a relief to all stakeholders. The final result of the voter registration campaign was 1,348,061 voters. The absence of a biometric record (fingerprints) for approximately 50% of the registered voters, however, presented an almost insurmountable challenge to the verification of the voter registration exercise. Under this circumstance, the server had difficulties sorting out the data to remove double registrants. In an effort to do more sorting and cleaning up of the data, a facial recognition feature was introduced in the system so as to identify and capture pictures having the same face. As a result of the introduction of this feature, the registry dropped to 1,146,832 persons, a reduction of 15%. It should be noted, however, that the quality of many of the photographs was such that even this additional security measure could not capture all duplicate registrations.

Under the six-point agreement the voter registry was refined further and the final result declared was 1,150,000 names, close to the previous number achieved

<sup>90</sup> These measures were more widespread in *Awdal* than *Saaxil*.

<sup>91</sup> Each registration centre was composed of five staffs: the two coming from the Ministry of Interior were normally selected by the locals since they know the locals and were to verify whether these people are Somalilanders.

after the introduction of the facial recognition feature, even though about 170,000 names were discarded. A similar number was produced because about 90,000 names that were excluded in the previous data were re-instated. The number was further reduced to 1,076,492 voters in the display period exercise. In light of the myriad political and technical challenges faced, the final result was the best one could have hoped for a first time voter registration exercise conducted in an extremely challenging context.

The chart below shows regional shares in the preliminary result of the voter registration, the final voter lists and the election turnouts. The shares of the region in the preliminary and final voter lists remain the same, though the Awdal region gains almost one percent and Togdheer loses one percent. The

Hargeysa region share of the total registered voters is 38.8% which is 10% lower than its share in the election turnouts. One explanation for this difference is that Hargeysa's share in the final voter registry is comparatively deflated by over-registration in the other regions, and probably because there was greater oversight of the registration process in Hargeysa, and in the capital city in particular.

Despite the many challenges, ultimately the voter registry's contribution to the integrity of the election was a positive development. Along with the utilisation of inedible ink to mark voters' fingers, the registration of the voting cards minimised widespread double voting and ballot-stuffing<sup>92</sup>. The voter registration exercise also helped in allocating the ballots, unlike previous elections in which the ballot papers were allocated to different

**Chart 1: Share of Each Region**

Region	Preliminary Voter Registration Result (%)	Final Voter Lists Results (%)	Election Day Turnouts (%)
<i>Hargeysa</i>	33	33.8	43.97
<i>Togdheer</i>	23.7	22.74	20.74
<i>Awdal</i>	15.07	16.54	15.11
<i>Sanaag</i>	9.36	9.19	10.87
<i>Sool</i>	9.36	9.19	5.43
<i>Sahil</i>	4.19	4.03	3.88

<sup>92</sup> Many believe that ballot stuffing was much more prevalent than double voting. The Voter List ensured that the number of ballots was limited to the number of registered voters. In addition, each voter that was given a ballot had to provide a 3 digit pin number on the back of his/her card, preventing polling station officials of placing the balance of unused ballots, marked with the candidate of their choice, into the ballot box.

polling stations based on speculation of how many voters there were in different areas. It was instrumental in speeding up the voting process, as polling centres with over 1,500 voters were split into polling stations. Consequently, most of the polling stations closed on time, unlike the previous elections. It also minimised the opportunity for ballot stuffing as excess ballots were not available.

### 6.5 International Intervention

Because of its relative peace and political stability, coupled with the on-going democratisation process that contrasts sharply with recent developments in other Somali regions, Somaliland was able to garner the attention of various members of the international community. As a result, the electoral process received substantial financial support and remarkable diplomatic backing from the international community.

Despite this, the relationship between Somaliland and the international community also proved somewhat problematic since one another's concerns and priorities were not always shared. Along with its support, the international community sought to keep the behaviour of the government in check, though members of government

appeared to have had difficulty sometimes understanding the rationale behind various political demands made.

The relationship between the Somaliland government and the international community suffered from a number of setbacks. Examples included the international community expression of its discontent with various government practices, such as jailing journalists and *Qaran* politicians, and the suppression of organisations that had called for their release. The government argued that such comments constituted interference in internal affairs.

Another point of contention was the donors' precondition to have the consent of all three political parties in all crucial aspects of the election before committing any support, a move that was welcomed by the opposition but did not go down well with the government. On numerous occasions, the government and donors clashed over this "precondition issue", particularly when the donors either suspended or threatened to suspend their support during failures to reach consensus.

In April 2008, the relationship between the government and the donors became seriously strained when the

donors withdrew their financial support in response to the *Guurti's* extension of the presidential mandate without the consent of the opposition<sup>93</sup>. In July 2009, the donors suspended their financial support to the process, when the NEC and the President nullified the voter registration lists.

The donors' precondition to have the consent of all three political parties in all crucial aspects of the election before committing themselves was seen by observers as something positive. This approach of insisting on consensus-building supported Somaliland's long tradition of resolving crises through consultative dialogue. It prevented the donors from supporting a controversial or dubious election which in turn would have an adverse effect on the stability of Somaliland. It also strengthened the position of the oppositions against an adamant government. More importantly, the suspension of funds denied the government and the defunct NEC to organise staged elections in 2009 without the voter registration list and opposition participation.

On the other hand, the growing external financial support to elections makes Somaliland's electoral process vulnerable to external forces, thereby threatening to turn it into an externally-

driven endeavour in which Somalilanders have less control. There is, therefore, a concern in Somaliland about the current level of donor funding to Somaliland's electoral process.

The growing external involvement in the electoral process needs however to be put into context. Certainly shouldering nearly all the cost of the election was a concern to the donors, too. For them, the external support was perhaps the most difficult and critical task to manage. By not providing sufficient financial backing to the process there was the risk of being seen as abandoning Somaliland in a critical time. At the same time they were also aware that international support may have negative consequences insofar as it creates the perception of a change in the internal balance of power among the competing factions and forces. As always, the critical task was to strike a balance between these needs.

There was a concerted effort on the part of the international community to put various layers of management mechanisms in place with the intention not to jeopardise its neutrality to speak and act with one voice over a prolonged period. Interpeace and more particularly the Project Management Team dealt with technical issues, management and provision of financial resources through

<sup>93</sup> As result of that, in April 2008, the government complained about two senior officials from the EU and DFID and expressed their unwillingness to work with them.

transparent and accountable means. In 2005, the Democratisation Programme Steering Committee was established in 2005 as a means of coordinating the efforts of the donor community. In the process, they were able to forge unified positions on key issues and to treat all parties in an even-handed manner and without drastically disturbing the existing balance of power or strengthening the executive branch of government, though the donors had their own internal differences and priorities.

The international community involved in the electoral process evolved into playing an unusual role. Throughout the history of Somaliland, political disputes were resolved through local mediation and without external involvement. When local efforts struggled to successfully tackle the disagreement over the result of the voter registration exercise and when concern about the dire consequence the failure to address the crisis would have on the stability of the whole region, some members of the international community stepped in, namely diplomats from Britain and Ethiopia. Their effort produced a six-point proposal to resolve the crisis. These proposed six points served as the basis on which the *Guurti* extended the mandate of the government in September 2009, thereby putting an end to the simmering political crisis.

This externally sponsored mediation sparked a public outcry. The public fear was that this type of mediation could provide an opportunity for outside interests and intervention like in Somalia. Though this particular involvement was unprecedented, external support and facilitation was a positive and important prompt and a source of support when local efforts were losing steam or being challenged.

Whether this external intervention in resolving political disputes in Somaliland is a one-time phenomenon or the beginning of further future outside involvement remains to be seen. It would certainly depend largely on the ability of the Somaliland political entities to manage the political space effectively, as they have in the past, without descending into acute and prolonged crisis. Somaliland is slowly entering into a globalised world and will need to continue to recognise external interests and pressures, as well as the interests of those investing in the country.

## 6.6 The Importance of NEC's Leadership

The independence and the leadership of the third NEC proved critical to the success of Somaliland's electoral process.

The seven members' Commission is established as an independent body to

prepare for and oversee the elections. However, the selection process is perceived to be favouring the President, since the President nominates three members. If the *Guurti* is aligned with the President, the selection process becomes even more skewed (he chooses or influences the choice of five out of seven), leaving the oppositions to nominate the two remaining. Due to this skewed selection process, the issue of the impartiality of the NEC becomes a public concern.

Despite public concern about the independence of the first NEC<sup>94</sup> in 2002, the members of the first NEC gradually developed the institution's own balancing act by evading pressures from the Executive and maintained a certain level of confidence among the opposition political parties and public. In addition, the NEC provided the leadership needed to move the electoral process forward, notably for the House of Representatives elections.

It made considerable efforts to accommodate all concerns to reach common solutions and took a leading role to resolve divisive issues such as the distributions of constituency seats for the House of Representatives, which was the key hurdle to realisation of the legislative elections. The first NEC leadership was able to create a

working arrangement to facilitate the much needed international support to Somaliland's election without conceding the ownership of the process.

Similar public concern was once more raised about the impartiality of the second Commission, which in 2007 replaced the first one. The selection process was even more in favour of the incumbent President because the *Guurti* was seen to be closely aligned with him (therefore influencing the selection of 5 of the 7 commissioners). There was concern about the ability of the new NEC leadership to overcome pressures from the competing parties, particularly the government, and to develop good working relationships with all stakeholders to move the process forward. The second NEC proved disastrous and failed to win public and opposition confidence as the electoral process progressed.

In contrast to their predecessors, the second NEC was mired in constant in-fights and power struggles compounded with outside pressures led by the government which eventually undermined their ability to lead the process. As the election process progressed, nearly all external and local stakeholders (including the President) lost confidence in the NEC's ability to run the elections<sup>95</sup>.

<sup>94</sup> Their term began in February 2002 and ended in February 2007.

<sup>95</sup> The President wrote a letter to NEC and Interpeace on 7 January 2009 to express his concern about their failure in the voter registration process.

Following the six-point agreement in September 2009, a new NEC was formed. Unexpectedly, the newly constituted third NEC became the turning point in the stalled Presidential Election. The new Commissioners, unlike the defunct second NEC, provided timely leadership to steer the country through a very critical period.

