

# DIALOGUE FOR PEACE

## Somali Programme



## Local Solutions:

Creating an Enabling Environment  
for Decentralisation in Somaliland



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Editor: Ralph Johnstone, The WordWorks

Design and Layout: Cege Mwangi, Arcadia Associates

Photos: ©Academy for Peace and Development, Ryan Anson/Interpeace, UNICEF, Africa 70

**Front cover photo:** *Local government revenue is needed to provide public services: women collecting water at a kiosk co-funded by UNICEF © UNICEF*

**Back cover photo:** *Road maintenance funded by public revenue from Hargeysa City Council, March 2006*

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# Dialogue for Peace

## How WSP International and its three partners are working to consolidate peace and support better governance across the Somali region

Rebuilding a country after conflict is about far more than repairing damaged buildings and re-establishing public institutions. Fundamentally, it is about restoring the people's trust and confidence in governance systems and the rule of law, rebuilding relationships at all levels, and providing the population with greater hope for the future. These processes are all critical to the consolidation of peace and security in fragile post-conflict . When they are neglected, the threat of conflict re-emerging is very real.

In this sense, state-building and peace-building are potentially contradictory processes – the former requiring the consolidation of governmental authority, the latter involving its moderation through compromise and consensus. The challenge for both national and international peacemakers is to situate reconciliation firmly within the context of state-building, while employing state-building as a platform for the development of mutual trust and lasting reconciliation. In Somali region, it goes without saying that neither of these processes can be possible without the broad and inclusive engagement of the Somali people.

WSP International – recently renamed the International Peacebuilding Alliance (Interpeace) – launched its Somali Programme in the northeastern part of Somali region known as Puntland in 1996. It subsequently expanded its programme to Somaliland in 1999, and to south-central Somalia in 2000. Working with highly respected local peace-building institutions established with the programme's support – the Puntland Development Research Centre (PDRC) in Garowe, the Academy for Peace and Development (APD) in Hargeysa, and the Center for Research and Dialogue (CRD) in Mogadishu – WSP has employed a highly successful 'Participatory Action Research' methodology to advance and support interlinked processes of peace-building and state formation. WSP's experience in the Somali region over the past decade indicates that the understanding and trust developed through the PAR methodology can help to resolve conflicts directly, while at the same time building consensual approaches to address the social, economic and political issues necessary for a durable peace.

As well as groundbreaking research throughout the Somali region, the Dialogue for Peace programme has provided unique opportunities for the three partners to engage with each other in collaborative studies and shared projects. In 2004, the CRD and PDRC teams agreed to combine their efforts in a jointly managed peace building programme. While managing its component of the Dialogue independently, the APD has continued to collaborate with the other two institutions on key technical and methodological issues. Over the past two years, the three partners have met regularly with WSP's Somali programme team to plan and coordinate their respective activities, as well as with a 'Dialogue Support Group' comprising the programme's donors at the European Commission, DfID, USAID, Switzerland, Sweden, Norway, Finland, Italy and Denmark.

The Dialogue's consultative process has involved extensive consultations with all sectors of society, from national-level political and business leaders to local elders and community leaders, youth and women's groups, NGOs and civil society organisations. Its Participatory Action Research has provided for an inclusive, consensus-oriented dialogue led by local actors and facilitated by Somali research teams based at each of the partner institutions. The discussions have been documented in written and video form, and every effort has been made to engage the local media and disseminate the findings as broadly and objectively as possible.

Initial consultations by each partner institution were based upon detailed ‘actor and conflict mapping,’ which enabled the programme to identify local and regional priorities for dialogue, as well as respected leaders to guide and promote the dialogue process. At the Project Group meetings held in November 2004 by PDRC and CRD in Nairobi and by APD in Hargeysa, several areas of focus, or ‘entry points,’ were agreed upon for research and discussion in each area. For APD, the focal areas were: democratisation; decentralisation of governance; and resource-based conflict. The PDRC’s areas of focus were: democratisation; public fund management; consolidation of the Mudug Peace Agreement; and reconciliation. The CRD’s focal areas were: security and stabilisation; the roles of the business sector and civil society in peace-building; and reconciliation.

At the outset of the main ‘consultative phase,’ Working Groups of primary stakeholders were established to guide the work on each focus area and to develop plans of action. The groups’ activities included: information gathering and analysis; the identification of key local, regional and national actors whose views or engagement would be required; consultations through interviews, workshops, informal and formal meetings at local, inter-regional or national levels; and the engagement of resource persons to provide particular expertise on complex issues. Extensive consultations over a period of a year or more were essential to ensure sustained public interest and to raise key issues to the level of political decision-makers. Each of the partners also organised regular forums for public discussion of topical issues of concern, as well as engaging in informal liaison as a means of conflict prevention.

This report forms part of a final series of publications designed to formally ‘package’ the findings of these consultations – both as a record for those involved, and as a formal presentation of findings and recommendations to the national and regional authorities and their supporters. Together with a short documentary film on each of the focal areas, it is also hoped that these publications will provide a practical platform for the sharing of lessons learned during each of these groundbreaking consultations.

In response to requests from different stakeholders, including members of the different governance structures, the Dialogue for Peace also set out to take its ‘research-for-action’ beyond the stage of recommendations to include more material contributions to peace- and state-building. One example was the reduction of tensions in Sool after a high-profile exchange of prisoners between Somaliland and Puntland, following extensive behind-the-scenes mediation supported by the APD and PDRC. To ensure that such practical hands-on support will continue into the next phase of the Dialogue, WSP has also initiated a comprehensive programme of managerial training, technical capacity building, and fundraising support at each of its partner institutions. And of course, it is continuing to provide practical opportunities for the three institutions to meet together and with other like-minded organisations in order to support other initiatives to foster long-term peace for the Somali people.

# 1. Introduction

In December 2002, the people of Somaliland went to the polls for the first time in more than three decades, electing 332 councillors to manage the affairs of their towns and 23 electoral districts. These 'local elections' marked the first chapter in a comprehensive democratic transition from a clan-based system of governance to multiparty politics – and the first real chance of decentralised government authority since the country's Independence in 1960.

After decades of centralised authoritarian rule, civil war and state collapse in Somalia, decentralisation had become a central issue for the armed struggle against the dictatorial regime of Siad Barre, in which Somaliland's Somali National Movement (SNM) played a key role. On May 18th 1991, after the overthrow of the Barre government, SNM and traditional leaders meeting in Burao declared Somaliland's independence from the rest of Somalia. The declaration by the former British Protectorate ended a union of almost 30 years with the former Italian colony. The first post-conflict government was duly established, with a two-year interim administration headed by SNM chairman Abdulraxman Axmed Cali 'Tuure'.

But Tuure's administration never had a real chance to function, as it was mired in internal factional fighting that engulfed the cities of Burco and Berbera. Eventually, the intervention of traditional elders brought the hostilities under control, and a national conference was organised to devise a new system of government. The 1993 Boorome Conference led to the creation of a beel (clan) political system through a National Charter – described as “a dynamic hybrid of western form and traditional substance” (WSP/APD, 1999). The delegates also elected Maxamed Xaaji Ibraahiim Cigaal as president of a three-year interim administration. The National Charter, in Article 21, clearly committed the new administration to a highly decentralised form of governance.

Cigaal's government made considerable progress in establishing the institutions of government, demobilising the militia, creating central revenue collection systems, and providing a secure environment for economic recovery. But despite these initial achievements, little progress was made in drafting a new constitution nor in establishing the structures for decentralised administration (Bradbury et al, 2003). In accordance with the National Charter, regions and districts were given responsibility for selecting their own councils. But the mandate of the National Charter was immediately challenged, as the Minister of Interior issued a decree waiving this right if a district or region failed to create a council within 45 days (ICG, 2003; WSP/APD, 2005). Since none of the regions or districts managed to establish a council within the allocated timeframe, the central government appointed all of the local administrations itself – setting up similar structures to those established by the military regime.

After 18 months in power, the Cigaal government found itself embroiled in conflict with opposition forces, after it tried to further extend its administrative control. The ensuing civil war lasted from November 1994 to October 1996, when it was finally brought under control through a second National Reconciliation Conference staged in Hargeysa. While the conference delegates re-elected Cigaal as president for a further five years, they also adopted an interim constitution providing the basis for a full transition to multiparty politics and the institutionalising of decentralised government. But despite this commitment, the Cigaal government would continue to appoint local leaders for another five years – even after the state's first constitution was formally adopted following an historic national referendum in 2001.

While many Somalilanders were firmly committed to the concept of decentralisation, there was little consensus on how to go about implementing it. In an unpublished paper on the topic, one analyst noted

that most citizens viewed the issue only in terms of “political autonomy regional self-government ignoring the corroborative need for fiscal autonomy” (Drysdale, 1997). In other words, few people realised that if they wanted local self-government, they would have to be prepared to bear the costs (WSP/SCPD, 1999).



*Little council revenue is available to support public services: this physical rehabilitation centre in Hargeysa is supported by Norwegian Red Cross* © Ryan Anson/ Interpeace

For its part, the Cigaal government argued that Somalilanders were not yet ready to select their own

leaders because of internal clan divisions and the inability of existing local government institutions to collect and manage taxes. To prove its point, the government flirted with the idea of introducing nominated clan based local councils. The plan was to implement the experiment in Hargeysa, and then expand the scheme to other major towns. But, in the event, the idea never got off the ground, largely because the dominant clans in Hargeysa could not agree upon a formula for sharing council seats.

Government critics and some local communities claimed the government was not prepared to invest in local government as it did not want to relinquish its authority. As the debate over decentralisation lingered, the return of peace to the country allowed for the uneven establishment of some local administrations. In the western regions of Awdal, Hargeysa and Sahil, these administrations started to take over the provision of local services and to collect some taxes – although progress was much slower in the east. Village Committees and District Executive Committees were established in an attempt to broaden local decision making processes. The gradual acceptance of local taxation enabled some administrations to provide municipal services and to begin to contribute financially to vital public services such as primary education and community policing.

With local leaders still being accountable to central government, however, the system reverted to familiar patterns of centralisation. Authority was typically concentrated in the hands of government-appointed mayors, and the relationship between local authorities and the public was virtually non-existent. Corruption, overstaffing, and the rapid turnover of mayors become the order of the day. In a few incidences, competent mayors have managed to establish successful municipal governments and to work exclusively for the benefit of their communities – but this has proved the exception rather than the rule.

