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PILLARS OF PEACE

SOMALI PROGRAMME



Puntland Note: Mapping the Foundations of Peace
*Challenges to Security and Rule of Law, Democratisation Process
and Devolution of Power to Local Authorities*

Garowe, November 2010

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List of Acronyms

- CAPA** • Christian Association for Prison Aftercare
- CBO** • Community Based Organization
- CRC** • Constitutional Review Committee
- CSO** • Civil Society Organization
- DDR** • Disarmament Demobilisation and Re-integration
- GECPD** • Galkayo Education Centre for Peace and Development
- HDI** • Human Development Index
- HoR** • House of Representatives
- INTERPEACE** • International Peacebuilding Alliance
- IC** • International Community
- ICU** • Islamic Courts Union
- IDPs** • Internally Displaced Persons
- ILO** • International Labour Organization
- ILUA** • International Union of Local Authorities
- IRIN** • Integrated Regional Information Network
- JPLG** • Joint Program for Local Governance and Decentralized Service
- LNGO** • Local Non-governmental Organization
- INGO** • International Non-Governmental Organization
- MP** • Member of Parliament
- NATO** • North Atlantic Treaty Organization
- NRC** • National Reconciliation Conference
- OCHA** • Office for the Coordination of Humanitarian Affairs
- PAR** • Participatory Action Research
- PDRC** • Puntland Development Research Centre
- PEC** • Puntland Electoral Commission
- PSAO** • Puntland State Audit Office
- PSM** • Puntland Stakeholders Meeting
- PUNSAA** • Puntland Non-State Actors' Association
- RDP** • Reconstruction Development Plan
- SNDU** • Somali National Democratic Union
- SNM** • Somali National Movement
- SPM** • Somali Patriotic Movement
- SRC** • Supreme Revolutionary Council
- SSDF** • Somali Salvation Democratic Front
- SYL** • Somali Youth League
- USC** • United Somali Congress
- USP** • United Somali Party
- TASS** • Tadamun Association for Social Services
- TFG** • Transitional Federal Government
- UN** • United Nations
- UNCDF** • United Nations Capital Development Fund
- UNCLOS** • United Nations Convention on Law of Sea
- UNCTAD** • United Nations Conference on Trade and Development
- UNDSS** • United Nations Department of Safety and Security
- UN-HABITAT** • United Nations – Human Settlements Programme Delivery
- UNDP** • United Nations Development Programme
- WSP-International** • War-torn Societies Project International



Preface for the Pillars of Peace Programme

The Pillars of Peace Programme is meant to advance and underpin the consolidation of peace throughout the Somali region through consensus-oriented, integrated approaches to state building and peacebuilding

The Pillars of Peace Programme

Today the Somali region is mostly commonly sensationalised as the ultimate ‘failed state’. This description obscures the richness of the peace dynamics within and between Somali communities throughout the region. Contrary to the negative generalisation of the Somali present scene, Somali-led initiatives have set up viable political and administrative arrangements to manage conflict and provide durable security and rule of law in both Somaliland and Puntland. In many places Somali entrepreneurship from inside or outside the Somali region has also revitalised the economy.

Rebuilding a country is primarily about restoring people’s trust and confidence in governance systems and rule of law, rebuilding relationships at all levels and providing the communities with greater hope for the future.

Interpeace launched its Somali programme in the north-eastern part of the Somali region, known as Puntland, back in 1996. The programme was extended to Somaliland in 1999 and South-Central Somalia in 2000. Interpeace assisted in the establishment of Puntland Development Research Center (PDRC) in Garowe (Puntland), the Academy for Peace and Development (APD) in Hargeysa (Somaliland) and the Centre for Research and Dialogue (CRD) in Mogadishu, which have each developed into respected institutions. Interpeace worked with the teams to advance and support interlinked processes of peace building and state formation using Participatory Action Research (PAR).

Interpeace’s experience in the Somali region indicates that the understanding and trust developed through PAR methodology can help resolve conflicts directly, while at the same time building consensual approaches to address the social, economic and political issues necessary for durable peace.

In conjunction with the three Somali partners, Interpeace launched its latest region-wide initiative ‘The Pillars of Peace’ Programme in 2009. This consensus-oriented, integrated approach to peacebuilding builds upon Interpeace and its partners’ experience in the region that demonstrated that dialogue can be translated into action with a high degree of local ownership. With this come the associated sustainability, resilience and relevance of the communities involved. This new initiative also provides a peacebuilding approach as the basis for support to state building processes, such as democratisation. The aim is to transfer peacebuilding capacity to Somalis in general, and to civic leadership, women and youth in particular.