The variation in NEC performances illustrates that the people who occupy the institutions are as important, if not more so, than the institution itself. In another words, the effectiveness of the NEC depends greatly on the integrity and ability of Commissioners. The probability of the selection of such people is very small considering the current nomination arrangement which favours the President, as the President will be tempted to name people s/he deems to serve his interest. Given the importance of the NEC to the electoral process, the selection process of the NEC needs to be revisited so as to come up with a nomination process which allows public scrutiny on, or some vetting of, the candidates so as to help to ensure their integrity and competence. Reforms to the nomination process should be accompanied with the building of institutional capacity, which so far has been limited and slow.

## 6.7 Political Competition

The essence of democracy is competition and popular sovereignty. The obvious arena for competition is the multi-party election for public office. In Somaliland, the limiting of the political parties to only three is seen by many as suppressing democratic competition sparking vigorous debate with diverse views.

The new President, Axmed Maxamed Maxamuud Siilaanyo, who campaigned on the issue of opening the political associations, is under constant pressure from his colleagues in *Kulmiye* and the leadership of the other political parties who do not want him to fulfil his campaign promise. The new President's decision to hand the party to his deputy and not include the top *Kulmiye* leadership in the cabinet obliged the new *Kulmiye* leadership to fight against the opening of new political parties.

For the new leadership of *Kulmiye* the opening of new political parties would amount to a double loss. First, they would lose out on cabinet positions on the pretext that it would inherit the party leadership. Second, if the President allowed the establishment of other political parties, it meant that these positions would be handed to a party

that had no guarantee of endurance. They would have to compete with new political organisations with the possibility of losing out to new political parties. Thirdly, during their term in the office, they would likely lose public confidence and support.

The President, possibly due to these pressures, has not yet fulfilled his campaign promise to open the political parties, though he still claims that he is still committed to his campaign pledge. To ward off these pressures, the President appointed a twenty-member consultative committee in early March 2011 to hold public consultation on this issue. The mandate of this committee was to gauge the public sentiment towards this matter and then to report to the President the prevailing public opinion on the issue of opening political parties. The committee has the mandate to vote to reach a final decision. They completed their nationwide consultation and reported back to the President.

The public views on this are diverse. One view is that there should be no limitation whatsoever on the number of political parties. Such limitations do not sit fit with democratic values and are unconstitutional insofar as they contravene Article 23.3 which allows for the freedom of association. Proponents of this view advocate the immediate opening of the political system.

A second view holds that the limitation of three political parties should be retained, but that the system should be opened every five years or at the time of every local elections, as it happened in first local elections 2002 when the six political organisations competed and the top three vote winners *Kulmiye*, *UCID* and *UDUB* became the three national political parties. In similar fashion, the three top winners could become the three national parties whether there were parts of the three original parties or not.

A third view argues that the limitation should be in place and opportunities should be given to the existing three political parties. They state that it is too early to judge this scheme and are proposing that the existing three parties be made to adhere to more democratic policies and operating principles to allow internal competition within the party, like caucuses and primaries to select presidential candidates rather than being monopolized by one man in each party who does not accept anyone within the party competes with him in fair manner.

After completing its nation-wide consultation, the consultative committee on the political parties submitted its deliberation to the President on 7 June 2011. The finding of the committee was the Somalilanders were overwhelming in favour of opening of the political

parties, and the President accepted the decision of the committee. The table below highlights the opinions of the people by region.

**Table 3: Regional Distribution of Votes**

No:	Region	Yes	No	None	Total
1.	<i>Maroodi-jeex</i>	190	302	11	503
2.	<i>Togdheer</i>	157	123	0	289
3.	<i>Saaxil</i>	91	94	5	190
4.	<i>Sanaag</i>	208	66	2	276
5.	<i>Sool</i>	185	39	9	233
6.	<i>Awdel</i>	171	104	3	278
	Total	1002	737	30	1769

introduce the necessary legislation reforms to pave the way for the opening of the political parties. An amendment to the Political Associations and Parties Law was submitted to the members of the House of Representatives in July 2011, and approved as a Law on 13 December 2011.

Regardless of one's perspective on these issues, and whether the registration of new political parties are allowed or not, there is a general feeling that the prevailing political and social environment in Somaliland is not conducive to strong political parties that can promote political competition, democratic expression and political choice. These problems are further exacerbated by the country's poor socio-economic conditions, prolonged

To move the process forward, the President, asked the Parliament in an address to a joint-session of the two Chambers of the Parliament to

authoritarian rule under Siyaad Barre, years of civil war and a deeply entrenched clan system. Consequently, regardless of the number of political parties for the foreseeable future this political environment is likely to produce either three parties or a proliferation of organisationally weak parties.

### **6.8 Mandate Extensions in the Case of No Elections**

For the foreseeable future, Somaliland is likely to struggle to hold elections on schedule. The plausible remedy to deal with such situations is to extend the mandate of the body in question. But the current practice of extending mandates of the President, the Parliament and the local councils - in which power to grant an extension rests solely in the hands of the *Guurti* - proved contentious.

First of all, the *Guurti* has no legal mandate in the Constitution of Somaliland to extend its mandate and local council mandates. The legality of the *Guurti* to extend the term of the House of Representatives, however, is well defined. The disagreement over the *Guurti*'s extensions of the President and Vice President's terms of office over the course of this electoral process was seen as a constitutional problem<sup>96</sup>. According to Article 83 of the Somaliland Constitution:

*"If it is not possible, due to circumstances related to security and stability to hold the elections of the President and Vice President when their term of office ends, the House of Elders must increase the duration of their powers while taking into consideration the time in which it is possible to overcome these difficulties and to hold the election."<sup>97</sup>*

Here the Law does not clearly define "circumstances related to security and stability", nor does it stipulate the course of action should an election not be held for other reasons<sup>98</sup>.

Even if the legal aspect is rectified, it is a huge responsibility and power to put it in the hand of one body without specific caveats and clear and detailed

procedures. The absence of such framework allowed the *Guurti* not to exercise judiciously its controversial constitutional role of extending the mandate of the government if elections were not held. Members of the *Guurti* extended the term of the President either by heeding to instruction from the President or on a whim; disregarding previous agreements by the stakeholders and ignoring the timeline set by the NEC in the process. Furthermore, they failed to hold broad consultations with the key stakeholders to reach compromises within the legal framework before the extension of the mandate of the government to spare country from avoidable political impasses and uncertainty.

The other problem with the *Guurti*'s extension of the President's mandate was its issuance of a blank check extension without strings attached. Consequently the government had no incentive to meet its responsibility to hold the elections. For instance, suggestions and demands by the opposition to reduce the power of the government by either making it a caretaker government or by forming a national unity government were largely ignored. So, in any effort to address the issue of mandate extensions, there is a need

<sup>96</sup> Interview with Ibrahim Hashi, Jumhuuriya, 8 April 2008.

<sup>97</sup> Ibrahim Hashi, Revised Constitution of the Republic of Somaliland: Unofficial English Translation, 2000.

<sup>98</sup> Michael Walls, *Somaliland: Democracy Threatened Constitutional Impasse as Presidential Elections are Postponed*, 2009, p.7.

to include some limitation of the power or the authority of those bodies whose terms have been extended in case of no elections<sup>99</sup>. For example, if the mandate of the President is extended without an election, then the government should be a 'caretaker government' to oversee the election. Such restriction would deny the government the incentive to stay in power, thereby forcing them to speed up the election process.

Knowing how *Kulmiye* as an opposition party was against the existing arrangement in which the *Guurti* was extending the mandate of the President, the expectation was that *Kulmiye* in power would seize the first opportunity at hand to reform this controversial issue. This chance presented itself when the terms of the *Guurti* and the House of Representatives were due to expire on September 2010, just months after assuming power in July 2010. To the dismay of the three political parties – *UDUB*, *UCID* and *Kulmiye*<sup>100</sup>– and some segments of the public, the new President and his administration failed to break away from past practice.

Instead of dealing with the broader issue of 'Guurti mandate extensions' in terms of its legitimacy, the new President wrote to the *Guurti* prematurely to extend their mandate, the one of the House of Representatives and the local councils. Political observers could not believe that the same people who used to be against such as dubious extension are doing the same thing<sup>101</sup>.

This controversial *Guurti* decision once more reignited the public debate on its constitutionality and its relevance to Somaliland's democratic process. Constitutional disputes on the mandate extension would persist; there is an urgent need to address this controversial issue. An appropriate action would be to refer to the Constitution and, in particular, to the general principles in Article 9 which states that "*the political system of the Republic of Somaliland shall be based on peace, cooperation, democracy and the plurality of political parties.*" A government-led consultation with all key stakeholders is required to reach a consensus on the legal framework of mandate extensions to be sanctioned by the Parliament.

<sup>99</sup> Such as the House of Representatives, the *Guurti* and the local councils.

<sup>100</sup> Unlike *UDUB*, where the government and the party were inseparable, *Kulmiye* and the new government became quite distinct entities and with different interests. The new President Axmed Sillaanyo handed party chairmanship to his first Deputy Muse Bixi Abdi and prevented the top party leadership to hold cabinet positions.

<sup>101</sup> VOA Somali, 7 September 2010.

## 6.9 Election Results

**Chart 2: Regional Distribution of Over-Registration**

Region	Over-registration
Awdal	40%
Hargeysa	65%
Sahil	68%
Togdheer	40%
Sanaag	30%
Sool	20%

As indicated by the above chart, *Saaxil* and *Hargeysa* had the highest turnouts – 68% and 65% respectively. Some explanations for the higher percentage turnouts in these two regions were that their voter registration lists were more genuine relative to other regions<sup>102</sup>. It could also be the geographical concentration of the voters and the effective campaigns put up by the political parties.

The number of the voters in this Presidential election exceeded the

previous Presidential election in 2003 by at least 10%. This increase was possibly due to the level of enthusiasm on the part of *Kulmiye*'s supporters. Had there been the same level of eagerness from *UDUB*'s support base, possibly the number of votes would have exceeded 538,246 votes.

Regionally, *Awdal*, *Sool* and *Hargeysa* increased their shares of the total vote from previous Presidential election as shown in Table 4 below. As for the regions of *Togdheer*, *Sanaag* and *Saaxil*, their portions of the total votes decreased from the previous Presidential elections. The increase in *Hargeysa*'s share is probably due to the increase in its electorates, because it has experienced in-migrations from other Somaliland regions, though there is no concrete data to support that. The other explanation for the gain of two of these three regions, *Awdal*, and *Hargeysa*, is that the sub-clans of two of the three Presidential candidates (*Rayaale* and *Faysal*) are respectively predominant in one of these regions.