Over the past decade, particularly in the urban areas of western Somaliland, health, education, electricity, postal services, communications and, to some extent, water services have increasingly been provided by local authorities, often working alongside local NGOs and private companies. Another widely acknowledged feature of Somaliland’s decentralisation has been the degree of initiative that many communities have shown in pursuing their own social and economic development (Jimaacle, 2005).

The approval of the state’s first constitution in May 2001 set in motion the completion of the electoral process. In June, President Cigaal launched his political party, UDUB, at a grand conference in Hargeysa. On August 6th, Law No. 14 was passed legalising the formation of political associations; within two months,

a further seven had been announced, and all but one (Asad) were registered. An electoral law was passed in November 2001, and the National Electoral Commission (NEC) was formed in February 2002.

In May 2002, Cigaal died suddenly while on a private visit to South Africa. In accordance with the newly approved constitution, the vice president, Dahir Rayaale Kahin, was named his successor. The



*Women queue for fresh water at a public water kiosk in Hargeysa*

absence of Cigaal from the political scene provided a much more open playing-field. Political associations such as Asad, which had been a staunch opponent of the electoral process, finally came on board.

On December 15th 2002, Somalilanders went to the polls for the first time in more than 30 years to participate in local council elections. The election of district and municipal councils represented the first real chance of introducing meaningful decentralisation of government authority since Independence in 1960. Furthermore, the elections would determine which political associations would be recognised as political parties to contest presidential and parliamentary elections. (The constitution limited the number of national parties to three, in order to promote inter-clan unity and to prevent the proliferation of parties along clan lines as had happened in the Somali Republic in the run up to the 1969 election.) Six associations – Asad, Hormood, Kulimiye, Sahan, UDUB and UCID – contested the local elections. When the results were declared on December 23rd 2002, UDUB had garnered the most votes, followed by Kulimiye and UCID. These first three duly qualified as Somaliland's national political parties in accordance with the constitution.

While the local council elections offered Somalilanders a chance to exercise their right to choose their own local leaders, four years on the development of functional local government remains an uphill struggle. The country faces a number of typical challenges associated with decentralisation in emerging democracies: a weak tradition of decentralisation; an inadequate legal framework; lack of political will; and a widespread shortage of skilled personnel. In addition, it faces a number of specific challenges concerning the delineation of district and regional boundaries, the classification of district and municipal councils, and disagreements over who is eligible to run for local office. These issues will be elaborated upon in the following chapter.



## 2. Methodology

### 2.1 Research Selection

In November 1999, following a year of Participatory Action Research (PAR) by WSP and the Academy for Peace and Development (APD), Somalilanders from all walks of life identified governance as a key issue requiring inclusive nationwide study. The selection of this issue was duly endorsed by the APD/WSP National Project Group, and a Working Group was formed with representatives from different sectors of Somaliland society to take the study forwards. After lengthy discussions, the Working Group defined the subject of its study as The Consolidation of Basic Government Institutions at the Central and Local Levels, under which title it further specified three thematic areas: political representation, administrative decentralisation, and taxation and equity.

Starting in June 2000, the main phase of the research engaged ordinary people in lively debates on these themes during workshops in the different regions and districts of Somaliland. When the research concluded in August 2002, the findings were presented in a report and a short documentary film. A year later, in August 2003, the APD was given an opportunity to work with the UN Programme for Human Settlements (UN-Habitat) in laying the groundwork for leadership training for the newly-elected local councils (see Section 2.3).

Following this practical involvement with the new councils, the APD in early 2004 decided to take its research of governance issues one step further and selected decentralisation as one of four 'entry points' for in-depth research under the Dialogue for Peace (DfP) programme. The other three entry points, selected for their critical importance to peace and progress in Somaliland, were: the electoral process, the constitutional review, and resource-based conflicts.

In November 2004, the APD/WSP National Project Group Meeting in Hargeysa brought together more than 80 delegates from government, civil society and other concerned groups from Somaliland's six regions to endorse decentralisation as a practical and relevant entry point for the country's future political



*Vice-President Ahmed Yousuf Yaasiin, the Ministers of Interior and Finance, donors and international agencies were among those present for the National Project Group meeting in Hargeysa, November 2004*

stability. In line with the WSP's methodology, a new Working Group was formed to take the decentralisation study forward, comprising key representatives from central government, local councils, the Parliament, elders and community members, religious leaders, civic organisations, and women's and youth groups.

This first phase of the Dialogue for Peace was based upon the premise that the consolidation of Somaliland's democratisation process would hinge upon two critical developments: holding legislative elections, and promoting the decentralisation process. Strengthening democracy at the local level was seen as vital to strengthen democracy in the country as a whole. Not only would it help define the role of government, but it would determine the entire future relationship between government and citizens.

## Objectives

The overall purpose of the APD's intervention was to assist the central government, the new local councils, the political parties, and other national and local actors in consolidating Somaliland's decentralisation process after the councils' election, in order to ensure a democratic and effective local government. The specific objectives of the APD's and WSP's support through the DfP programme included:

- Laying the foundations for effective decentralisation: Decentralisation is more than electing local leaders; it also requires the establishment of legal frameworks through which the central government grants local authorities clearly defined political, administrative and fiscal responsibilities and rights. Such frameworks should be implemented in accordance with the law or at least in a gradual but steady fashion, in response to new legal mandates and regulations. The Dialogue for Peace provided an impartial platform for the government, lawmakers, local councils, political parties and other stakeholders to discuss the development of new legislation and other regulations that would help the new councillors implement their responsibilities.
- Improving local council capacities: In collaboration with UN-Habitat, leadership training was provided to the councils of seven major towns – Hargeysa, Gabilay, Boorome, Berbera, Sheekh, Burco and Ceergaabo – to enhance the skills and performance of their newly elected councillors.



*Members of Gabilay Council participated in leadership training provided by the APD in collaboration with UN-Habitat in 2004*

- Building awareness and capacity among council partners: Rather than building the councils' capacities in isolation, the programme also endeavoured to raise awareness among their potential partners – local NGOs, CBOs and community groups – through training on support to local governance systems.

•Initiating strategic planning processes: The programme also sought to initiate preliminary discussions between the main stakeholders in each town in order to begin formulating draft strategic plans to guide their council operations.

•Drawing up action plans: As a practical and replicable model, the trainers assisted each of the new councils to draw up a draft plan of action for a specific priority area. Following participatory discussions with relevant stakeholders, plans were drawn up for specific developments and activities, which were implemented wherever the means were available.

•Encouraging public participation: To promote the all-important goal of public support for decentralisation, a series of workshops and public meetings was held in each of the six regions to bring together central and local officials, MPs, elders, civic organisations, women's groups, religious figures and community members to discuss critical issues facing decentralisation in their area. Through these inclusive gatherings, the Dialogue for Peace sought to foster broad-based participation in the process and to raise greater public awareness of the importance of decentralisation.

## 2.2 Key Issues

### **Lack of a favourable enabling environment**

Although some basic local government structures were in place by the time the elections took place in 2002, there was a widespread lack of effective administration at all levels of local government – and no defined relationships between central and local government. Both before and after the elections, the central government lacked clear policies on the reforms required to increase the resources of the new councils and to expand their role in public service delivery.

Even after the elections, confusion persisted over the relationship between the government and the new councils, with a high-profile power struggle taking place between the Minister of Interior and the council leaderships. While a law to define this relationship, Law No. 23 on Regional and District Administration, was passed by the Parliament in June 2002, the application of the law proved problematic.

The first contested issue between the new local government leaders and the Minister of Interior concerned the Minister's appointment of District Executive Secretaries (DESs), who wielded enormous power in the councils' financial affairs. Among the DESs' responsibilities were to approve and sign all vouchers, cheques and invoices related to the day-to-day expenditure of the local administrations. However, despite this key role, Law 23 stipulated that the DESs were not accountable to the mayors or council leaders, but to the Minister himself. If the mayors or councillors had issues with the DESs – as they frequently did – they remained powerless in terms of their appointments and dismissals.

Both the councils and the public regarded the appointment of such powerful officials by the central government as a complete contradiction of its declared commitment to decentralisation. But the government was not ready to compromise on the matter. Even in a proposed revision of Law 23, the government insisted on appointing the DESs. While the councils and reform-minded groups proposed to hire professional financial controllers through an open appointment process, the position of District Executive Secretary appeared to be locked in the centralised systems of the country's colonial past. (At the same time, debates were also ongoing into the future of the District Commissioner and Regional Governor positions, which reformers would like to see based more upon competitive election than government selection).

Another issue of contention concerning the relationship between the central and local authorities was the fiscal autonomy of the new councils. This was highlighted when the councils in Hargeysa introduced a new taxation bill, which attracted the immediate and hostile opposition of the Ministry of Interior. Unusually, the Chairman of the House of Representatives also sided with the government, issuing a decree on May 6th 2004 forbidding the city authorities from using the new tax code. The Chairman claimed that the new tax bill violated three articles of the constitution (14.1, 14.2 and 38.1) and Law No. 12 on local government taxation. This ban effectively withdrew the independent revenue-raising authority that should have been a right of the new councils – denying them vital resources to fulfil their mandates.

National funds allocated to local authorities known as “local government subsidies” are distributed along a percentage formula in accordance with Law 12. Under this law, Hargeysa City gets 51% of the total allocation, Burco gets 22%, and the other local councils share the remaining 28%. According to a former official of the Ministry of Finance, the money earmarked annually for local government subsidies amounts to about US\$ 2 million – but only an estimated 30% of this actually reaches the councils. The new House of Representatives ruled in March 2006, when it passed the 2006 budget, that 50% of the local government subsidies should be given to local governments, while the remaining 50% be allocated to central government. On balance, therefore, the councils should have received a 66% increase in their subsidies. Whether they are actually receiving this amount remains unclear.

The constitution gives both regional and district authorities a host of administrative power in service delivery, covering basic education, health, internal security, water and sanitation. However, with the exception of sanitation, none of these services have yet come under comprehensive local government control. Since the election of the new councillors, there have been no attempts on the part of the government to grant more responsibilities or resources to local-level service delivery. For its part, the local councils have neither the mechanisms nor the capacity to assume control over these services – nor to raise the funds to pay for them.