Since the beginning of the Pillars of Peace Programme, the three partners have met regularly with Interpeace's Somali programme team to reflect, plan and coordinate their respective activities. A 'Pillars Support Group' comprising of the programme's donors at the European Commission, Denmark, DfID (UK), Norway, SIDA (Sweden), Switzerland and USAID, has also provided timely support to the programme over the period.

Methodology of the Pillars Mapping Exercise

The Pillars Mapping Exercise was carried out by the Academy for Peace and Development in Somaliland, the Puntland Development Research Center in Puntland and the Center for Research and Dialogue in the central regions of Somalia from April 2009 as part of the Pillars of Peace Programme. It builds upon 14 years of work in the Somali region and compliments the previous achievements of the post conflict program in the 1990s and the subsequent two rounds of the dialogue for peace program. This was meant to bridge some of the gaps between peace and state building by all relevant stakeholders through dialogue and consensus building, understanding and agreement of the necessary and sustainable mechanism based on the outcome of the mapping exercise for the way forward.

The overall aim of the Exercise was to offer a space for dialogue on the challenges to each partner's three identified pillars, namely:

- For PDRC: *Security and Rule of Law (including a Social Reconciliation component); Democratisation and Decentralisation*
- For APD: *Democratisation; Decentralisation and Social Reconciliation*
- For CRD: *Social and Political Reconciliation; Decentralisation and Governance; Strengthening of Civic Actors, Diaspora and Business Community*

The three partners' institutions were involved in extensive consultations, using Interpeace's Participatory Action Research (PAR) methodology, with all sectors of society, from national-level political and business leaders, leading civil society actors, traditional elders, and representatives of youth, women groups, IDPs, minorities groups, professionals, and NGOs. Literature reviews, interviews and focus group discussions were conducted to develop a thorough overview and understanding of the achievements, challenges and opportunities in their respective Pillars. In parallel, the Audio Visual Units of the three organisations captured the discussions in order to prepare films to accompany the research.

At the Puntland Stakeholders' Meeting held in Garowe in May and September 2010 respectively by PDRC, APD's National Programme Group Meeting in Hargeysa in October 2010 and CRD's Zonal Group Meeting to be held in the first quarter of 2011, several key areas of focus per pillar, or 'entry points', were agreed upon for further action-research to support efforts to bring the solutions to this specific lingering areas of focus to action/change/ impact.

- *Preface for the Pillars of Peace Programme*

At the outset of the meetings each of the three partners were given the mandate to set up action-oriented steering committees that will identify, and analyse solutions as well as support efforts to bring those solutions to action/ change.

This report (and accompanying films) is designed to formally capture the findings of the Pillar Mapping Exercise – both as a record for those who were involved, and as a formal presentation of findings and lingering areas around which divergences remain and thus require further particular attention by the national and regional authorities and the related communities.

Preface for the Puntland Note – Mapping the Foundations of Peace

The present document is the product of a year and half long intensive consultative work carried out under the auspices of the “Pillars of Peace” Programme, implemented by the Puntland Development Research Center (PDRC) in partnership with the International Peacebuilding Alliance (Interpeace). The Pillars of Peace Programme is an ambitious Somalia-wide peacebuilding endeavour critical to the changing security and political dynamics of Somalia.

The programme is intended to offer a space for dialogue and development research in order to contribute to the consolidation and underpinning of peace and culture of dialogue among the communities, and established legal authorities. The main output of the research carried out all over Puntland is embodied in the present “Puntland Note: Mapping the Foundations of Peace – Challenges to Security and Rule of Law, a working Democracy and the Devolution of Power to Local Authorities”.

The document consists of the findings of the Pillars Mapping Exercise, shaping the public opinions on security and rule of Law, the prospects of a working democracy and the devolution of power to local authorities. The document, above all, focuses on the challenges facing the above three pillars, which are drawn on and synthesized from the views of the various sectors of stakeholders consulted.

The stages and the methodology applied to this venture are detailed in the document; however, it is important to highlight that the draft outcome of the Pillar Mapping Exercise were presented for validation to the two-stage Puntland Stakeholders’ Meeting (PSM) and that their outputs have been integrated into this document. Moreover, this final document was shared with the Puntland Government in advance of its publication. Its comments were taken into consideration and amendments were made to the document where necessary. *Please see the Puntland Government’s letter signed by the Chief of Cabinet, Ali Barre Jama Hassan in annex.*

This final report is not meant to be exhaustive. It constitutes an overview of the major challenges and a basis likely to open ways for sectional participatory action research on actionable change that will contribute to the efforts of consolidation of peace and stability of the area.