<sup>102</sup> This may have been because *Saaxil* was the first region to register (i.e. there was less awareness of the possibilities for abusing the system) and there was greater oversight of the registration process in *Hargeysa*.

**Table 4: Regional Distribution of Votes in Somaliland's Presidential Elections**

Region	Presidential Election 2003	%	Presidential Election 2010	%	Differences %
Hargeysa	208,864	43	236,651	44	+13
Awdal	65,934	13	81,399	15	+23
Saaxil	30,537	6	29,211	5	-4
Togdheer	115,064	24	111,653	21	-3
Sanaag	57,938	12	58,515	11	1
Sool	9,702	2	20,878	4	115
Total	488,639	100	538,247	100	+10

Source: Bradbury et al, 2003; NEC, 2005 and 2010.

In accordance to the previous elections, particularly the Presidential election in 2003, *Gadabiirsi*, *Habr Yoonis*, and *Ciisa Muusa* of *Habr Awl* sub-clans constituted the support base for *UDUB*<sup>103</sup>, while *Kulmiye* drew its support from *Habr Jeclo* and *Arab* sub-clans and *UCID* from *Cidagale* sub-clan<sup>104</sup>. A key issue at stake in this election was the *Sacad Muuse* of *Habr Awl* votes. Local observers believed that the support of *Sacad Muuse* was crucial for any candidate hopeful to win, provided he maintained his support base.

*UDUB* and President Rayaale failed to rally their support base. With the exception of some districts in *Awdal* region, as shown in the above chart, districts predominant with *UDUB* supporters such as *Odweyne*, *Ceergaabo* and *Berbera* had a low turnout compared to the 2003 Presidential election result, which was bad news for *UDUB* and the President. In contrast, the supporters of *Kulmiye* were more enthusiastic and came out in great numbers. As a result, the strong-holds districts of *Kulmiye* such as *Caynabo*, *Burco*, and *Buuhoodle* experienced high turnouts, contributing to *Kulmiye's* victory.

<sup>103</sup> President Rayaale hails from *Gadabiirsi*, most senior officials in Rayaale's government were *Habr Yoonis* and Vice President belongs to *Ciise Muuse*.

<sup>104</sup> President Axmed Siilaanyo belongs to *Habr Jeclo* and Faysal belongs to *Cidagale*.

Chart 3: Comparison of Results of the 2003 and 2010 Somaliland Presidential Elections

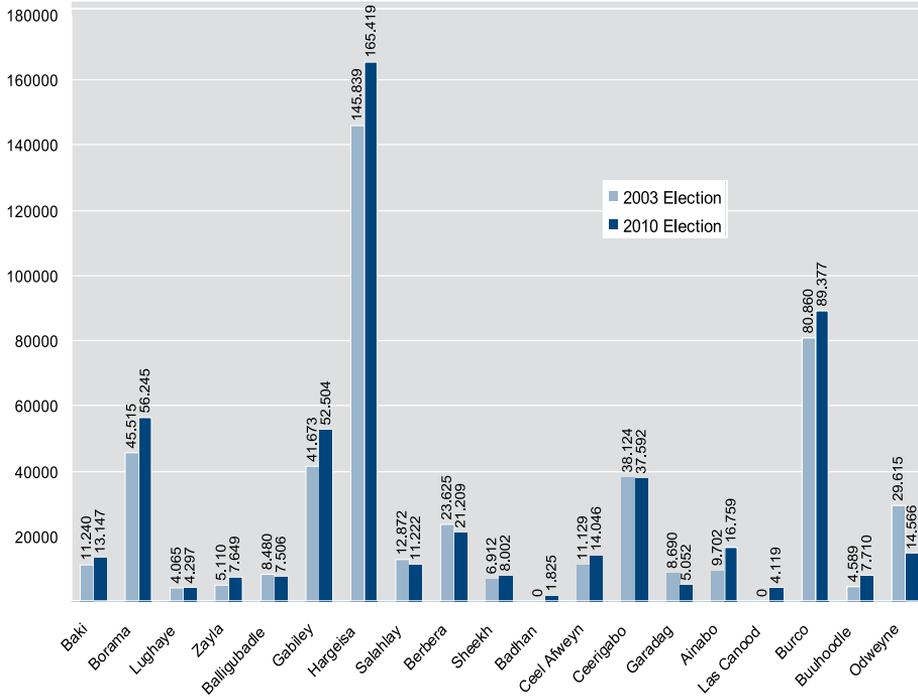
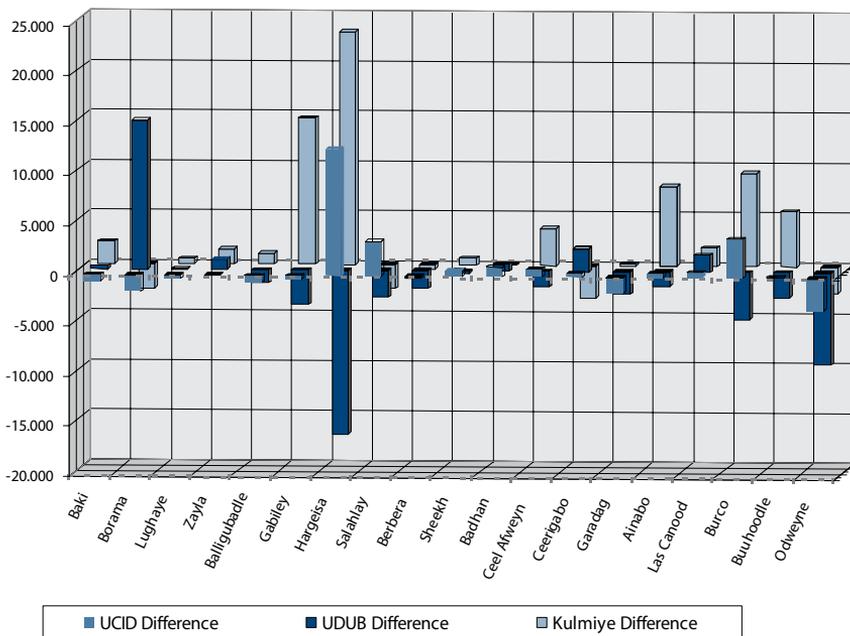


Chart 4: Vote Distribution by Party



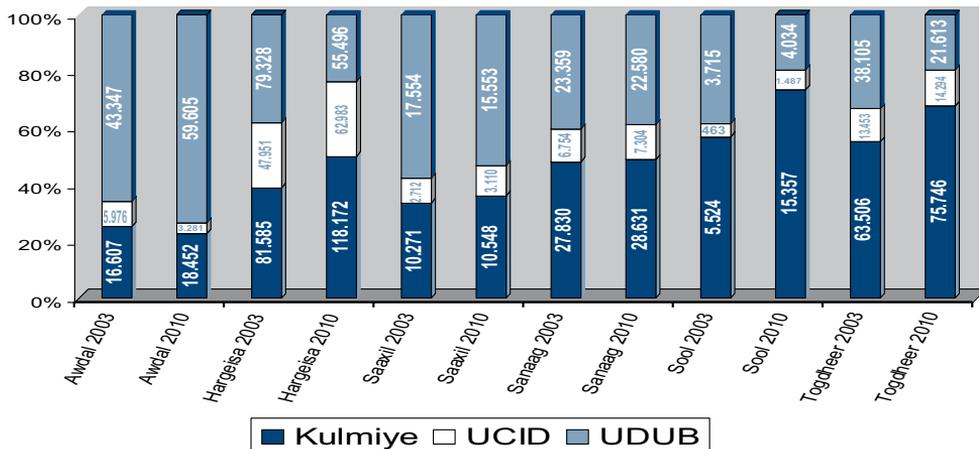
The bad news for *UDUB* did not end there. As indicated by the above chart *UDUB* managed to make notable gains in Boorome and Ceergabo districts while losing in nearly all other districts, including those considered as Raayale's bases such as *Burco*, *Odweyne*, *Berbera* and *Sheikh*.

The difference in this election was that prominent *Kulmiye* individuals hailing from these districts campaigned hard on behalf of *Kulmiye* in these areas<sup>105</sup>. For instance, in *Odweyne* district, a lady from the *Kulmiye* leadership was able to put up relentless campaign effort that allowed *Kulmiye* split the votes with other two parties, which resulted in *Kulmiye* edging out *UDUB* in this district

for the first time. As a result, *Kulmiye* had conducted what amounted to a nationwide campaign effort that secured them some gains in most Somaliland's districts thereby dispelling to some extent the myth that certain sub-clans or districts would not have the stomach to vote for particular candidates because of his or her sub-clans.

In terms of regions, *Kulmiye* registered an increase in its share of vote in all regions, with the exception of *Awdal* region, *Rayaale's* home region. There was also a fear that *UDUB* may not do very well in *Awdal* itself, due to intense rivalries among the supporters of the *UDUB* and *Kulmiye*.

Chart 5: Shifts in Regions from the 2003 to 2010 Presidential Elections



<sup>105</sup> In 2003 it was the other way around. The Chairman of the *Guurti*, hailed from the same sub-clan of *Axmed Silaanyo*, secured substantial vote for *UDUB*.

Fortunately for the President, *Awdal* voted overwhelming for *UDUB* saving the President and *UDUB* from a humiliating defeat. One explanation for this high level support for the President was a supposed backlash to the resignation of two *Habr Jecllo* Ministers from Rayaale's government on the eve of the election, who jumped ship and joined *Kulmiye*. According to some local people in *Awdal*, this eleventh hour event had an effect on the people of *Awdal* as they saw it as a clan motivated move and this changed their mind and decided to vote for Rayaale.

In the greater *Hargeysa* district, *UDUB* managed to break even with *Kulmiye* in the 2003 Presidential election. According to a former senior Minister who served under both Cigaal's and Rayaale's administrations, *UDUB* was able to do well in *Hargeysa* in 2003 because it enjoyed the support of the *Sacaad Muuse* leadership and prominent people. In 2010 that support was not there, which lost *UDUB* the backing of *Sacaad Muuse* (a sub-clan predominant in greater *Hargeysa* and *Gabiley* districts), and eventually the election. Others attributed the loss of *Sacaad Muuse* backing for President Rayaale due to business interests differences. There were also others such as the former Deputy Speaker of the House of Representatives who believed that there was an element of *Isaaqism* in the overwhelming support of *Sacaad*

*Muuse* and *Arap* sub-clans to *Kulmiye*. As indicated in the above chart, *Kulmiye* received about 118,112 votes which accounted about 44% of *Kulmiye*'s total votes, providing the presidential candidate a comfortable margin of victory over *UDUB*.