*Road building provided by Hargeysa's municipal authorities, March 2006*

The position of regional governors within the decentralisation debate also remains shrouded in confusion. In the constitution, 'regions' fall under the same generic category as 'districts' – effectively leaving them out of the decentralisation process. The relationship between districts and regional governors is also unclear, leaving the latter floating somewhere between central and local government. Although the regional governors have strong links with the central government, which appoints them, they are based in regional capitals, where they are

often overshadowed by the local mayor. The function of the regional governor has thus turned into a largely ceremonial one, with few formal duties. Some observers consider that "regions" have become an anachronistic and wasteful burden on local governments – with no role to play in the affairs of local communities.

Continuing confusion over the relationships between these three administrative structures – the central government, regional and district authorities – is best witnessed in Hargeysa, where their authority is being exercised in parallel, but without any clear lines of delineation. This problem is most acute in the management of land issues in Hargeysa, which both the city's mayor and the Minister of Public Works claim is under their jurisdiction – resulting in an enduring deadlock.

#### Undefined jurisdiction and constituency

The administrative jurisdiction of Somaliland's local councils has become an issue for two main reasons. The first is the obvious confusion over whether councils and mayors represent their cities/towns, or the district as a whole. For example, it is not defined whether the Mayor of Burco is the Mayor of Burco City or of Burco District. In the colonial administration of

1960-69, District Commissioners were responsible for the district, while the mayors were responsible for the cities. Today, however, confusion over this issue has left huge populations – particularly rural populations – unattended and unrepresented.

The second issue concerns the lack of definition to date of district and regional administrative boundaries. While these boundaries remain indeterminate, the jurisdiction of their officials remains unclear. The gaps and overlaps in the respective authority of these officials have been – and remain – a regular source of frustration for many local government officials.

**Table 1: The Electoral Districts of Somaliland**

No.	Districts	Grade	Established	Total council membership	Remarks
1.	Hargeysa	A	Before 1960	25	
2.	Burco	A	Before 1960	21	
3.	Ceergaabo	A	Before 1960	21	
4.	Boorome	A	Before 1960	21	
5.	Laascaanood	A	Before 1960	21	No election of local councils
6.	Berbera	A	Before 1969	21	
7.	Gabilay	A	Before 1969	17	
8.	Oodwayne	B	Before 1969	17	
9.	Buuhoodle	B	Before 1969	17	
10.	Ceel-afwayne	B	Before 1969	17	
11.	Zaylac	B	Before 1969	17	
12.	Badhan	B	1960-1999	13	No election of local councils
13.	Sheekh	C	1960-1999	13	
14.	Caynabo	C	1960-1999	13	
15.	Baki	C	1960-1999	13	
16.	Lughaya	C	1960-1999	13	
17.	Xudun	C	1960-1999	13	No election of local councils
18.	Taleex	C	1960-1999	13	No election of local councils
19.	Gar-adag	C	1960-1999	13	
20.	Dhahar	C	1960-1999	13	
21.	Baligubale	C	After 1991	13	
22.	Salaxley	C	After 1991	13	
23.	Laasqoray	C	Before 1969	17	No election of local councils

One of the key factors contributing to the lack of administrative boundaries is the proliferation of districts. At present, there are 42 administrative districts, of which 23 are electoral districts and 18 of these have officially elected councils. Since 1991, 21 new districts have been created by presidential decree – with no specification of their boundaries – although 19 of them have not been ratified by the Parliament. As Table 1 shows there are seven ‘principal’ districts that are graded A, five that are graded B, and 11 that are graded C. With the exception of Baligubadle and Salaxley, the other nine districts were established during the Barre regime.

Law 21 clearly states the criteria for conferring regional or district status, which include the size of the area and the extent of its self-sufficiency and arrangements for social provision. However, most of the new districts have little to do with demographic realities, nor with their capacity to bear their own costs. On the contrary, the new districts have continued to draw money from the central government – effectively encouraging more clans to seek their own districts.

Despite knowing that these new districts are in contravention of the law, the Parliament endorsed all of them in June 2002. The absence of technical expertise and reliable census made it difficult for the lawmakers to apply the law, because setting boundaries has less to do with administration than with clan representation – and each clan wants more districts in the territory in which it dominates.

The issue of constituency was another intriguing problem. Although the constitution and the electoral law guarantee the right to run for public office, in reality, while all members of the electorate were able to vote for their local councillors, not all were entitled to stand for council seats – which were reserved for people from the indigenous clan in each city or district. The dominance of clan structures encouraged the political parties to only nominate people from indigenous clans in each area. In other words, it is not where you reside, but where your family’s clan is predominant, that determines where you can run for office. Many people who had lived in a city or a district for generations, and had significant assets there, thus had no opportunity to run for local office. However unconstitutional, they were effectively disenfranchised by their clan heritage.

This problem of constituency is most acute in Hargeysa, where the residents hail from a multitude of clans. Large sections of the population are disfranchised simply because they do not belong to one of the predominant clans. Although the city’s 25 councillors all come from its four indigenous sub-clans, there is a growing fear among these clans that “outsiders” are taking over their political and social rights. The question at present is how the proposed Hargeysa City Charter, which designates the city as the national capital, can grant all residents equal rights without infringing upon the rights of the original inhabitants in accordance with the constitution.

### **Weak local government capacity**

As none of the new local councillors had any experience in the business of local government, it was expected that they would face some difficulty in fulfilling their duties. On top of their lack of qualifications, questions were raised about the motivation of many of the new councillors, who appeared to be driven more by selfish interests than a genuine commitment to public service. Members of the public duly blamed the political parties for selecting these candidates and the National Electoral Commission for failing to screen them properly in the run-up to the elections.

Public fears were raised when the new councillors sought to award themselves a hefty per diem payment for attending local council sessions – and to increase the number of sessions held each month. In Hargeysa, the councillors were reported to be asking for a payment of US\$ 100 per session, and for five sessions a month. The councillors eventually accepted a “compromise” to receive a monthly payment of SSh 1.7 million (about US\$ 270) – although it has not yet been specified whether this is a salary or a “sitting allowance.” As one commentator remarked: “The city may wind up supporting the equivalent of 25 mayors, rather than an efficient and worthwhile city council.”

Due to the unclear division of duties between councils and mayors – not to mention competition over opportunities for personal enrichment – many councils have publicly fallen out with their mayors. With the exception of the Mayor of Hargeysa, who has survived numerous impeachment attempts, and Ceergaabo, most areas have seen their mayors change several times. As a result, most mayors spend a significant amount of time negotiating with councils simply to save their jobs. The incomplete bylaws that govern most council operations also mean there are no clear procedures for impeaching mayors – meaning that the process has become as time-consuming as it invariably is brutal.

Table 2: City Mayors, Feb. 2003 - June 2006

City	Number of Mayors
Gabilay	Four
Burco	Three
Sheekh	Three
Berbera	Three
Hargeysa	One
Boorome	Two
Ceergaabo	One

In an effort to slow down the runaway impeachment of mayors, the Minister of Interior issued a decree in July 2004 forbidding local councils from indicting their mayors. In the 18 months following the ban, only one council – Burco – changed its mayor through impeachment. However, in February 2006, the Minister issued a second decree lifting the impeachment ban. Once again, the councils had a field day. Within six months, councillors in five of the seven major towns had moved to replace their mayors, with four of them – in Boorome, Berbera, Gabilay and Sheekh – succeeding.

Mounting public frustration with local councils has led some communities to take matters into their own hands and dissolve their councils. A case in point is Caynabo, where elders declared the dissolution of the local council in mid-2005 following a series of widely-publicised disputes between individual councillors. Despite the declaration, however, the Caynabo Council continues to exist.

In terms of their day-to-day business, local government personnel still lag far behind in terms of the professional and technical skills required to sustain the delivery of local public services. Completely unqualified staff are appointed to ensure clan balance and to appease personal loyalties. Such loyalties have led some authorities to become highly overstaffed, further stretching already limited financial resources.

In order to raise funds, some local officials have turned to selling off chunks of public land on the pretext of raising revenue. Selling land has become a lucrative business for some of the new councils, leading to bitter debates over the control and ownership of public lands. Many people are now calling for the creation of public commissions to monitor and oversee the control and administration of public lands and open spaces.

#### Lack of democratic local government

While the electorate turned out in force to vote for its new local government leaders, the show of faith has not been a mutual one. By and large, the new councillors have demonstrated little commitment to or interaction with their local communities; in fact, observers say, most of these elected officials are not accountable to the public, the central government, or even their own parties. By contrast, the new mayors have to answer to up to 25 councillors, who constantly threaten to impeach them if they fail to meet their needs and demands. As a result, there is no meaningful community participation in budgeting and planning, no public meetings or feedback on issues of vital public importance.

Historically, it is partly understandable. Up until December 2002, Somallanders had never elected their own local government officials. As well as a lack of local government tradition, there are few community organisations, associations or even businesses with any experience in dealing with local authorities.

Women too have reason to feel sidelined in the local elections. Even though most of the voters were women, there were only two women elected out of more than 300 councillors. In Gabilay, a woman was elected as

the deputy mayor. However, overall, women were marginalised on the grounds that, in a patrilineal society, a married woman will be perceived to have divided loyalties in terms of her clan affiliations by birth and by marriage.

The elections also largely bypassed the Gabooye, Somaliland's traditional 'low-caste' clan, who are associated with menial occupations and who generally do not socialise with – and are never permitted to marry – other Somalis. Perhaps unsurprisingly, the Gabooye were not included in any party list.

## 2.3 Key Stakeholders

### The Ministry of Interior

The Ministry of Interior is the appointed institution through which the government deals with all local government issues. After the President, the Minister of Interior has the greatest control over regional governors and district authorities; as such, much of the future of the decentralisation process depends upon the willingness and commitment of this ministry and its incumbent minister. However, as there is no legal framework that specifies the mandate of each of Somaliland's ministries, so there is no specific legislation to guide the Ministry of Interior's involvement in local government affairs. However, the Civil Servants Commission Act, which specifies the number of departments in each ministry, provides for a 'Department of Local Government' within the Ministry of Interior.