Introduction

Puntland has remained fairly stable and secure since the collapse of the Somali State in 1991 and the establishment of the Puntland State of Somalia in 1998. However, over the last four years, the situation has begun to deteriorate due to the emergence of militia groups engaged in lucrative sea piracy and kidnapping of foreigners, an increase in the number of clan-based conflicts, terrorist killings targeting political figures as well as security personnel, businessmen, traditional/ religious leaders and suicide and car bombing incidents. The reasons for the emergence of this insecurity in Puntland are various, but are mostly attributed to a weak governance system and the absence of both resources and capacities to manage these problems. The political and economical dynamics of the past few years have also played an important role in the overall insecurity and instability of the area.

The Puntland State emerged in August 1998 from fragmented Somalia to administer the regions of northeast Somalia, initially for a transitional period of three years. The emergent young administration awaits politically the birth of a Federal National Somali government. The primary tasks of the new administration, as defined in the first Puntland Charter, were to establish basic institutions of government, to draft a Puntland Constitution, and to prepare the ground for free and fair elections within a multiparty democratic system.

In 2001, at the end of the government's first term, a sharp political constitutional crisis broke out between the then president, Abdullahi Yousuf Ahmed, who sought an extension of mandate, and the opposition, which upheld the provisions of the "Charter", especially Article 34.2. In the event of the failure to renew government institutions through means stipulated in the Charter (new Constitution, census and referendums on the Constitution) failed, this Article (34.2) mandated the President of the Supreme Court to assume responsibility as a "Caretaker" President for a period of 30 days, during which time a constitutional conference should be held to form a new government. The Charter also specified that no amendment could be made to this article. Almost two years of political chaos and military confrontation ensued between the President Abdullahi Yousuf and the opposition led by Jama Ali Jama, later replaced by Mohamoud Mussa Hersi (Adde), until May 2003 when a peace deal was concluded with a power-sharing agreement and integration of the opposition's militias into the regular Puntland security forces. This was one of the most significant peace agreements that took place during the past two decades in Somalia through which two heavily armed opponents opted against disastrous confrontation and forged instead political accommodation and peaceful co-existence.

In late 2004, political uncertainty emerged again in Puntland when President Abdullahi Yousuf Ahmed, became the President of the Transitional Federal Government of Somalia (TFG), leaving a political vacuum in Puntland. However, this situation ended in a peaceful transition of power to Mohamoud Mussa Hersi, who, in early January 2005, contested successfully for the presidency against the interim President, Mohamed Abdi Hashi, and his vice-President. However, despite a smooth and peaceful transition of power to the former

opposition leader, the new administration encountered tough security challenges from both external¹ and internal² factions, limiting the ability of the administration to address these problems and render services to its citizens.

In early 2007, the review of the “Puntland Provisional Constitution” was begun, undergoing different stages of public consultation and revision. In January 2009, the new incoming administration, headed by President Abdirahman Mohamed Mohamoud (Farole), reaffirmed the commitment he had made during his campaign for the presidency to the Constitution review process and its completion in line with procedural requirements. In February 2010, the revised “Puntland Constitution” was approved by both the Executive and the Legislative bodies, signed by the President and published in the government’s official bulletin. It now awaits public endorsement either through popular referendum or Community Consultative Conference.

Another important process had commenced in 2005, namely the devolution/decentralisation of power to local level. Subsequently a historical accommodation was made for women representation in local councils with the setting of a quota independent from the clan-based selection of local councillors that prevails. However, despite early positive results, neither the established councillors nor the municipal administrative structures are operating effectively. A number of districts have been formed through selection procedures but only a few of these local councils are functioning.

This is the changing socio-political context in which the Puntland Development Research Center (PDRC) and its partner, Interpeace, are providing support for the consolidation of peace and state building, continuing over 14 years of engagement. War-torn Societies Project (WSP International), later renamed Interpeace, launched its Somali Programme in 1996 in the north-eastern part of Somali region, subsequently Puntland State of Somalia. The Dialogue for Peace Programme began in 2004 as a way of providing opportunities to support the consolidation of peace and better governance in Puntland. Based on the experience and achievements of the Dialogue for Peace programme, the Pillars of Peace Programme was launched in 2009 with the Pillars defined as:

- (i) Security and Rule of Law (including a social reconciliation component);
- (ii) Democratisation;
- (iii) Decentralisation.

Before embarking on the Mapping Exercise described below, the overall process was endorsed by the Puntland Vice President and Minister of Interior.