In the final analysis, the election was a referendum on the eight year rule of *UDUB* administration. Their performance came under public scrutiny, and was a campaign issue. So the majority of the electorates felt that there was a need for change and that has ultimately contributed to *Kulmiye*'s victory.

In fact, the outcome of the electoral process was a victory for all Somalilanders. The electorate proved its ability to change the political leadership through the ballot box; the opposition ran an effective campaign ultimately defeating an incumbent President. And both defeated candidates accepted the result of the election. The people of Somaliland congratulated *Axmed Siilaanyo* for his victory and President Rayaale for accepting gracefully the result of the election, thereby facilitating a peaceful transfer of power.

Handing the power in peaceful manner won President *Daahir Rayaale Kahin* an instant rise in popularity in Somaliland. This was highlighted by the level of public reception he received, when returning to the country one year after relinquishing power.



## 7. CONCLUSION AND RECOMMENDATIONS

The peaceful transition of power from President Rayaale to President Axmed Siilaanyo in July 2010, following the successful Presidential election on 26 June 2010, offered a fresh opportunity to revive democratisation and state-building processes. The successful Presidential election was part of an election cycle that also included the local council elections, which were three years overdue. The elections of the two Chambers of the Parliament, the House of Representatives and the Guurti, have yet to take place however.

The local council elections should be less competitive in comparison to the Presidential election. In December 2011, the two Houses amended Article 22 of the Presidential and Local Elections Law (Law No: 20/2001), which the President subsequently signed into effect. The amendment stipulated that the local council elections shall be conducted through an Open List Proportional Representation System. The adoption of this system has imposed technical complications on the entire electoral process, making it much more difficult to hold credible elections.

One of the key reasons behind these difficulties is the lack of any delimitation of districts from which the local council electoral constituencies would be

based. Overcoming these deficiencies requires the implementation of a demarcation law; the development of a structure and rules of delimiting electoral districts; the carrying out of other tasks involved in drawing electoral districts and boundaries; making special considerations for delimiting voting areas; and addressing additional gaps within the amended law.

An argument against the open party list is that it would quadruple the cost and complexity of ballot papers, especially in a context where up to 6 political associations and 3 political parties have nominated 3,411 candidates in 21 electoral districts. This issue needs to be resolved in time to avoid any unnecessary setbacks to the process<sup>106</sup>.

<sup>106</sup> At the time of final drafting of this report, the Registration of Associations Committee (RAC) announced that nine of fifteen associations that had applied for accreditation had been registered. Only six of these nine however were finally given legal certificates on 20 April 2012 to contest the election having met all necessary criteria through the prescribed vetting process. Consequently, a total of 6 out of 15 associations and all three existing parties were approved to for the local elections, bringing the total to 9. This will require a ballot displaying a formidable number of candidates in highly competitive districts such as Hargeysa and pose a significant challenge for a number of voters, especially uneducated and illiterate voters, to comprehend accurately

Both elections of the Parliament, the *Guurti* and the House of Representatives, have legal challenges that need to be addressed. The legislation for choosing members of the *Guurti* is not in place due to the fact that the lawmakers are divided on whether an electoral system or a selection system would be best. As for the House of Representatives, the main challenge will be the divisive issue of seat allocation to the six regions, as the previous arrangement in the last election was temporary. In the run up to these elections, the lawmakers and the government have to work together to put in place formal electoral systems in time, based on a voter registration system that will need to be updated before that time.

To support the process of completing the second election cycle in Somaliland, the Academy for Peace and Development needs to work closely with all key stakeholders to keep the process on the right track. APD is well placed to use its political space management experience to provide support and advice to the key stakeholders to achieve free, fair and peaceful elections. APD will draw from its traditional methods of participatory research, public discourse and mediation, through the holding of public debates, facilitating dialogues and conducting extensive public consultations, to build consensus on the

main contested issues and challenges such as the complications surrounding the newly adopted electoral system for the local council elections to be held in 2012.

The critical role of the application of peacebuilding practices in Somaliland's democratisation process should also be recognised. APD has been a leader in using participatory processes to ensure greater informed debate not only among the political stakeholders, but also between those stakeholders and the broader society. While multiple political crises wracked Somaliland and had the potential to undermine the stability Somalilanders have fought so hard to attain, APD and other civil society actors joined in with elders, business leaders, and other influential and respected leaders, advocated for peace at times when others were calling for violent response.

The importance of APD's peacebuilding work, which spanned over a decade by the time of the Presidential Elections in 2010, and its strong focus on democratisation, should not be underestimated nor overlooked in assessing the motivations and successful interventions that led to peaceful resolution of disputes, and, ultimately, a peaceful transfer of power through democratic means.

More specifically, key peacebuilding principles and approaches that shaped and guided APD's efforts, supported by their long-term peacebuilding partner Interpeace, are presented below:

- *Peacebuilding is about strengthening a society's capacity to manage conflict in non-violent and non-coercive ways.* To this extent, APD established a strong and trusted relationship with many of the facets of Somaliland society and were able to draw on them, along with others, to ensure the will for peace, and the resilience to political crises, kept the process from derailing Somaliland's commitment to peace.
- *Peacebuilding depends on the strengthening of national capacities to foster the development of values and attitudes.* APD and Interpeace have had a formal relationship with each of the three Electoral Commissions of Somaliland. This relationship not only gave APD and Interpeace access to the internal dynamics and the ability to provide support in addressing some of the myriad technical complexities of the electoral processes, but also provided a platform for instilling a peacebuilding and conflict sensitive approach in the NEC as an institution.
- *Peacebuilding must take into consideration internal and external dynamics.* The strong and coordinated collaboration between NEC, APD and Interpeace, combined with the deeply engaged role of the donors Democratisation Steering Committee (DSC), ensured a coordinated and cohesive implementation of the democratisation process in Somaliland, from both the internal and external perspective. While the international community has been known to be fragmented and at times divisive in its dealings with Somalia, there is a clear and appreciable relationship between the coordinated efforts of the international community in the Somaliland democratisation process and the successes Somaliland has achieved.
- *In peacebuilding, the "How" is as important as the "What".* While there were times the pressure to complete the electoral processes was appearing to be more important than the integrity of the process, APD along with others were able to raise the awareness necessary to ensure public and stakeholder pressure did not allow political expediency to overrun the principles of free, fair and credible electoral processes.

## 7.1 General Recommendations

So far, Somaliland's democratisation process has been mainly focused on holding elections with little attention to other critical aspects or the basis for the transition to the consolidation of democracy, which should include:

2. To undertake a partial review and amend certain articles;
3. To legislate to fill the current gaps in the Constitution through the enactment of missing secondary laws

### 7.1.1 Constitutional Review and Reform

There are several explanations that justify the need for a constitutional review, they include:

- The need to separate powers and strengthen the relationship between the centre and the regions;
- The presence of numerous omissions, inconsistencies and contradictions in the Constitution.

A legal review committee<sup>107</sup> established by the Ministry of Justice expressed particular concern for:

- The need to remove transitional provisions;
- The need to change "the text" or the language used of some provisions;
- The need to change "the substance" of some provision.

There are three possible ways of addressing these:

1. To undertake a comprehensive review of the Constitution;

### 7.1.2 Reforming Government and State Institutions and Structures

In Somaliland, as has been illustrated numerous times in this report, the power balance is tilting towards the Executive which dominates the entire governance and political arenas (judicial and legislatives, central and local government, political parties and civil society).

#### 7.1.2.1 Strengthening the Parliament

In addition to the above mentioned constitutional reforms, there is need for sustained assistance and interventions to rectify the governance imbalances by strengthening the capacity of the Parliament in the following ways:

- *Law-making Capacity.* The effective development of policies and their concomitant laws in ways that articulate and represent public interests, and ensure proper checks and balances of the Executive;
- *Oversight Capacity.* Ensure there is proper legislation in place to its safeguard against imbalances of

<sup>107</sup> Its mandate was to review the conformity of Somaliland's laws (old and new) to the Constitution.

power due to a weak system of checks and balances, especially regarding the Executive;

- *Representative Capacity.* Improving the links and interactions between lawmakers their constituencies/citizens, including civil society and other interest groups;
- *Administrative Capacity.* The ability to effectively manage the affairs of the Parliament.

### 7.1.2.2 Strengthening the Judiciary

The Judiciary has failed to play its critical role in resolving disputes that arose between the Executive and the House of Representatives in an impartial, objective way. It is important that steps be taken to strengthen the independence and impartiality of the judiciary, including:

- Conducting extensive legal training to improve technical skills of the Court;
- Developing a stronger legal framework to ensure the independence of the Judiciary;
- Developing a stronger vetting process to better guarantee only judges with prerequisite skills are allowed to be nominated into the Court system.

### 7.1.2.3 Strengthening and Reforming Political Parties

The issue of limiting Somaliland's political parties without ensuring democracy,

political competition and pluralism within those same parties should be addressed. To strengthen the capacity of the political parties to play their roles in democratic consolidation, the following characteristics of the parties should be looked into:

- Political expression and choice;
- Competition and dialogue;
- Public participation (constituency representation);
- Aggregation and articulation of interests;
- Political socialisation, and leadership selection and governance; and
- Effective participation in governance.

### 7.1.3 Special Support for Women's Participation in Politics

Greater women's participation in Somaliland's politics is very important. Constitutional suffrage is not sufficient to guarantee women's active participation in political decision-making bodies.

APD suggests the following to ensure greater participation by women in the political processes:

- Education and awareness-raising for women regarding political participation;
- Training in leadership skills; and
- Support for legislation providing affirmative action and the instigation of quotas for women in elected bodies.