In the run-up to the 2002 elections, the Minister of Interior went on record as saying that the election of new councils would not end his ministry's role in local government affairs. However, in the four years since, the minister has not demonstrated any significant political will to move the process of decentralisation forward. Since the elections, no legal reforms have been enacted to support the administrative and financial roles of local authorities – despite several assurances from the minister to the contrary. While the minister did forward some revised legislation, particularly Law 23, to the old parliament, it did not take account of inputs provided by the new councils or mayors. Law 23 was eventually passed without major reforms by the new Parliament in July 2006 (see Chapter 4).

*"First I have to thank the Academy for presenting this very good documentary film, in which you can see me as usual defending the government's positions on decentralisation.*

*I would like to congratulate the Academy for their useful work, which makes me very happy..."*

*– Ismaaciil Aadan Cismaan, Minister of Interior, March 30th 2004*

### Regional Governors

Although the decentralisation process has thus far focused exclusively on developments at the district and city levels, it is clear to all involved that Somaliland's regional governors – as the government's official representatives in the six regions – must also be brought into the process. These unelected officials oversee key regional departments of the government, including health and education, and act as the official "voice" of the government in the regional capitals.

### Local Councils

Although the new district councils were elected democratically, to this day they have neither the legal and administrative mandate nor the resource base to function as elected bodies. Thanks to the legacy of Somaliland's prolonged centralised rule, the central government has not been able – or, for the most part, willing – to shift a significant measure of authority and resources to the new councils. For their part, the councils do not have enough experience or capacity to form and run local government associations capable of promoting collaboration between their districts and lobbying for greater local government authority. In February 2006, the mayors of the seven major towns (Haregysa, Burco, Boorome, Berbera, Ceergaabo,



Gabilay and Sheekh) initiated their own association – the Somaliland Municipal Association – and appointed the Mayor of Hargeysa as its chairman. The association continues to meet once a month, although it has not yet made its influence widely felt.

According to one local councillor in a working group meeting, in mid-2004 a group of local councillors inaugurated a series of national consultative meetings in which they discussed ways to improve Law 23, and a draft set of recommendations was duly forwarded to Parliament – but the law was never voted on, nor were their recommendations considered.

Many of Somaliland's new councillors have welcomed the Dialogue for Peace with open arms, seeing it as an opportunity to further discussion on these vital issues. During the UN-Habitat training and the DfP programme, the APD has developed a good working relationship with several councillors, who have taken part in working group meetings and DfP workshops across the country. A number of councillors also helped to organise some of the larger workshops staged under the Dialogue for Peace.

### **The House of Representatives**

Two pieces of legislation pertaining to local government have been in the hands of the Lower House of Parliament: the Regions and Districts Law (Law 23) and the City Charter of Hargeysa. The first was redrafted by the government and forwarded to the House, where it was distributed to MPs but never made it to the floor. The second made it to the House's Sub-Committee on Internal Affairs, where it was reviewed pending a full parliamentary debate.

However, both pieces of legislation were ultimately overshadowed by the widely anticipated parliamentary elections of September 2005. The original Lower House, preoccupied with the drawn-out legislative process that preceded the elections, was unable to deal with the draft laws. However, the draft Law 23 was finally reintroduced to – and unanimously passed by – the new House in July 2006 (see Chapter 4).

### **The Political Parties**

The new local councils belong to, and were elected through, the three national political parties: UDUB, Kulimiye and UCID. Although these three parties were supposed to provide a long-term link between the electorate and the councillors, this link has virtually vanished since the elections, as most of the councillors no longer have any relationship whatsoever with their respective political parties.

This disconnection stems from two main factors. First, as voting in the local elections served to determine which political associations would become the official national parties, most of the competing organisations focused solely on becoming one of these parties, rather than on developing qualified candidates for the local councils. Second, owing to the overriding importance of the clan, the parties gave much greater consideration to the size of each candidate's clan – rather than the merits of the candidates themselves. Furthermore, councillors from the three “disqualified” parties were obliged to join one of the three approved parties after the election. And, like the government itself, none of the three winning parties had developed any firm policy on decentralisation.

For these reasons, the Dialogue for Peace set out to remind the political parties of the critical role they have to play in the implementation of decentralisation. Rather than being simply a vehicle for the election of local councils, the parties were encouraged to remember their original mandate: to be a continuous linkage between the public and its local government.

## **Civil Society**

Although Somaliland's civil society – local NGOs, youth organisations, professional associations, and women's groups – has not been very proactive in issues of local governance, developments in recent years have served to illustrate its strong potential role in the decentralisation process. For example, the Tisqaad environmental network, a branch of the Nagaad women's umbrella, has been working closely with Hargeysa City Council in the collection of garbage and the recycling of plastic bags. The involvement of such groups in the Dialogue for Peace helped to contribute a wide range of expertise and resources to the programme, as well as giving these often marginalised groups a greater voice in local government issues.

## **UN-Habitat and the Somaliland Universities**

After the APD had provided ad hoc support in its formative stages, in April 2004 UN-Habitat contracted the Academy as the lead partner in its Good Local Governance and Leadership Training Programme (GLTP) for Somaliland's new councils. Under the programme, the APD provided training to councillors in three main areas: strategic and action planning, capacity-building, and awareness-raising. As lead partner, the Academy was responsible for overseeing programme planning and implementation, coordinating and supporting the trainers, managing the budgets, liaising with local and central authorities, and evaluating the training's impact. During the course of the programme, the APD worked closely with lecturers from the Universities of Camuud (near Boorome) and Hargeysa, who conducted some of the training and translated eight training manuals.

The Dialogue for Peace was naturally complementary to the training provided by the GLTP. As Somaliland had just elected its local councils, it was imperative to build upon these successful elections to consolidate decentralisation through legal reforms and capacity-building. The formal and informal dialogues facilitated by the APD under the DfP focused on reforming the legal environment in order to clearly define the distribution of power and responsibilities between the different levels of government. The UN-Habitat training, by contrast, focused on building the capacity of the new councils by training councillors in leadership and management skills and good governance. The fact that the lead researcher in the Dialogue for Peace was also the focal point for the GLTP served to further enhance the natural synergies between the two training approaches. (For further details of DfP/GLTP collaborations, see Chapter 4).

## **The Public**

Decentralisation is about increasingly open and participatory local governance, which naturally implies active community involvement. In Somaliland, however, a combination of prolonged centralised authority, rural marginalisation and widespread illiteracy has conspired to keep public involvement in decentralisation to an absolute minimum. In one DfP workshop in Boorome, when the participants were asked to say what they would like to see in their council bylaws, a typical reaction was: "Why am I here? This has nothing to do with me!" However, at the end of the workshop, many of the participants expressed a new appreciation of the importance of public consultation in all aspects of local-level planning and decision-making.

## 3. Activities

### Working Group Meetings

Working groups form a core component of WSP's Participatory Action Research, as both the driving force behind its interactive research and a guarantee of local ownership. In November 2004, at the conclusion of the WSP/APD National Group Meeting, a 15-member Working Group was formed to take the decentralisation study forward. As well as key central and local officials, the members covered a broad cross-section of stakeholders, from MPs and elders to civic organisations, women's groups, religious leaders, and members of the media (see Annex 1).

In February 2004, the first Working Group meeting was convened to discuss ways of maximising the efficiency and productivity of the research process. Over the following three months, the group met regularly to consider various issues, including the two laws before the House of Representatives that would be integral to its study: the Regions and Districts Law (Law 23) and the City Charter of Hargeysa. After reviewing these laws, the group agreed on the need to develop a unified system of bylaws to guide the operations of Somaliland's new local councils. It also established a schedule of workshops and locations to develop these bylaws.

### Participatory Workshops

Participatory workshops are critical for bringing together multiple stakeholders to discuss key issues and build consensus around possible solutions. The DfP's experience has shown that such workshops can also help facilitate "cross-fertilisation" between different stakeholders in the decentralisation process – and, most critically, between local and central government. For example, the decentralisation workshops in Burco, Boorome and Ceergaabo attracted a wide range of local stakeholders, together with officials from Hargeysa City Council and from other regions around Somaliland.



*The executive director of APD, Mohamed Saeed Gees, MP Hassan Awale, the second deputy of the House of Representatives, Baashe Ali Farah, and Deputy Chief Justice Mohamoud Hirsi Farah participate in a decentralisation workshop on land issues in Hargeysa, February 2006*

Table 3: Decentralisation Workshops under the Dialogue for Peace

	City	Topic	Date
1.	Hargeysa	Regions and Districts Law (No. 23)	March 6th-7th 2004
2.	Hargeysa	Hargeysa City Charter	April 11th-12th 2004
3.	Boorome	Local council bylaws	June 22nd-23rd 2004
4.	Ceergaabo	Local council bylaws	July 4th-5th 2004
5.	Burco	Local council bylaws	August 1st-2nd 2004
6.	Hargeysa	Urban Land Use Law (No. 17)	February 27th-March 1st 2005
7.	Burco	Urban Land Use Law (No. 17)	April 4th-6th 2005

Between March 2004 and April 2005, seven workshops were held in Hargeysa, Boorome, Ceergaabo and Burco to deal with various issues concerning the decentralisation of the legal framework. Each workshop was attended by between 40 and 55 participants, including councillors, parliamentarians and community leaders. In addition, over the same period, the APD and UN-Habitat co-hosted 12 training workshops for councillors in Somaliland's major towns on local governance systems and administration, gender sensitivity, action and strategic planning, and conflict management.



Members of Berbera City Council participated in leadership training provided by APD in collaboration with UN-Habitat

### Field Trips

In order to ensure that lessons and experiences of decentralisation were disseminated evenly across the country – and not concentrated solely on the capital – numerous field trips were undertaken across Awdal, Togdheer and Sanaag to consult with local communities and incorporate their views into the national process. These semi-official missions also provide an opportunity to collect vital baseline data to inform the workshops and public forums.

Table 4: Field Trips under the Dialogue for Peace

	City	Topic	Date
1.	Boorome	Local council bylaws	June 19th-21st 2004
2.	Ceergaabo	Local council bylaws	June 29th-July 3rd 2004
3.	Burco	Local council bylaws	July 29th-31st 2004
4.	Burco	Urban Land Use Law (No. 17)	April 1st-3rd 2005

### Technical Contributions

Although the Working Group had a number of experts from a range of professional backgrounds, there were occasions when external expertise had to be sought on more technical aspects of the decentralisation debate. A key example was the formulation of unified national guidelines for local council bylaws and regulations, to which end the Working Group employed two local consultants to draft a series of guidelines in September 2005.

## Literature Reviews

With no experience of decentralised authority in their own recent past, it was clearly important for Somaliland's new councils to explore how other countries and communities had dealt with the challenges of decentralisation. The Internet proved particularly useful in enabling the DfP participants to access relevant "lessons" from countries with similar political histories and Islamic cultures. These case studies enabled the group and workshop participants to gain a greater understanding of the responsibilities and resources that would be required by their new councils, and of the challenges and pitfalls they would be likely to face.

These literature reviews also served to highlight the lack of commitment by the Somaliland Government to the political and legal reforms necessary for effective and sustainable decentralisation. The example of South Africa was regularly referred to as a country in which the government – while also emerging from a highly oppressive past – had managed to introduce vital reforms to increase the resource base and strengthen the capacity of its new local governments.

## Public Forums

Since 2001, the APD has been hosting monthly public forums and discussions on the political process and other relevant issues through its Forum for Civic Dialogue. The Academy's role in these forums is principally as a facilitator and provider of a "neutral space" where ideas can be aired freely and objectively. Each forum has been designed to allow local institutions and civic groups to present their cases to the public, in order to educate citizens on issues affecting their lives, while also allowing individuals to air their opinions and concerns. Two such public forums were held on decentralisation, the first on March 17th 2004 under the title Reflection on the Local Elections of 2002 and Lessons Learned. The aim of the meeting was to assess the performance of Somaliland's councils since their election, how they had lived up to public expectations, and the most pressing issues that needed to be addressed in the local governance arena.

One of the keynote speakers was the Mayor of Hargeysa, who shared his personal experiences in the capital city and expressed some frank reservations about the pace of decentralisation in Somaliland. He pointed to the lack of "connection" between councillors and their communities as a major setback: one that naturally undermined public confidence that their councillors were genuinely representing and addressing their needs. In addition, he highlighted the lack of experience among local leaders, as well as the lack of formal regulations and terms of reference outlining their roles and responsibilities. And, unsurprisingly, he criticised the popular practice of impeachment that hung over the head of every mayor in the country – and prevented them from serving the needs of their people.

During the first public forum, several of the participants expressed confidence that, however slow their initial progress had been, the councils' successful election had paved the way for greater public participation in local issues – and less corruption in public service provision. Despite this positive outlook, however, doubts were expressed about the quality and commitment of some of the councillors picked by the political parties, the unclear relationship between the councils and "their" parties, and councillors' tendencies to act more like government staff – tied to the political and bureaucratic mores of Hargeysa – than proactive, community-minded councillors. Several other factors, such as the government's nomination of the post of General Secretary of Local Government, were also cited as giving the government undue influence over the councils.

The participants submitted a number of constructive and carefully considered recommendations, which included:

*"There is a need to reform all laws pertaining to local government and to enact new ones. So far, we have not been able to come up with a set of bylaws that is acceptable to everyone..."*

*– Enj. Xuseen Maxamed Jicilir, Mayor of Hargeysa, March 17th 2004*

- Better screening of party candidates for local council membership (and also for the forthcoming parliamentary elections);
- Public advertising and appointment of the post of General Secretary of Local Government;
- Hiring of local government staff based upon individual merit, and the specific needs of cities/districts, through the Civic Commission;
- Establishment of an appropriate mechanism to control local government revenues;
- Establishment of mechanisms for greater public participation in local elections;
- Greater capacity-building training for the members of local councils;
- Initiatives for political parties to inform their respective councils about party policies and ideologies;
- The completion of all laws or bylaws pertaining to local government.

The second APD-hosted forum on The Experience of the Public and Private Partnership in Managing Boorome's Water System was held in Hargeysa on April 3rd 2005. Water shortages due to mismanagement have become an acute problem in many of Somaliland's urban centres, particularly Hargeysa and Boorome, although the latter has seen its water services significantly improved since it handed over their management to a private company in 2003. By inviting the managers of water services in Boorome and Hargeysa to share their experiences with the people and officials of Hargeysa, it was hoped that the central government would consider alternatives for the management of its water supplies, including the potential for a public-private partnership.

The forum's panel consisted of two officials from Shirkadda Adeegyadda Bulshadda (SHABA), the company managing Boorome's water system, and the director of the Aawdal Water Department. The first speaker, Mr. Cabdiraxmaan Maxamuud Muuse, reminded participants that Boorome's water supply was not strictly privatised but the subject of a public-private partnership, with the government owning the wells, the council owning the storage facilities, and SHABA managing the water supply. He related the history of the privatisation, through which a workshop had identified mismanagement and lack of public oversight as the main reasons behind the spiralling costs of water in Boorome, and led to the formation of a local water board. When the board proved incapable of resolving the mismanagement issues, the Ministry of Minerals and Water and the vice-president supported a proposal by USAID and UNICEF to put the management of the city's water supply up for private tender – a tender that was won by the newly-established SHABA Co. on August 15th 2003.



*Women collecting fresh water for domestic use from a public kiosk in Hargeysa*

In the two years since, the participants heard, water costs had dropped significantly in Boorome, from US\$ 0.5 to US\$ 0.1 per 200 litres, water leakage had been reduced from over 30% to an estimated 8%, and the city had received over 15km of new water pipes providing a steady flow of fresh water throughout the day. Today, the new water system is turning a profit for the first time, and contributes significantly to the other public services provided by Boorome Council through a 2% sales tax.

The presentations by the officials highlighted the importance of the support

of central government to the successful creation of the Boorome model. For its part, the city's private sector had risen to the occasion by creating a private company through the sale of shares, which had been able to manage the water system efficiently while making a profit for its shareholders. And Boorome Council had provided a strong legal foundation for its first public-private partnership, creating a formal framework that strictly defined the roles and responsibilities of each partner, as well as rigorous monitoring and oversight channels.

Despite the strong presentations, the Hargeysa representatives remained undecided about replicating the scheme in their city. Questions were raised about the different water issues and operating environment in Hargeysa, and about the debatable profitability of private water management. The debate on public-private partnerships has continued in the 18 months since. On July 5th 2006, SHABA made a second presentation to a workshop organised by the Ministry of Water and Natural Resources in conjunction with Africa 70, an INGO that supports the Hargeysa Water Agency, to promote public-private partnerships in service delivery. The fact that the government itself is now supporting such workshops is being seen as a positive change in attitude, if not in policy.

### **Publications**

A key contribution of the UN-Habitat training programme for new councillors was the translation of 14 local governance training manuals from English into Somali. Six of the manuals were translated by members of the APD team, while the remaining eight were assigned to the Universities of Camuud and Hargeysa.

### **Drama**

With the overriding importance of poetry, drama and storytelling in Somali society, the APD collaborated with several prominent local artists and UN-Habitat in writing and producing a play on the problems facing Somaliland's local councils. The drama, designed to raise public awareness of the key issues and challenges facing the new councils, was shown 14 times at seven different venues, reaching an estimated 2,500 people.

### **The Audio-Visual Unit**

At the workshops in Boorome, Burco and Ceergaabo, the APD's presentation of several documentary films on decentralisation during breaks helped to "break the ice" and encouraged individual participants to share their personal opinions and experiences in the sessions that followed. One of the films was a production by the APD's Audio-Visual Unit on specific issues and challenges raised during Somaliland's decentralisation process. The Unit also generated a film record of some of the workshops' main highlights, which provided useful reference material for the Working Group in documenting its research directions and findings.



*A scene from a theatre performance staged to raise awareness on the challenges facing local councils in Boorome, March 2005*

## 4. Achievements and Impacts

### Review of and Proposed Changes to the Regions and Districts Law

In February 2004, the Ministry of Interior forwarded a new bill to Parliament, which was heralded as a practical effort to reform the relationship between central and local government. However, the draft Regions and Districts Law – more commonly known as Law 23 – appeared to be designed to consolidate the government's grip on local councils, rather than shifting more power to them. Most members of the DfP Working Group felt that, in its current form, the draft law would do little to promote the decentralisation process. So they decided to review the law and draw up a series of consensual changes that might benefit the process (see Annex 2). Their suggestions were duly forwarded to the leaders of the House of Representatives to share with other lawmakers when the legislation was finally debated.

A copy of the draft Law 23 was circulated to members of the Working Group the week before a two-day workshop held to review the document on March 6th-7th 2005. During the workshop, the issue that generated the greatest debate was the Minister of Interior's appointment of the District Executive Secretaries (DEs). With the exception of officers from the Ministry, the remainder of the Working Group – led by the local councillors – were against the Minister's appointments, arguing that the Executive Secretaries should be hired professionals under the control of the mayor.

Both sides stuck resolutely to their positions and were unwilling to compromise. The government officials argued that appointed DEs would maintain a strong relationship between the local governments and the centre, while the councillors claimed that direct appointments went against the very spirit of decentralisation. Although the majority voted against direct appointments, most of the group believed that their recommendation would fall on deaf ears unless it contained some measure of compromise. So a clause was duly added, recommending that the Minister of Interior should appoint the DEs, but the appointments should also be endorsed by the councils themselves.

The proposed changes and amendments to Law 23 were duly forwarded to the leadership of the Lower House, together with a letter from the APD recommending the redrafting of the law, "with the help of external expertise and wider public consultation, because this law does not change the status quo." However, in the event, the draft bill never made it onto the floor of the old House.

In July 2006, however, the new House's Sub-Committee on Internal Affairs reintroduced the draft bill for parliamentary debate. Before the month was out, the House passed the draft law unanimously. While the new law fell short of comprehensively defining the balance of power between central, regional and district administrations, it did attempt to specify the duties and responsibilities of the newly elected local councils.

Among the positive provisions of the new law are stipulations that:

- Mayors of towns will also serve as District Commissioners;
- Mayors will head all central government's district departments (e.g. police, health, education, etc.).  
In other words, all centrally appointed district officials, including police commissioners, will be answerable to the mayors;
- Local councils can propose the dismissal of ineffectual or ineffectual under-performing District Executive Secretaries, and the Ministry of Interior will be obliged to accept their decision. However,



this should follow one or two verbal warnings to the DES from the executive committee;

- All unconfirmed districts are designated as temporary districts, which will be evaluated;
- Areas in which municipalities can levy council taxes are specified.