## APPENDIX 1: Election Timeline

2003	
14 April	President Rayaale elected
16 May	President Rayaale sworn in
2006	
2 January	Arrest of Journalist Abdi Yusuf Gaboobe of Haatuf and Somaliland Times News Paper
6 May	House of <i>Guurti</i> extend their mandate for four years
2007	
21 January	The expiry of the mandate of the NEC (February 2002 to February 2007)
19 February	President instructed the NEC to handover their office to the Director General of the NEC.
3 March	Journalist (Yusuf Abdi Gaboobe of Haatuf and Somaliland Times News Paper was released
5 April	Announcement of the formation of <i>Qaran</i> Political Association
3 June	The seven nominees to the second NEC were submitted to the House of the Representatives
8 July	Voter registration Act was signed by the President
28 July	The government arrested the leaders of <i>Qaran</i> political association
7 August	The President issued a decree ordering the new NEC to assume office
19 August	<i>Qaran</i> members were convicted of disturbing the peace, creating an illegal political association, not heeding a warning letter from the Ministry of the Interior, and insulting national leaders such as the President by calling him a former domestic spy for Siyad Barre's regime
3 September	The House of the Representatives approved the new members of NEC
9 September	Members of second NEC was sworn in at the Presidential palace

18 September	Members of <i>Qaran</i> were released
15 October	Somaliland forces enter Las'anod
12 December	The <i>Guurti</i> extend the mandate of the local councils to July 2008
31 December	Oppositions suggested 31 December 2007 as the date of the presidential election

## 2008

15 May	Rayaale's term expired
June	Agreement by NEC and political parties to complete the voter registration process
1 July	Scheduled date for holding of local council elections
1 July	Leaders of Political Parties met at the Presidential palace to reach an agreement over the election timeline
9 July	The leaders of Political Parties sign an agreement on the election timeline
31 August	Scheduled date for the Presidential election under agreement between the Political Parties and NEC
28 October	Bomb strikes on three targets in Hargeisa: the Presidential palace, UNDP compound and Ethiopian Commercial Office
1 December	The voter registration processes resumed in Hargeisa

## 2009

29 March	NEC announced the date of the Presidential election to take place
27 July	Second NEC suspends the voter registration in cooperation/under instruction of the President
25 September	Ratification of the six point agreement
25 September	The <i>Guurti</i> extended the mandate of the government based on the six-point agreement
27 September	Scheduled date of the Presidential election under an agreement between NEC and the three Political Parties

## 2010

25 April	Media Code of Conduct signed
13 May	Display of the voter registration and the card replacement exercise commenced
26 June	Presidential election held
27 July	Inauguration ceremony held

## APPENDIX 2: The Six-Point Agreement

### MEMORANDUM OF UNDERSTANDING

### ON THE UPCOMING PRESIDENTIAL ELECTION OF SOMALILAND

The three registered political parties in Somaliland, together hereafter referred to as the “Parties”. Committed to preserving the peace, stability and credibility that Somaliland has achieved over the last decade and half; Conscious of their responsibilities to safeguard the welfare of the people of Somaliland in a sub region where the preservation of peace and stability in any country is not an easy exercise; Fully cognisant of the imperative necessity of creating the conditions for fair, free and peaceful elections, without which the preservation of peace, stability and credibility of Somaliland will not be possible; Fully convinced that the ruling party and the two opposition parties have historic responsibility to make the upcoming election free, fair and peaceful; have reached the following understanding<sup>108</sup>:

#### Paragraph 1

Given the shortage of time remaining before 27 September 2009, which is the jointly agreed time for the next election, the parties accept that the Election be postponed, the new time for the election to be decided as per what is stated in paragraphs 4 and 5 below.

#### Paragraph 2

The Parties agree that all options, including changes in the leadership and composition of the National Election Commission, need to be considered to restore public confidence in the Commission and to make sure that the Commission is able to perform the role expected of it under the Constitution.

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<sup>108</sup> Taken from a report published by International Crisis Group, A way out of the Electoral Crisis, 07 December 2009

### **Paragraph 3**

The three parties have agreed that there is a need for a Voter Registration List as legally provided for, for this and future elections. In this regard, taking note of the shortcomings of the existing Voter Registration List, the three parties accept that there is a need to further refine the list and to consider whether further safeguards are required to avoid multiple voting.

### **Paragraph 4**

The parties have agreed to invite independent international experts to assist the National Election Commission in reviewing Somaliland's electoral preparations. The Experts will be invited to submit their recommendations to the Commission including on how to refine the provisional voter list, and on the timetable under which the remaining preparations for the election can be held. The Commission shall then fix the new date for the election based on the amount of time required for the final election preparations to be made. The Parties also decided that detailed Terms of Reference for the experts should be agreed with the political parties and the Commission.

### **Paragraph 5**

On the basis that the determination of the date of the election is depoliticised, with the date to be fixed by the Commission, in light of the recommendations by the experts as set out in paragraph 4 above, the parties have agreed that the term of office of the President and Vice-President should be extended to a date not more than one month after the date to be fixed by the Commission for the elections.

### **Paragraph 6**

The parties underline the need for Friends of Somaliland to continue their engagement with the three parties with the view to contributing to the faithful implementation of the understanding contained in paragraphs 1 to 5 above and assisting the Somaliland authorities to carry out free, fair and peaceful elections critical for preserving the stability, security and credibility of Somaliland.

**Signed in Hargeysa on**

**30 September 2009**

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**UDUB**

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**Kulmiye**

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**UCID**

# APPENDIX 3: Political Parties Code of Conduct

## Republic of Somaliland

### National Electoral Commission



## National Political Parties Code of Conduct

### Introduction

The three National Political Parties of Somaliland:

- o Knowing the significance of the Presidential Elections for Somaliland people;
- o Keeping in mind that the success of the democratic process is of great value for the Somaliland independence;
- o Knowing that a free and fair elections are a key for human rights promotion and well-established justice in Somaliland;
- o Feeling the danger that can emerge from a failure on the newly born democracy (at this transitional period);
- o Knowing the need of creating a condition making possible holding free and fair elections;
- o Bearing in mind the deficiencies/loopholes existing in the Presidential Elections and Local Governments Acts and the additions from the Registration Act those need to be completed so as the elections be held smoothly;
- o Accounting on the importance the six terms agreement concluded in 30th September, 2009 that was settled the political dispute signed by the three National Political Parties that was a sequential events and in the presence of the International Community;
- o Knowing the terms of that agreement in which the most important were: holding the Presidential Elections through the registration of the voters, that the office term of the President and the Vice President be extended up to one month after the date of announcing the elections timeframe, to make changes on the Election Commission Members, and that an International Experts revise the Data in the Registration Server;

- o Knowing that the National Electoral Commission, Justice Institutions, and the Private Media are free from the Political Parties;
- o Being satisfied the importance of creating a culture of political tolerance, without jeopardizing the value and ethics as personal attack, personal abuse, and degradation based on tribe, that can render a damage against the dignity of the person;
- o Knowing that to collectively preserve the national interest of Somaliland, and in accordance with the Constitution and Electoral Rules peacefully competing for the state political power;
- o Believing that the only method of holding and transferring the power is the people's will through legal and peaceful manner.

Have agreed to be bound by this Code of Conduct for Political Parties, which the three Political Parties and the NEC jointly prepared and signed this date of 13 April, 2010.

## **PART I**

### **Article 1: Short Title**

This code is named "Political Parties Code of Conduct" in Presidential Elections of Somaliland.

### **Article 2: Definitions**

- 1) "Commission" is the National Electoral Commission of Somaliland;
- 2) "Party/Parties" is meant the National Political Parties;
- 3) "Inter Party Advisory Committee" is meant a committee consisting of the Political Parties and members of the National Electoral Commission which gives advisory in the application and implementation this code of conduct;
- 4) "Candidate" is meant by the candidates standing for the President and Vice President positions;
- 5) "Party Officer" is meant by the Parties different rank officers National Political Parties.

### **Article 3: Code Application**

This Code of Conduct will be applied on and be abided by all the political leaders, candidates, officers of political parties, politically nominated government officers, party members, and well active party supporters.

#### **Article 4: General Principles**

The legitimacy of a government elected on democratic system based on free and fair elections can come into being:

- 1) When the voters are informed decision, and are aware of the political agenda of the party they are selecting and the candidate they are voting for through neat and healthy election campaign;
- 2) When the voters are voting freely, without intervention, threat, and bribery, or using other deceitful tactics;
- 3) When the Political Parties and their leaders applies in good faith, and respect the Political Parties Code of Conduct, Electoral Rules, and the Constitution.;
- 4) The Elections are the will of the People, and the outcome of it must be respected and bound by all the competing the stakeholders.

#### **Article 5: Code Objective**

The aim of this Code of Conduct is to empower and increase all necessary tools and methods those can lead to a free and fair elections including:

- 1) To be tolerant of political issues based on democracy;
- 2) That a free political campaigns and open debates open to the public can be organized;
- 3) To respect and protect human rights;
- 4) This Code of Conduct is a complementary to the Electoral Rules of the State and they are its references.

#### **Article 6: Code Application**

In applying this Code of Conduct by the National Political Parties and Candidates:

- 1) Every Candidate whose candidanship is accepted by the National Electoral Commission must provide a signed letter in which he is proving his consent the application of Presidential Elections Code of Conduct, and giving a Declaration of Commitment that his/her supporters will apply this Code of Conduct too;
- 2) That every Political Party would abide by the application of this Code of Conduct;
- 3) To Conduct Awareness Programs for Supporters of Political Parties in the application and respect of this code of conduct;
- 4) To raise the awareness of supporters, party officers, party members and leaders applying and respecting the code;
- 5) To command party officers, members, supporters and leaders the application of the code;

- 6) To strengthen and maintain the cooperation and relation between the National Election Commission and the National Political parties;
- 7) To take a strict measures against the breach and violation of the Code;
- 8) To take measures against all possibilities leading to the breach and violation of the code;
- 9) To condemn publicly every instance that can hinder the conduction of free and fair elections;
- 10) To promise its acceptance of the elections result, or submit a case before the Supreme Court.

### **Article 7: Election Rights of the Parties**

The Parties signing this Code of Conduct have to know the related election rights:

- 1) Expression of Political views in agreement with the state laws;
- 2) Debating about the politics and party programs;
- 3) Singing songs not directed to any side as a personal attack;
- 4) Printing, distribution of notification letters and advertisements those are not abusive or personal attacking;
- 5) Making signboards and political slogans;
- 6) Organizing and conduction election campaigns those are in line with codes, state laws and the agreed six points by the National Political Parties;
- 7) To assist the National Electoral Commission and the National Parties making good against violations those may arise during the elections.