Rather than providing guidelines for the structures and functions of each entity of local government, so that each locality would be entitled to tailor its structures to local realities and needs, the draft bill outlined a number of departments and sub-committees for specific functions. It also provided ordinances to regulate the locations of public utilities, petrol stations, markets, fire stations, slaughterhouses, parks and other essential public facilities.



*Local council revenue is badly needed to improve road maintenance in Somaliland's capital city*

In September 2006, the House of Representatives forwarded the bill to the Guurti (House of Elders) for ratification. The Guurti proposed to make a further 33 amendments to the bill, some of which (for example, making the DES the acting mayor in the period preceding the latter's election) are regarded as further diluting the decentralisation process. The law was ratified by the Guurti in October 2006, with the modifications they had proposed.

One other notable development was the Boorome Council's sacking of its DES on September 25th 2006, which – as it preceded the ratification of the new law – may yet be rejected by the Ministry of Interior. Nevertheless, the incident provided a strong indication that the power struggle over the appointment of these controversial officials is likely to continue.

### **Review and Proposed Changes to the Hargeysa City Charter**

In an effort to officially designate the city of Hargeysa as Somaliland's national capital, with its own unique administrative character, an external expert was hired by UN-Habitat to draft a new City Charter in 2004. After reviewing the draft, however, the Ministry of Interior decided to shelve the document, claiming that it contained gross disparities in "the relationship between the centre and the periphery." Instead, the Ministry drafted its own charter, returning the lion's share of control of the city to the central government. Despite loud protestations from the city's mayor and local councils, the Ministry's charter was duly forwarded to the House of Representatives' Sub-Committee on Internal Affairs to review before a full parliamentary debate. On April 11th-12th 2005, the Working Group took the opportunity to review the draft charter document and drew up a list of proposed amendments to forward to the Sub-Committee on Internal Affairs (see Annex 3). However, in the event, the city charter never made it onto the floor of the House of Representatives, as the latter became absorbed with the looming parliamentary elections.

Today, the draft charter is among 22 bills left over from the old House for the attention of its successors – although to date no timeframe has been set for its debate.

### **Creation of Unified Local Council Bylaws and Procedures**

Nearly four years after their elections, Somaliland's local councils continue to suffer from insufficient, ill-defined and confusing internal regulations. While only a few councils have any formal bylaws or procedures, where they do exist they are typically weak and selectively applied. The problem has been highlighted by incidents in which councils try to impeach their mayors – a process for which there are no clearly defined procedures – which often leads to confusing and embarrassing confrontations.

In May 2005, at its regular monthly meeting, the Working Group drew up an action plan for the creation of a unified set of local council bylaws. Under the plan, the group would draw up a review of existing and proposed bylaws, hold three workshops in Boorome, Burco and Ceergaabo to seek the inputs of local councillors and communities, and then forward their proposals for consideration by a national conference. The outputs of this conference would then be forwarded to the Ministry of Interior for inclusion in a ministerial decree – a formality to which the Minister had already pledged his commitment.

The workshops were duly held in Boorome in June, Ceergaabo in July, and Burco in August. However, the proposed national conference was held up because the entire country was in the midst of election preparations – and the APD was fully immersed in this process. When the elections were finally over, the issue of council bylaws was overshadowed by a number of other issues that people felt to be more pressing, such as the emotive issue of land ownership. However, in July 2005, the DfP Working



*Lively discussions at a workshop in Ceergaabo on the local council code of conduct*

Group commissioned two local experts to draft a set of unified bylaws incorporating the different proposals raised in the workshop discussions. The final bylaws were to have been presented to a national workshop in Hargeysa, for select participants from the regional workshops to ratify a unified version before sending it to the Minister of Interior. However, as mentioned earlier, the workshop did not materialise – primarily because the APD had to focus on the election process.

### **Use of Participatory Workshops to Review Key Legislation**

One obvious and very positive accomplishment of Somaliland's Dialogue for Peace has been the adoption of a more participatory approach by some of the country's key policymakers. Since its establishment in November 2005, the new House of Representatives has developed a much more inclusive process for involving the public in its policy formulation. Since April 2006, two sub-committees have officially approached the APD to organise participatory workshops to canvas public opinions on specific draft laws before they are debated on the floor of the House.

Two such workshops were organised for the Sub-Committee on Internal Affairs to debate changes to the Land Reform Law (Law 17) in Hargeysa and Burco in early 2006. As one of Somaliland's most contentious laws, and a key issue for both the central and local governments, high-level officials from both attended the three-day workshops, which generated extensive coverage in the local media. The workshops were responsible for generating several important recommendations, including the creation of 'Land Use Regulation and Planning Commissions' under the district councils, which have since received considerable attention from the Lower House. Many observers are confident that this system of democratic public consultations will become a regular feature of Somaliland's parliamentary life.

### Partnership with the UN-Habitat Training Programme

Since the APD became the lead partner in UN-Habitat's training programme for local councillors in April 2004, the programme's growing synergies with the Dialogue for Peace have enabled the Academy to broaden and enhance its capacity-building contribution to Somaliland's new local authorities. Over the past two years, the APD has contributed to a variety of concrete outputs through the UN-Habitat programme:

### Development of training manuals

Between September 2003 and March 2004, the APD worked with lecturers and academics from the Universities of Camuud and Hargeysa to translate 14 international standard manuals on the roles and responsibilities of local councillors. Several of the DfP researchers were involved in editing and adapting the manuals to make them appropriate to the Somali local governance context. The manuals, which were published by UN-Habitat in 2004, provide training modules for councillors in specific disciplines and duties, including democratic leadership, policymaking, decision-making, financing, power-brokering, institution-building, public communications, facilitation, negotiation, and supervision.

### Councillor training

In a two-year joint venture with UN-Habitat, the APD provided the focal point for the training of local councillors under the Good Local Governance and Leadership Training Programme (GLTP). Before the programme, the trainers themselves received training in the programme modules, monitoring and evaluation, and participatory planning, which took place in Kenya as well as in Hargeysa. The training itself lasted from September 2003 to July 2005, reaching 147 councillors from Ceergaabo, Burco, Sheikh, Berbera, Hargeysa, Gabilay and Boorome, as well as 25 other stakeholders from civic organisations. Although attendance was dependent upon conditions in the districts – and was marred by several conflicts over the impeachment of mayors – overall more than half of the country's new councillors benefited from the training.



*Prominent politician Mohamed Hashi Elmi participates in a workshop session on land reform in Hargeysa, February 2006*

Trainers from the APD were responsible for running the training programmes in Ceergaabo, Burco and Hargeysa. The trainers also helped to prepare ‘city profiles’ during public consultations in the three towns, which were used to inform the action planning exercises at the end of the training programme. The exercises involved the councillors, district officials and community representatives selecting a project that would be jointly planned, funded and implemented by the council, UN-Habitat and the community.

Working with their Habitat colleagues, the APD’s Audio-Visual Unit developed an hour-long play which was staged in the seven towns to raise awareness of the opportunities and challenges associated with local governance. The drama, played out in front of packed crowds from the back of a ‘theatre truck,’ reached a total of more than 2,500 people during 14 performances in 2004 (see Table 5). Although the play did not attract much media coverage, the response from the public was overwhelmingly positive.



*APD researcher Ja'far Mohamed Gadawayne provides local councillor training as part of the collaboration between APD and UN-Habitat in Burco, 2004*

**Table 5: Number of Shows and Estimated Audiences**

City	Number of shows	Estimated audience
Hargeysa	Three	550 people
Boorome	Two	240 people
Gabilay	One	200 people
Berbera	Two	450 people
Sheekh	One	120 people
Burco	Two	600 people
Ceergaabo	Three	350 people
<b>Total</b>	<b>14 shows</b>	<b>2,510 people</b>



*Residents of Sheikh are absorbed by a drama staged to raise awareness of the challenges faced by their new local council, March 2005*

## 5. Analysis and Lessons Learned

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### Effective Decentralisation

Decentralisation is a political process which, by its very nature, requires a lengthy period to evolve. In Somaliland, with its long history of dictatorial and undemocratic governance, such changes cannot be expected overnight. Although Somaliland has successfully held fair and peaceful local elections, in order for them to be meaningful, the process of decentralisation must involve a transfer of power from the government to the local administrations: providing them with greater authority, increasing their financial resources (through transfers or greater tax authority), and giving them broader administrative responsibility. In Somaliland's case, the latter has been almost entirely overlooked.

After the local elections, the government and Parliament missed a golden opportunity to demonstrate the political will to move the decentralisation process forwards. First, the government did not produce a clearly stated policy on its decentralisation agenda. Second, together with Parliament, it failed to enact a reformed legal code that would shift a significant measure of authority to the newly elected councils.

In the event, the councils were not even granted the authority to exercise their most basic duties. Although Somaliland's constitution gives local authorities responsibility for public service delivery, the government did not grant the new councils any clearly defined legal responsibilities with regard to the provision of basic social services – with the exception of sanitation. Neither did it provide them with any new resources, either through increased inter-governmental transfers or the authority to extend avenues for raising local revenue.

In Hargeysa, the legacy of the previous totalitarian regime clearly lingers. The actions of the government and the Minister of Interior since the elections have confirmed many observers' fears that neither is willing to relinquish power – at least not yet. Despite considerable lip service to the need for and importance of decentralisation, vested interests among the government and other key actors are clearly holding back the country's decentralisation process.

### Democratic Decentralisation

When the people of Somaliland elected their local councils in December 2002, they thought they had done their part and the process of decentralisation would move forward automatically. Now they have realised that decentralisation and the development of local government requires not only elected officials and legal reforms, but the emergence of an entirely new political culture: a culture that provides a “voice” and a platform for engagement to proactive citizens' groups, associations, businesses, and neighbourhood committees. In Somaliland, the absence of such strong civic organisations has not only stifled demands for local democracy, but has limited citizens' participation in the prioritising, planning and budgeting of local development.

During the 2002 elections, most of the electorate was voting for a party, and paid little attention to the quality and qualifications of the candidates. However, the public has quickly realised that the quality of local officials is vital to the performance of its councils. As soon as the elections were over, across the country, voters could be heard complaining that they had elected the wrong people. At the same time, they spelled out the kind of people they wanted in their councils: people who had a stake in their communities, who were not running – as so many of the new councillors did – purely for the sake of employment.