### **Article 8: Administration of Election Campaigns**

Each Party is promising:

- 1) To value and respect rights and freedoms of other parties to campaign and convey to the public their political agenda and principles without hesitation;
- 2) To protect the rights and freedoms of other parties to stand up and spread signboards, and political slogans and their party sign in accordance with the law;
- 3) To display a conduct respecting other parties rights, voter rights, and the rest of the society;
- 4) To respect all media related rights, election monitors, and observers;
- 5) To apply and follow the schedule sharing of the election campaign days;
- 6) Not to a conduct an election campaign in days scheduled for another party;
- 7) To ensure that voters are free for their decision and political views;
- 8) Not to direct a threat against the supporters of other parties and to respect their offices and private head quarters;

- 9) The language using by the political leaders must be sound and not raising confrontations among the people, insecurity, animosity, stirring up the people, and division within the people;
- 10) In the political ground, its prohibited personal attacking, degrading, character assassination, and abuse;
- 11) Every party is liable to the members of its party and supporters. It's obliged to inform its members and supporters about this Code of Conduct.

### **Article 9: Issues Prohibited political parties during election**

Every party is prohibited:

- 1) To stir up any activities those can endanger the security and stability of the country before the elections, during the elections or after the elections;
- 2) To employ abusive statements those can raise confrontations during the elections
- 3) To threat candidates, political agents, members or supporters of the political parties;
- 4) To assault other party election campaigns;
- 5) To hinder distribution of documents or displaying signs of other parties;
- 6) To spoil letters and documents conveying messages, signs, flags and boards of other parties;
- 7) To prevent from other parties to organize public gatherings, meetings, walking demonstrations, or election campaign show up's;
- 8) To prevent from another party to make a contact with the public;
- 9) To prevent from anybody to participate the gathering of another party;
- 10) To permit its supporters to conduct any activity prohibited by this Code of Conduct;
- 11) To take, use or allow weapons of any kind in political gathering places, demonstrations, or public rallies;
- 12) To conduct campaigns and political show ups a time not scheduled for it in election campaign sharing schedule;
- 13) No party can seize using power a polling station to procure votes.

### **Article 10: Prohibition of Usage and Possession of Weapons**

Candidates, Members of Political Parties, Party Representatives, and their supporters to carry along with them all kinds of weapons in Public Gatherings, Conferences, Voting Stations, and every place where another party's election campaign is going on.

### **Article 11: Prohibited Measures**

- 1) It's prohibited from the government to use the Security Forces including the Police, Custodial Corps, CID, and the Military, to oppress candidates of the Political Parties and their supporters;
- 2) No person should be imprisoned without Warrant of Arrest from the Court, except the cases where the code is allowing for the Police to detain a person suspected of committing a criminal offense;
- 3) The Police, Custodial Corps, and the Military must avoid from intermingling with the Politics, and therefore, they must be neutral and discharge their duties.

### **Article 12: Neutrality of Public Offices, Assets, and Facilities**

All citizens are equal for the national property. It's prohibited from the Regional Governors, District Commissioners, and different governmental Institutions and the Public Officers to Campaign for a Political Party.

### **Article 13: Electoral Process**

Every Party is obliged:

- 1) To work closely with the Commission Officers to ensure the smooth continuation and security of the elections and make the Voters perform their duties without hindrance and fear;
- 2) To protect and ensure the security of the Election Operators and the members of the National Electoral Commission during the preparation for elections period, voting, counting and announcing the results;
- 3) To prevent any possible criminal act (Electoral Offences) during the election;
- 4) To comply with all legal guidelines and to be abide by the orders of the National Electoral Commission;
- 5) To establish a sound and constant relations with the National Electoral Commission and officials and electoral staff and other Political Parties;
- 6) To take part ensuring the security and the safety of the Electoral Officers, before the elections, during the elections, and after the voting;
- 7) To interfere illegally the tasks of the Electoral Officials;
- 8) To respect and work with the Observers and Electoral Monitoring Committee;
- 9) To keep and respect the secrecy of the voting.

### **Article 14: The Role of the Media**

The media is one of the major national branches, the private and Government Media is obliged. The signatories of this agreement are respecting the responsibility endowed upon the independent and government media. Therefore the independent and government media are:

- 1) To encourage the application and implementation of the Electoral Code of Conduct;
- 2) To raise the public awareness and encourage the application of this Code of Conduct;
- 3) To disseminate this code of conduct and convey it to the society and at same respect it.

## **PART TWO: INTER PARTY ADVISORY COMMITTEE**

### **Article 15: Establishment**

In order to create an understanding ground among the Political Parties and simplify the application of the Electoral Code of Conduct, the Inter Party Advisory Committee was established.

- 1) The Committee is facilitating the understanding and relations between the National Political Parties and the National Electoral Committee;
- 2) The Committee will be a Forum for Dialogue and negotiations between the National Political Parties;
- 3) The Committee will comprise the three political parties with each party sending two representatives, three Members from the National Electoral Commission and a Secretary from the legal office of the NEC;
- 4) The committee will be chaired by one of the three members representing the National Electoral Commission;
- 5) The committee is an advisory assisting the National Electoral Commission to facilitate the political negotiations of the parties. Every issue that needs a final decision in which the Advisory Committee could not decide will submit it to the National Electoral Commission;
- 6) The Advisory Committee has no mandate to give guidelines to the NEC and/or violate the NEC legal mandate;
- 7) The committee will have weekly meetings. However, the meetings will be maintained during the voting period. The committee will develop Rules of Procedure in respect of their conferences and meetings.

### **Article 16: The Functions of the Advisory Committee**

The Advisory Committee has the following functions:

- 1) It's a center where political parties have debates and discuss the efficiency and smooth continuation of the elections;
- 2) To observe whether the political parties are applying and respecting the Electoral Code of Conduct, Electoral Rules, and the constitution;
- 3) To be the bridge between the National Political Parties and the National Electoral Commission;
- 4) To settle the disputes those may arise between the National Electoral Commission and the Political Parties in amicable solution in accordance with the Elections Code of Conduct and Electoral Rules;
- 5) To be the custodian of the Electoral Code of Conduct and check the application of the Code.

### **Article 17: Public Finance, Property and Government Media**

Rule 20-2/2005, Article 26th is assigning the National Electoral Commission the responsibility of checking whether the National Political Parties are equal in using the Government Media and the Khayriyah Ground. The article is also stating that no Party can use the public property for specific purposes. The article is, therefore, providing the NEC the power to fine on every side which performs acts contrary to the smooth functioning and continuation of the elections, the Code of Conduct and Electoral Rules.

To perform these duties, the commission is preparing the following technical measures to ensure the full compliance of the rules and the electoral procedure procedure:

#### **1) Governmental Media Usage**

##### *a. Radio Hargeisa and SLNTV Programs*

Fulfillment Methods:

- o First Stage: Follow up in the campaign period;
- o Second Stage: Time scheduling for the Parties during the Campaign period.

Stage One: *Daily follow up of Radio Hargeisa and the SLNTV Somali language Programs.*

The National Electoral Commission will follow up, and checks on daily basis the Somali Programs those are produced by Radio Hargeisa and SLNTV relating to the Election Campaign. The same will be applied on the SLNTV programs.

*Stage Two: Allocating Equal Time for the Three National Parties in Radio Hargeisa and SLNTV*

The National Electoral Commission, in consultation with the Ministry of Information, and on the basis of equal time to the three Political Parties is allocating equal time in Radio and TV airing programs. The time frame indicating the duration period given in the Radio/SLNTV will be recognized as a reference to this Code of Conduct.

*b. Maandeeq and Horn Tribune News Papers*

The National Electoral Commission will have the following two purposes from Maandeeq and “Horn Tribune”:

- i. Follow up the daily issuances of the two Newspapers;
- ii. Scheduling equal pages and spaces to the three Political Parties in Maandeeq and “Horn tribune”.

The details of this schedule will be decided by the parties, NEC and the Minister of Information, and will be recognized as a reference to this Code of Conduct.

*c. Private Media*

The privately owned media should on equal basis disseminate the Agenda of the Political Parties those are ready to purchase such services from the private media companies. No discrimination will be made among the Parties in this issue. This article will be included in the Independent Media Code of Conduct, and the Media Guide would clearly indicate that the Media necessarily convey balanced and efficient news.

None of the Media Companies can reject to print or display a Party’s ideas, if that party is paying the commission charges of that News paper space or upon the issuance of the program. If a Media Company performs such prohibited act, the concerned party will submit its complaint to the Elections Monitoring Committee, and the committee will take the appropriate legal or political measures against the perpetrator of the act in order to ensure that the media is performing its duty to the public properly.

## 2) Public Finance and Property

Code 2//02/2005 is prohibiting the Parties the usage of the public property for their specific purposes. The article is also indicating that no Party can use foreign property neither directly or/and indirectly, such as the International Aid Organizations, and UN Agencies.

In addition to that, Article 64 is conferring upon the NEC the power of imposing Administrative Fine.

To apply these articles the National Electoral Commission:

- o Is ensuring that the Three National Political Parties are equal is using the Public Finance, Government Media, and the Public Grounds;
- o Is ensuring that the Government Ministers are not using Government Transport and Vehicles in the Election Campaigns of their Parties;
- o Is bearing in mind that public employees are not allowed as defined by the Government Employee Act, to directly campaign for a Political Party. Public employee campaigning for a Party is violation to the Administration System of the Elections. The National Electoral Commission would take the proper measures against such perpetrator;
- o Is improving the trust and good faith between the Political Parties so as to establish a sound environment in which elections are held successfully;
- o That the government necessarily abstains from any act that can be understood as a power misuse by the other Political Parties. Similarly, necessarily the Political Parties will avoid that can be interpreted as a threat to the peace and security.

In order the National Electoral Commission perform its obligations satisfactorily, it's necessary to obtain the following:

- o Presidential Decree ordering Government Officers to closely work with the National Electoral Commission and every Institution Established by the Commission so as assist it the best performance of its national duties;
- o Presidential Decree officially prohibiting the usage of Government Transport and vehicles Political Campaign or/and put on it Party signs, Party Slogan, etc, Offices, Camps, and Government Transportation.

The National Electoral Commission is responsible to provide that letter from the President all the acts mentioned above.