One positive development from this experience is that it has immeasurably raised the stakes in the next local elections, which are scheduled for late 2007 (although there are early signs that they may be delayed until mid-2008). Many qualified people are interested in becoming councillors next time around, and the political parties will be under strong pressure to field better qualified candidates. The National Electoral Commission, too, will be under pressure to put in place a more rigorous vetting system for potential councillors.

In addition, the frequent change of mayors in many towns has led to a greater appreciation of the importance of stable and consistent leadership. The tendency of some councils to impeach their mayors within a few months of their election has demoralised local communities and undermined the decentralisation process. As well as calls for new legislation giving mayors a longer “grace period” in which to prove themselves, there is a growing movement in support of the direct election of mayors.

Although there is still very limited interaction between local councillors and their communities, the open consultations utilised in the Dialogue for Peace have served to demonstrate the natural benefits of direct contact between the public and local leaders. Today, there is a stronger appreciation of the need for “open space” in which members of the public can tell their leaders what they want, and councillors can inform the public of what they need to get the job done.

### **Local Government Capacity**

Although it is still early days in terms of determining the impacts of the local councillor training implemented across Somaliland, the training itself exposed a number of major challenges that will have to be overcome in building future local government capacity. As course leaders, UN-Habitat and APD faced considerable difficulty in generating participation without offering trainees any financial incentives to attend. Training sessions had to be rescheduled numerous times, particularly in Hargeysa, to ensure decent turnouts. It was apparent that many councillors were too busy “making deals” to attend the training, which offered them no financial rewards.

Critics blamed the training process itself, which they accused of being dull and having little relevance or impact. For example, one workshop attempted to train councillors on 11 different roles of local councils – using 11 different manuals. There were criticisms that much of the programme was driven by deadlines, with the trainers evaluated on the number of workshops and activities they completed – rather than the interest or impact they generated.

Some observers suggested that on-the-job training may have been more effective, i.e. sending the trainers to work with the councillor-trainees. But the training did have a practical side in the “real-life” exercises to develop strategies and action plans for each town. According to some trainers, even in these lessons it was difficult to generate interest among the councillors, who lacked personal dedication and motivation. As one trainer remarked: “As there were no incentives, it was very difficult to mobilise these people. We had to use clan fervour to mobilise them.”

It is clear that future training holds both needs: high-quality, focused, long-term training, and more motivated councillors – who will participate without financial incentives. The widespread shortage of well-trained staff remains probably the single biggest hurdle facing decentralisation in Somaliland today. Without meaningful training and capacity-building, it will be very difficult to implement decentralisation effectively across the country – especially with a government that often uses this as an excuse for delaying the process further.

## 6. Further Engagement

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For the people of Somaliland, the election of local councils was seen as the beginning of the realisation of true decentralisation. Yet, nearly four years on, progress on decentralisation remains tenuous. There is clearly a need for several further interventions in order to move the process forwards, many of which are likely to require additional support from international donors. Some of the most critical of these interventions are outlined below.

### Formulating a Government Decentralisation Policy

Since the local elections – indeed, since Somaliland’s declaration of independence in 1991 – the Somaliland government’s commitment to decentralisation has amounted to little more than lip service from the Ministry of Interior to the need for greater local administration. If decentralisation is to become a genuine political priority, however, it is essential that the government develops a comprehensive policy that clearly states how and when it will implement democratic and effective decentralisation. Such a policy must define all aspects of local government responsibility and operations, and must pave the way for the creation of a new ministry (the ‘Ministry of Local Government’ or the ‘Ministry of Decentralisation’) to oversee the country’s decentralisation programme.

To support the process, the Academy for Peace and Development could develop a programme of work to assist the government in formulating this comprehensive policy before the next local elections. The APD is well placed to provide technical support and advice in assisting the government to draft an appropriate and practical policy for this purpose, and – through its regular public forums – to generate broader interest and participation in the policy formulation process.

### Formulating a Political Parties’ Decentralisation Policy

As the three political parties are an integral part of the decision-making process within local government, many participants in the Dialogue for Peace have called for the development of a specific political parties’ policy or strategy through which they could formally contribute to the decentralisation process. Such a policy is something that all three parties lack and, again, the APD’s technical expertise and contacts put it in a strong position to assist.

### Formulating a Unified and Relevant Legal Framework

As it was enacted before the election of the new councils, the existing legal framework relating to local government is out of step with current realities on the ground. Furthermore, existing laws deal with different issues in isolation, e.g. Law 23 for regional and district structures, Law 11 for financial regulations, and Law 17 for land issues.

First, there is a need to combine these laws into a single piece of legislation dealing with local government issues. Then the laws must be made relevant and applicable to the current situation of elected local government officials. Legal framework reforms will be required to support the three basic foundations of decentralisation:

- Granting new authority to local governments in accordance with the current constitution, while clearly defining the relationship between central and local governments;
- Defining clear and sufficient administrative and fiscal responsibilities for local authorities;
- Encouraging and recognising public participation and the involvement of other civic organisations in the decentralisation process.

One of the APD's key goals to strengthen Somaliland's decentralisation process is to work with the government, Parliament, local councils, civic organisations, and other concerned groups to reform the current legal framework pertaining to local governments, in order to come up with a practical and comprehensive legal code based upon the needs and responsibilities of the new councils.

## 7. Conclusion and Recommendations

While the 2002 election of local councillors was a significant step towards decentralisation in Somaliland, the process still faces the same major challenges that it did prior to the elections. To overcome these challenges will require extensive legal and administrative reforms, comprehensive capacity-building, and practical partnerships and networks to ensure that the country's local governments are answerable to – and working for – their communities.

### Promoting Constitutional and Legislative Reforms

Although the current Somaliland Constitution advocates a decentralised system of government, its definitions of local government structures and responsibilities need to be redefined in the light of recent developments. Key articles in the constitution related to decentralisation should be reviewed by the government, parliamentarians and concern groups in order to propose appropriate reforms that can then be debated by a public forum of local stakeholders.

A major omission in current legislation is its failure to define the relationships between central, regional and district authorities. It will be essential to enact new legislation that clearly defines the relationship between the national government and local authorities – politically, administratively and fiscally. Again, it should be the responsibility of the government and Parliament to enact the legislation necessary to promote effective decentralisation. And such legislation must be subject to public scrutiny.

### Improving Local Government Capacities

The lack of technical and administrative skills that continues to hold back effective and accountable local development is due largely to the absence of focused long-term training programmes for councillors and other civil servants. It is in this area – as UN-Habitat and the APD have already begun to show – that international supporters and local NGOs can play a critical role in building the professional capacity of local councils, as well as the personal commitment of their staff. Such programmes of support should include the development of:

- Specialised long-term training programmes for local government officials;
- Technical assistance and training to build local governments' policymaking roles;
- Financial policies and standards associated with local government budgets;
- Procurement policies for contracting and purchasing goods and supplies;
- Policies governing the maintenance of and access to local public records;
- Policies governing public meetings and their record-keeping;
- Public notification policies, particularly related to land use and community planning;
- Personnel policies associated with the professional development of local government employees;
- Policies and means to expand the service delivery capacity and authority of local governments;
- Policies and instruments for expanding the local revenue-generation base;
- The establishment of local government associations to promote collaboration among councils/municipalities, analyse issues affecting them, and lobby for greater authority, responsibility and resources from the central government.



## **Developing Local Government-Public Interaction**

Throughout Somaliland, public involvement in local government affairs – and most local officials' expectations of public involvement – is either weak or non-existent. Measures are urgently required to boost the involvement of local communities, and to encourage communities to hold their leaders accountable. Here again, the support of international partners, local NGOs and advocacy groups will be vital in promoting greater channels for public participation – from neighbourhood and 'town hall' meetings, to focus groups and public hearings – and partnerships with NGOs and media organisations to inform citizens about local government issues and opportunities for them to get involved.

## **Encouraging Greater Women's Participation**

Just as in Somaliland's national-level politics, women remained largely marginalised from participation in local government issues – even though their role in the economy is clearly increasing. Legal steps aimed at electoral reforms to promote greater women's representation in local councils and decision-making bodies are urgently required, and should form part of any programme to support the decentralisation process.

## **Conclusion**

When they exercised their democratic right to elect new district and city councils, the people of Somaliland spoke in a single voice: a voice that demanded greater local administration of their political and social affairs. Now it is the turn of their national leaders to demonstrate the political will to move the decentralisation process forward, by enacting the necessary legal reforms and ensuring that they are implemented in a manner appropriate to the country's new legislative environment. Without this political will, Somaliland's leaders will – like so many of their predecessors – be failing to match their people's will for the chance of a better future.

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# Annexes

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## Annex 1: Members of the Working Group

Maxamed Daahir	Media
Mustafa Maxamed Khayre	Youth (Sonyo)
Muna Yuusuf Xuseen	Youth
Cabdilaahi Saciid	UCID
Daahir Isaaq Jbiril	Ministry of Interior
Yuusuf Maxamed Guuleed	Councillor
Sulaymaan Warsame Guuleed	Ministry of Interior
Muuse Cali Faruur	Traditional leader
Maxamed Ciise Cige	Councillor
Maxamed Raage Faahiye	Expert
Xasan Abiib Maxamed	UDUB M.P.
Axmed Cali Rooble	Activist
Cabdi Axmed Nuur	Forum for Peace and Governance
Asha Maxamed Nuur	Nagaad
Xasan Cabdikariim	Media.

## Annex 2: Proposed Changes to the Regions & Districts Law (2002)

### **Article 5:** The Regions and Districts of Somaliland

Hargeysa is shown as a region while in actual fact it is both a region and the capital city, with five administrative districts. The official number of districts in Somaliland is not clearly mentioned in the law.

### **Article 6:** Grades of the Districts

The number of districts with grades does not correspond with the number of officially recognised functioning districts.

### **Article 7:** Regional Boundaries and District Borders

Further clarification of both boundaries and borders is required.

### **Article 9:** Delineation of Regional Boundaries and District Borders

This Article should be amended to indicate that the Ministry of Interior, which is responsible for regional and district delineation, should come up with a mechanism for conducting and carrying these boundary demarcations.