## **PART THREE**

### **Article 18: Special Conditions**

#### **1) Two parties those enter in the first rank in equal votes**

This is extremely rare case but possible in which the two majority parties are in equal votes, such a case will be administered as written in below:

- o The National Electoral Commission (NEC) looks at and resolves all matters of the disputed votes and petitions submitted by a party on invalid votes. It will ensure spoiled papers aimed at the two parties that are equal in voting in order to vote for one of the parties to look at valid papers that were made null and void unintentionally and aimed at ensuring the successful party;
- o Where the preceding step cannot resolve the equality, the National Electoral Commission orders new election as soon as practicable which is the two parallel parties can compete.

#### **2) Laws Relating to Demonstrations**

Article 29 of Law no 20/2001 entitles a mayor rights to prohibit demonstrations where he is satisfied with; it may affect health and the public security. However, if the step of the mayor becomes absurd, this article does not indicate the manner petitions are submitted in order to fill loopholes of the electoral law, the three parties agreed the following:

- o The National Electoral Commission prepares and issues after consultation with the political parties charts of the demonstrations and planned campaigns/show up of the three parties during election period, where the parties allocated for equal number of days.
- o Where the Mayor thinks fit to stop a demonstration from a party or campaign indicating demonstration chart which the National Electoral Commissions issued, a reasoning application requesting that shall be submitted to district (NEC), where the District Electoral Commission is satisfied with reasons of the mayor stopped the demonstration or the campaigns so requested. It may stop the demonstration or gathering and inform the party or parties concerned other day which is changed that.

### 3) Election Day Vehicles Movement

Subject to the article 27th of law no 20/2001; it is prohibited civilian, governmental and private vehicle movement the Election Day starting from 6:00 Am up to 8:00 PM.

NEC is the only agency that has a power issuing permission vehicle movement of that Election Day. In order to carry out fundamental general services and proper functioning of the election, NEC vehicles' in which general services and proper functions of the election are carried out, it provides sticker paper indicating the permission of NEC of the vehicle movement of that voting day.

Any vehicle that does not have that permission of vehicle movement issued by NEC on that day will be kept by the Police and be released after 8:00 PM of that night.

### 4) Parties Representative

Article 29(5) of law no20/2001 provides that NEC is to train representative of the parties in their responsibilities and allow parties to change representatives as they desire. This can be envisaged that the only trained representatives can be an inspector of district and/or regional voting site.

The parties agreed as following:

- o Where the need arises, parties may change their party's representative but their substitutes should be those who were trained by the NEC. The responsibilities of the representatives of the parties shall be stated in instructions provided by NEC; all the activities of the other parties shall be in accordance with article 32 of the local council and presidential electoral law.

### 5) Voting

Article 47(3) of law 20/2001 is very clear and precise when compared to where voters are marking on the voting paper. Taking into consideration that majority number of Somaliland population is unable to read and write and possibility that many people cannot vote for the sake of high illiteracy rate. Thus, in order to avoid such condition the political parties agreed as the following:

- o Voters are required to mark on any place of the voting paper specialized for the party that voter is voting for. Any mark that a voter writes on the voting paper such as dot, cross, sing, thick will be accepted until the sign is clearly inserted in part if voting paper designed for the party

- o If the mark of a voter is hugely exceeds the part of the voting paper which is special for a party, that vote is counted as invalid. However, the vote will be counted as valid one if it is clear that the intention of the voter was to vote for specific party for example, the majority of the mark in the voting paper of the special party and it is partly part of the voting paper of another party

#### **6) Refusal of party representative to sign a result**

Article 52(2) of the law no 20/2001 obliges that all representative of the parties shall sign all envelopes of the electoral materials after counting of votes. This issue has already created controversies and that electoral result of a place was termed as null and void. However, there is still possibility that party representative of two persons who were electoral office deliberately refused sing or disappear before the singing of the voting result is reached.

In order to solve such issues, the political parties agreed as following:

- o So as to avoid wasting votes that citizens voted, it suffices signing of two parties or chairperson and vice chairperson of the electoral office/ however, the reasons for that event should registered in writing;
- o A representative of party who did not sign the envelope should declare in writing reasons that he failed to sign and should be included in the envelope therein. The NEC will submit the law enforcement agencies in order to prosecute failure to exercise his duty.

#### **Article 29: Procedure of Issuance for the list of Voters**

The procedure of list of voters being deleted those who registered twice shall be in accordance with article 3 and 4 of the six article agreement on 30th September, 2009 signed between political parties and the international community, that article clearly defines the operation of clearing voter registration to be assigned for independent international experts. Apart from that, on 25th September 2009, NEC, political parties and the international donors jointly agreed those terms of reference of the international experts.

Article 2.1 of the terms of reference specified that experts directly working with NEC but not be accountable to any other body. Therefore, reviewing the information of registration is the responsibilities of the experts. It is waited to produce the final voter list.

### **Article 20: Printing and Production of the Voter List**

As provided under article 5, 26 and 29 of the law on voter registration no 27.2007, the NEC issues the final list as provided article 4 of the six articles agreement when the international experts clears it.

### **Article 21: Public Display and Verification Period**

- 1) When the international expert displays the final list, it will display to the public in order to ensure the list of the names of registration and to correct errors;
- 2) The display shall be made any place where the voter registration took place and it continues one week period;
- 3) Those activities will be performed by the NEC staff and the political parties may send inspectors.

### **Article 22: Conflict Resolution**

- 1) The political parties can resolve any conflict that arises among themselves in a amicable solution and discussion;
- 2) Where parties fail to resolve the conflict themselves, they shall expose to committee of proper monitoring of the election;
- 3) If the matter cannot be settled by that committee, it will be submitted to the NEC.

### **Article 23: Complaints**

- 1) If a citizen seems that unfairly denied to vote, he will be given a form established under article 9 law of the amendment of the voter registration in which the day of voting be available at all polling stations. The voter who is prevented to vote will write his complaint in that form. He may within three up to ten days after voting submit it to district electoral office in that polling station;
- 2) Every person may submit a complaint to advisory committee of the parties where he deems the code of conduct is violated;
- 3) Taking into account the time, submitted complaints shall be investigated immediately and decision must reach on that;
- 4) The political parties endeavors to resolve any complaints among them discussion and in amicable solution;
- 5) Complaints about the operation proper functioning of the elections will be submitted to election monitoring committee.

### **Article 24: Abuse of Complaint Procedure**

The political Parties shall not abuse rights of the submission of complaints and they shall not make false and frivolous and vexatious complaints that are disturbing election process.

## **PART FOUR**

### **Article 26: Election Monitoring Committee**

#### **1) Introduction**

Establishment of the election monitoring committee is:

- o Ground of the political dispute decisions in which mediation committee of the political controversies of the country issued on 29th April 2009;
- o Positive answer to conditions of donors relating to Somaliland electoral process which was stated in the paper signed by chairman of the committee know as Democratization program and steering committee who was representing for the donors which dated on 27th May 2009.

#### **2) Objective of the committee**

Election monitoring committee was established promoting possibility free and fair election which is held in the country on the exact time and that election end without problems and compliance to laws of the country.

#### **3) Duties of the committee**

The committee is responsible for:

- o Maintaining proper process of the electoral laws and agreement of code of conduct of the political parties.
- o Conflict resolution and disputes arises from two parties or more of parties stated in the preceding article.
- o Issuing reports on how the parties are bound by the electoral laws and code of conduct at least twice before the election and third report within one week when the Supreme Court announces election result.

#### **4) Powers of the committee**

The committee shall have:

- o Resolve any disputes arise from the parties who signed code of conducts;
- o Ensuring implementing code of conduct of the political parties;

- o Taking disciplinary action about the agreement of the code of conduct and any violation in which committee and representatives had noticed its occurrence;
- o The disciplinary action taken by the committee shall be an obligation to accept by the concerned parties in accordance with the electoral laws and code of conduct.

#### **5) The numbers of the committee and selection criteria**

- o The committee consists of seven Somaliland elites and one elite from international donors selected from the international organization that have knowledge election process and he is an observer for the election process;
- o The committee will select a chairperson, vice chairperson, and secretary with the members. The committee will be selected and appointed by the National NEC;
- o The donors will select one international expert by the time NEC informs that parties agreed on committee to do the work;
- o International expert whose responsibility is advisory on the proper functioning of the committee by attending their meetings but not voting;
- o The seven Somaliland members are selected by NEC;
- o The committee will have six regions of Somaliland two representatives selected by the NEC. They will delegate to the committee to carry out their duties in the regions.

#### **6) Selection Criteria of the member of the committee**

Except from the criteria relating to nationalities of the members of the committee stated above, the member of the committee must meet the following criteria.

- o Should have good reputation in the community;
- o Should have decision making, competency, knowledge and experience that he can discharge the huge responsibilities;
- o Should be known neutrality;
- o Should have skill to write report writing.

#### **7) Steps that committee take against whosoever violates the code of conduct**

- o One party of the committee members in respect to the monitoring who violates a matter of code of conduct provided in the electoral laws and code of conduct will take measures:
  - Ordinary warning;
  - Stopping party and candidacy specified time or permanently and use of government and independent media;

- Stopping party for specified time to conduct public meeting, campaigns and political gathering;
  - Vehicles that do not have permission from the NEC and it is evident for the committee that he engaging in campaign not in compliance code of conduct agreement and they will submit to the security officials to obstruct his movement;
  - Government vehicles cannot be used for election campaigns and date of election, anyone caught with that, the stop the vehicles and park it;
  - Any other necessary action that committee considers fit;
  - Submission to law enforcement agencies information of whoever so disturbs or commits punishable criminal offense found by the committee his information in order the law enforcement take action against that.
- o Minister or government official who violate electoral laws and code of conduct, appropriate disciplinary action that committee deems necessary will submit in writing to NEC and it will inform that NEC will have taken appropriate action or not;
  - o An official or party activist who violates electoral law and code of conduct disciplinary action that committee deems fit will be submitted in writing to NEC and they will inform whether NEC shall have taken action or not; and
  - o Committee will disseminate to media whosoever violates electoral law and code of conduct and steps to be taken, likewise committee re-disseminate whether those violations were abstained.

### **8) Term of the Committee**

Committee commences its duties/activities where their nominations if finalized and ends when the Supreme Court announces the final official election result.

### **9) The cooperation between NEC and Committee**

- o Election Monitoring Committee is independent for the activities and they always consult with NEC;
- o Any disciplinary action decided by the committee will be submitted to NEC for implementation;
- o The political parties and their candidates must have working relationship with the election monitoring committee and they must stand for their work.

## PART FIVE

### **Article 26: Action to be taken whosoever violates the provisions this code of conduct**

A party and party activist, member of party or part supporter and candidate who violate this code of conduct, NEC will take disciplinary actions which are:

- 1) Ordinary warning;
- 2) To suspend/ stop party for specified time or to stop using government media;
- 3) To stop that party for specified time to conduct public gathering, demonstrations to go to a region in order to campaign or erects sing boards, slogans and party emblem;
- 4) Where violations occur powers of the NEC or violations that can bring out criminal offense, NEC will submit to the law enforcement agencies;
- 5) Any controversies or technical of which violations are not found in the National Constitution, electoral law and code of conduct, NEC will resolve it.

### **Article 27: Amendment and Application of this Code of Conduct**

- 1) The essence of this code of conduct compliance with electoral laws of the country such as National Constitution, local council and presidential law, voter law registration;
- 2) This code of conduct is applied case of relevant national electoral laws are silent;
- 3) This code of conduct is applied in headquarter of NEC, election centers in the regions, district and elections sites;
- 4) This code of conduct is applied for three political parties and its implementation will be protected by NEC and three parties;
- 5) The Supreme Court and Local Councils will also apply this code of conduct;
- 6) Amendment of this code conduct may come from when parties who signed this code of conduct jointly consult and agree what is amended and deleted.

*UDUB PARTY*

Honorable Jama Yassin Farah \_\_\_\_\_  
Secretary General

*Kulmiye PARTY*

Honorable Keyse Hassan Egeh \_\_\_\_\_  
Secretary General

*UCID PARTY*

Honorable Mohamed A. Hassan Baashe \_\_\_\_\_  
Secretary General

NATIONAL ELECTRAL COMMISSON

Eng: Essa Yusuf Mohamed (Chairman) \_\_\_\_\_

## APPENDIX 4: Media Code of Conduct

### SOMALILAND MEDIA CODE OF CONDUCT

#### PREAMBLE:

All members of the Media in Somaliland have a duty to maintain the highest professional standards. This Code of Conduct, which includes this preamble, is the general principle applicable to the Somaliland Media throughout the nonelection period, the Voter List Public Display and Verification exercise and the post election period. It contains rights and obligations of the press during the voter list display process, election and post election time. It sets benchmark for ethical standards, and protects the individual's and the public's right to know. This is the cornerstone of the system of self regulation to which the industry has made a binding commitment. It is essential that an agreed Code be honored not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest. It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications as well as broadcasting. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non journalists.

This Code of Conduct also contains general principles, codes and ethics which are only applicable during the voter list public display and verification period, polling and post election period specially designed for the Somaliland situation. The media plays an important role in monitoring the voter list public display and verification period, polling and post election period. By covering these electoral processes, the media ensures that the public is aware of what is happening. Good media coverage of the electoral process can increase public knowledge and information on the elections, the candidates and the issues. The coverage of elections in the media, and its analysis of candidate platforms and election issues, provides voters with the information they need to make an informed choice on voting day. It can also provide factual information needed by voters to participate, such as the day, hours of voting and locations of polling stations.

## GENERAL PRINCIPLES OF THE MEDIA CODE OF CONDUCT

1. Somaliland media should behave in responsible manner and observe the professional ethics, impartiality, balanced reporting of the facts, while taking care not to publish inaccurate, misleading or distorted material including pictures;
2. Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent;
3. Journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit, misrepresentation or subterfuge;
4. Journalists must not interview or photograph a child under the age of 15 on subjects involving the welfare of the child or any other child in the absence of or without the consent of a parent or other adult who is responsible for the children. Young people should be free to complete their time at school without unnecessary intrusion by the media. Also journalists may not interview mentally sick persons on election issues;
5. If any accident happens during the election date, journalists or photographers making enquiries at hospitals or similar institutions should identify themselves to a responsible executive and obtain permission before entering non-public areas;
6. The press must avoid prejudicial or pejorative reference to a person's clan, race, color, religion, sex or to any physical or mental illness or disability;
7. Journalists or photographers should follow the copy right and right for reservation;
8. Journalists have a moral obligation to protect confidential sources of information;
9. The media is a Pillar for human right defenders and other human right abuses;
10. Whenever it is recognized that a significant inaccuracy, misleading statement or distorted report has been published, it should be corrected promptly and with due prominence;
11. The media should not be used for a personal gain, which is against the journalistic ethics, and any journalist who behaves like this will be declared as unethical and unprofessional;
12. Media should not disseminate any information which damages the privacy of the people, their reputation and dignity;
13. Media should refrain from publishing material which may violate the sanctity of Islamic religion;

14. The media should exercise great caution while reporting on cases in courts which are not yet decided, so as to avoid damaging the proceedings. However, this should not be interpreted as restricting the media right to report on judicial proceedings;
15. A fair opportunity for reply to inaccuracies must be given to individuals or organizations when reasonably called for and must be accorded an adequate space or air time;
16. In cases involving personal grief or shock, enquiries should be carried out and approaches made with sympathy and discretion;
17. The media should participate in the voter education process so that voters should have an informed decision to vote for the candidate of their choice;
18. Journalists must not seek to obtain information material by using clandestine methods such as hidden cameras or listening devices unless public interest or the need to inform the public makes it necessary to do so;
19. Journalists should not exaggerate the announced results of the election in a way that morally boosts the winning party and undermines the losing parties as this kind of reporting may have a negative impact on the peace and security of the country and may lead to violent attacks.

In order to fulfil this role the media, as a guardian for the nation, urges the Somaliland authorities to give journalists unhindered access to ensure the transparency of the electoral process. In return the media pledges to treat all political party information with impartiality and expects the state to publish its information in both public and private media.

## **I. RIGHTS OF THE PRESS DURING THE ELECTION PERIOD**

1. All media must have access to the electoral process and its participants including registration data, electoral managers, electoral sites, candidates and voters;
2. It is essential that the media have access to public information;
3. The media must be able to study and report in a safe environment, without fear of intimidation or retribution;
4. The media should be free to cover and report on the *voter list display process, election and post election* events without restrictions or censorship;
5. The media needs to be able to move freely throughout the country so that it can follow national campaigns or candidates and see how the election administration is working in outlying areas;

6. All media should be treated equally, whether it is the government or the private media. This applies to accessibility to political parties, candidates, the electorate, electoral sites and information;
7. Public authorities and other concerned parties should refrain from interfering with the activities of journalists and other media personnel with a view to influencing the elections;
8. In order to combat the danger of speculation the election results must be released in a timely manner;
9. The foreign broadcast media working in Somaliland have significant geographical coverage, listenership and potential influence on voters. For this reason, these services should be encouraged to report on the Somaliland election campaign in a considered and in depth manner giving due regard to their own codes for election coverage and the code adopted by the Somaliland media below;
10. The National Electoral Commission (NEC) is encouraged to monitor the election coverage of foreign broadcast media and establish a liaison mechanism for dealing with complaints;
11. To avoid hearsay about the election results, and in compliance with the Electoral Laws of Somaliland, the media should be given the preliminary result, from district level, regional level and national level by the responsible NEC Spokesperson and Leadership.

## **II. RESPONSIBILITY OF THE MEDIA DURING THE VOTER LIST PUBLIC DISPLAY AND VERIFICATION PERIOD, POLLING AND POST-ELECTION PERIOD**

In return and with due respect for editorial freedom, the Somaliland media has adopted the following Code of Conduct for the *Voter List Display and Verification Period, Polling and Post-Election Period*:

1. To cover the voter registration, party election campaigns, voting and the post election period in a fair, balanced and impartial manner;
2. To ensure accurate, balanced and impartial coverage of the news and current affairs and in the content of interviews and debates that may have an influence on the attitude of voters;
3. To avoid excessive and privileged coverage of candidates from the both the ruling and opposition parties;
4. Not to disseminate any partisan electoral messages on the day preceding voting, to allow voters to take a decision without pressures;

5. As far as possible, to report the views of candidates and political parties directly and in their own words, rather than as others describe them;
6. To guarantee a rapid right of reply to a candidate or political party, if so required, in order that this right can be exercised during the campaign period;
7. To ensure that news content is factually accurate, complete, relevant and in context;
8. To use neutral words for impartial, dispassionate election reporting and take care with technical terms and statistics and ensure headlines reflect the facts of the story;
9. To avoid inflaming emotions over controversial issues through impassioned handling of these issues;
10. To label opinions and personal interpretations as such, and limit opinions and editorials to the editorial and opinion pages/programmes;
11. To label advertising clearly so it is not confused with the news and to ensure that advertising coverage complies with the Code of Conduct for political parties adopted by the Media and NEC;
12. Journalists are obliged to introduce themselves as such and to be honest and fair in the way news is gathered, reported and presented;
13. To honour pledges of confidentiality to a news source, otherwise identify sources of information;
14. Not to alter photographs or graphics to mislead the public;
15. Not to accept any inducement from a politician or candidate;
16. Not to give favourable advertising rates to one political party and deny another;
17. The media should avoid any opinion polling which is not based on facts or that might have been carried out in unscientific manner;
18. The monitoring committees of the NEC should follow up and monitor how the media are following their Code of Conduct;
19. The NEC media monitoring office should follow up on the impartiality of the media with regard to the political parties;
20. Somaliland media should avoid any speculation on the voting result without getting it officially from the NEC;
21. NEC will form a special committee that looks into complaints by the political parties or the public with regard to any possible violations committed by media institutions or journalists against this Code of Conduct;
22. The complaints committee will publically condemn any media institution or journalists which is found persistently reporting on *Voter List Public Display and Verification Period, Polling and Post-Election Period* in a biased manner;

23. This Code of Conduct shall be effective as of the date signed by the parties to this Code and shall expire after post-election reporting is finalized;
24. All media participants at the Conference on which this Code of Conduct is adopted shall sign a Declaration of Commitment;
25. This Code of Conduct shall be signed by the Ministry of Information, heads of the Private Media Organizations and NEC.

***Done in Hargeysa at this day of 25th April Two Thousand and Ten.***

**Union of Somaliland Journalists** – Abdillahi Mohamed Dahir

**Women’s Journalist Association** – Safia Ali Yussuf

**Somaliland Journalists Association** – Hassan Mohamed Yussuf

**National Electoral Commission** – Mohamed Ahmed Hersi Gelle

**Ministry of Information** – Mohamed Ahmed Alin



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