### **Article 12:** Regional Councils

Elected regional councils have not yet been established as required by the Somaliland Constitution.

**Article 13:** Functions of Regional Councils

The membership of these councils should include the Regional Governor, Deputy Regional Governor and Regional Executive Secretary (central government appointees), and also the mayors/ district commissioners, since this body has influence on the decisions of the elected local councils. The working groups recommended a corresponding review of the duties of these officials.

**Article 14:** The Responsibilities and Duties of the Regional Chairman

As above.

**Article 16:** The Functions and Duties of the District Executive Secretary

The need for such a post requires further examination, and its functions and duties need to be redefined.

**Article 17:** The Functions and Duties of the Mayor

These should be reviewed and rewritten, and a further article incorporated to define the powers of the Mayor.

**Article 19:** Duties of the District Executive Secretary

In the event that the District Executive Secretary is still appointed by the central government, his or her powers and duties will need to be reviewed.

**Article 20:** Duties of the Local District Council

While this Article covers the duties of district councils, it is noticeably silent on their power and jurisdiction. For example, it is never explicitly mentioned that the councils are legislative bodies at the district level.

**Article 21:** Structure of the Management of the District Council

This Article defines the councils' management structure as follows: (a) District Executive Council; (b) District Council; and (c) Sub-Committees and Village Councils under the District Council. In order to increase community participation in the overall development of the country, the management structure should also incorporate permanent agricultural settlements and their committees and chairmen.

**Article 22:** Activities of the District Council

This should be reviewed and reincorporated into Article 20 on Duties of the Local District Council.

**Article 24:** Powers of the District Council

This Article should be reviewed and clearly rewritten.

**Article 26:** Conditions for Candidacy for Membership of District Councils. As above.

**Article 29:** The Sessions of the Local District Councils

This Article should be reviewed and clearly rewritten. Sessions of the District Council should be conducted on the basis of their nature as a legislative organ, rather than an executive one. The same should be true of their internal regulations.

**Article 30:** The Minutes and Registration of Decisions

This should be incorporated into the preceding Article, No. 29.

**Article 31:** Expenses for District Council Meetings

This Article should be reviewed and clearly rewritten. At present, many District Councillors are paid monthly.

**Article 32:** Sub-Committees of the Local District Council

At present, Council Sub-Committees cover the following areas: Economic and Financial; Peace and Conciliation; Social Affairs; and Land. A comprehensive review, restructuring and redefinition of their functions is recommended.

**Article 34:** Privileges of the Members of the Local District Councils

As above.

Article 38: The Dissolution of the Local District Councils

As above.

**Article 43:** Appointment of Executive Secretaries of the Regions and Districts

The role of the Executive Secretary has proven to be a controversial one in most Districts. The elected Council and Mayor have had no say on the expulsion of Executive Secretaries. This Law should give the Council and Mayor the capacity to have a say in their performance.

Annex 3: Proposed Changes to the Hargeysa City Charter: General Assessment

Having fully analysed and monitored the City Charter of Hargeysa, the Working Group on Decentralisation recommended the following adaptations to overcome key weaknesses in the document:

- The articles in the City Charter relating to economic issues should be removed and confined to Law No. 12 on Local Council Revenues;
- The articles on issues of land should be removed and confined to Law No. 17;
- The National Planning Committee should be responsible for ratifying local council action plans;
- The articles concerning the election of councils should be brought into line with the national electoral law;
- Specific amendments, omissions and additions should be adopted for several individual articles, as outlined in the section below.

As the City Charter is on the table for debate by the House of Representatives, the Working Group recommended only those amendments and adaptations that they considered the most essential. This does not mean that the charter does not require further review and revision. Just as life is always undergoing change, so too should the Hargeysa City Charter always be open to appraisal and improvement.

### **Article 3**

3. The name of the region of Hargeysa in the context of the two laws (Law 23 and the City Charter) should be similarly aligned.

5. Other sources of water for the city should be added.

### **Article 5**

1. The reference to Degsiimoyiin should be changed to read Degmooyin.

### **Article 16**

2. Article 25 and Part 2 of Law No. 23 are in contradiction and need to be harmonised.

### **Article 18**

d. This section should be more clearly defined.

### **Article 20**

d. This section should be removed.

### **Article 21**

The manner in which local councillors lose their immunity should be similar to members of the Somaliland Parliament.

### **Article 23**

4 & 5. These two sections should be removed.

### **Article 30**

Without being specific, this article proposes to define the political authority of the new councils, rather than listing their job descriptions.

9. This section should make reference to good governance and the decentralising of authority.

### **Article 41**

5. This section proposes that the Minister or his/her appointee should take the chair during the election of the mayor but, in fact, by tradition the chair should be the oldest member of the council.

### **Article 45**

Many of the reasons cited for the removal of the mayor or deputy mayor were not very specific and should be clarified or omitted, for example:

c. being a “dictator” – should be defined;

- d. breaching government laws – after which should be added “which do not conflict with the law”;
- e. This section should be removed.

#### **Article 51**

1 & 2. These sections should be aligned with the suggestions for Article 44 in Law No. 23.

#### **Article 53**

4. The authority of the Executive Secretary of the city should be graded A.

#### **Article 57**

10. This section should be removed.

17. A section should be added encouraging local civilians to take part in the development of their city.

#### **Article 76**

It should be added that city councillors must be obliged to uphold and enforce their internal regulations and labour codes.

#### **Article 77**

4. There must be a consultation on the laws established by the Ministry of Interior.

#### **Article 80**

Rather than giving municipal councils the power to allocate and dispense city lands to the Standing Committee, it should instead read the ‘Executive Committee of the City Council.’

#### **Article 82**

This article mentions a committee, comprising of five ministers and a Director General, to determine the boundaries of Hargeysa. It is recommended that the article is amended to include the City Mayor and the Director of Land Development as additional members of such a committee.

#### **Article 94**

This article specifies various reasons that a citizen can lose a permit for land use, e.g. for public use, but makes no mention of providing them with suitable compensation.

#### **Article 96.1**

As the law states that irrigated farms within the city boundaries can be converted to plots for urban use, it was suggested to include rain-fed farms as well.

#### **Article 100.1**

1. The words “whether he owns the hill and space or not” should be removed from this section.

#### **Article 124.4**

4. Alter this section to read: “will be transferred to the Ministry of Finance,” instead of “the Ministry of Interior.”

#### **Article 128**

d. Add the Ministry of Finance to this section.

#### **Article 144**

Amend the wording of “General auditor would investigate the finances of the local government” to read “would audit the finances.”

#### **Article 145**

k. This section should be removed.

#### **Article 147**

This article should be removed.

### **Annex 4: Local Councils Code of Conduct**

#### **Article 7:**

Boundaries and Borders of Districts

For the creation of a new district, the signatures of 5,000 residents will be required to petition the Ministry of Interior, which will draft a law and table it in Parliament, which will hold hearings about the creation of the proposed district and duly amend the Regions and Districts Law.

#### **Article 18:**

Transitional Period between Administrations

In the 14 days between the transfer of power from the previous administration to a new administration, the outgoing administration will be forbidden to forgive debts owed to the city.

#### **Article 21:**

Registration of Private Property Owned by Councillors

The District Executive Officer, who is responsible for the registration of private property owned by councillors, on written request from the public, media or legal authorities, can release information pertaining to the councillor concerned.

#### **Article 25:**

Expulsion by the Political Parties

Respecting the constitutional right of every citizen, a councillor who is expelled from his/her party is permitted to join another party.

#### **Article 28:**

Dissolution of Local Councils

The Minister of Interior, after careful examination of the evidence for the dissolution of a council, in consultation



with the Parliament, will advise the President, who has final authority, to dissolve the council.

**Article 33:**

Finance & Development Sub-Committees

Finance & Development Sub-Committees of local councils can review taxation rates and, in order to promote social harmony and justice, propose to increase or reduce these rates.

Social Affairs Sub-Committees

Social Affairs Sub-Committees are responsible for the inspection of orphanages and the residences of physically disabled citizens and returnees.

**Article 35:**

Responsibilities of Local Councils

Local councils are responsible for the establishment of public transportation corporations and can go into partnership with companies, agencies or cooperatives in the establishment of these corporations.

**Article 42:**

Loss of Immunity

Members of the council or sub-committees are forbidden from requesting or ordering city staff to hire specific individuals. Councillors are also forbidden from accepting gifts, presents or favours from people with issues pending in the council or city government, whether contracts, employment opportunities, or land cases.

**Article 44:**

Appointment and Removal of the District Executive Officer

The Mayor can review the performance of the DEO and can appraise or request his/her transfer or promotion in consultation with the council, and will advise the Regional Governor who will report to the Interior Minister, who will make the final decision.

**Article 46:**

Council Meetings

The District Executive Officer must notify all councillors in writing 48 hours prior to all meetings of the council.

**Article 47:**

Chairing of Council Meetings

Meetings of the council will be held in council buildings or any other premises previously agreed upon by the executive committee and the council.

**Article 54:**

The Mayor or the DEO can notify requesting Members of Parliament about the decisions of the council in writing.

**Article 61:**

Election of the Mayor and Deputy Mayor

The council, in cooperation and consultation with the National Election Commission, Parliament, the Ministry of Interior, academic and research institutions, members of the public, and the media, will study the feasibility of a directly elected mayor.

**Article 91:**

Private Electricity Companies

Local councils can review electricity charges and hold hearings on the socio-economic effects of price increases.

Petrol Stations

A person or persons trained in fire fighting and first aid must always be present on the premises of petrol stations. All petrol stations must have first aid kits on their premises.

Meat Shops and Slaughterhouses

Shops that sell meat are required to have refrigerators on their premises.

The local government and council can grant cooperatives, companies, corporations or non governmental organisations agreements and contracts to maintain and operate slaughterhouses.

We, the Executive Committee, hereby promise to adhere to the Local Councils Code of Conduct.

Mayor \_\_\_\_\_ Deputy Mayor \_\_\_\_\_ District Exec. Officer \_\_\_\_\_

District \_\_\_\_\_ Region \_\_\_\_\_ Emblem \_\_\_\_\_



*The computerised water billing system by Hargeysa Water Agency, supported by Africa 70, has improved local water revenue collection © Africa 70*



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This publication was made possible through generous contributions and support from:



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