¹ The advancement of the Islamic Courts Union (ICU) from the southern borders, Galkayo, in 2006 and the capturing of Somaliland forces of Laasanood in October 2007, created anxieties among the citizens and threatened stability in the area as a whole.

² Attacks on and kidnapping of foreign staff members of international organizations led to a substantial reduction of humanitarian and development assistance to the area and the emergence of gangs engaged in lucrative marine piracy operations created a range of challenges for the administration by early 2007.

This Puntland Note on the challenges to the Pillars of Peace summarises a series of widespread consultations carried out over a year throughout six regions of Puntland. The “Mapping Exercise” was conducted with the intention of firstly, validating the Pillars, and secondly, better understanding the concerns and the perceived obstacles to the Pillars of Peace as experienced and expressed by the people through interviews and focus group discussions. The consultations engaged groups and individuals representative of today’s society in Puntland who were encouraged to express their opinions freely.

This Note provides an overview of the findings in terms of the main challenges and the basis for possible participatory action research directed towards concrete actions and solutions to support sustainable peacebuilding efforts. At the end of each section, the questions requiring further attention have been highlighted.

Methodology

Rebuilding a country after conflict and reaching sustainable peace is fundamentally about rebuilding relationships at all levels, restoring the people’s trust and hope in the future. Peace cannot be reached without the active participation of the population at all levels and all the stakeholders engaged in the society. Indeed, reinforcing participation and Dialogue is key to democratic decision making processes.

The aim of the Pillars of Peace programme is to effectively engage the Puntland stakeholders in the search for solutions to key challenges linked to the democracy, security and rule of law, and decentralisation as identified by stakeholders themselves. The participatory action research (PAR) methodology enables the creation of a neutral space for Dialogue in which the Somali stakeholders can highlight the challenges faced by the population and identify achievable and sustainable solutions, an approach that is necessarily focused on the medium- to long-term.

The first phase of the programme, the Pillar Mapping Exercise, forms a collective framework where people actively contributed to the research on key obstacles to the three identified pillars, while the role of PDRC’s researchers was mainly limited to the facilitation of the debates and the gathering of ideas in order for the process to be successful. The facilitation was intended to be non-directive, using open-ended questions (e.g. “what are the challenges to security in Puntland?”) in order to ensure that the participants were not unduly influenced and to allow for diverse opinions.

The consultations aimed to gather evidence and representative views of the Puntland people overall with participants to the consultations selected according to specific criteria that respected political, regional, social, religious, and gender sensitivities. In addition, a particular specialist group of stakeholders was also identified for consultations for the respective Pillar (see annex). The criteria for selection of groups were presented to the resource persons in each area visited by the PDRC team. The resource persons were selected

for their familiarity with the local context and people (for example, a representative of a local civil society organization, a traditional elder or the local authority) and their role was to identify the focus group participants according to the criteria provided.

From April 2009 to February 2010, PDRC team visited six regions³ (Nugaal, Bari, Eastern Sanaag, Mudug, Karkaar and Sool) and a total of 15 districts of Puntland where focus group discussions and interviews with key stakeholders were organised (see annex). However, recognizing the challenges some social groups – especially women, youth, minorities and marginalized groups – face in today's Somali society, a number of separate focus groups were organized for them (see annex) as a way of enabling the participants to express their views more freely and ensuring that the voice of different sections of society would be reflected in the research.

In addition, consultative meetings were organized per pillar at which representatives from focus group discussions from all over Puntland regions were invited to validate the outcomes of the research to date. These meetings were also attended by prominent figures of the Puntland Administration, which contributed to the bottom-up sharing of ideas and views on these basic issues to peace.

728 persons were consulted during the Pillar Mapping Exercise (see annex). The data was analysed by experts on the different pillars and supplemented with desk study. Both focus group discussions and interviews were filmed. The audiovisual is an integral part of the research as it captures the views expressed as well as the environment in which the discussions occur. The film also constitutes a powerful means of stimulating discussion and linking populations that are separated, whether geographically or socially due to the culture, tradition or history.

The results of the Pillar Mapping Exercise were presented to the Puntland Stakeholders' Meeting (PSM) on 24 and 25 May 2010, that brought together 150 participants from throughout Puntland, including ministers, director-generals and civil servants, the chairs of all 11 Parliamentary committees, leading civil society actors, traditional elders, and representatives of youth, women groups, IDPs, minorities groups, the business sector, professionals, and NGOs. From the international community, UNDP ROLS programme manager, UN DSS field security officer, OCHA, national officers from UNDP governance programme, and two European Commission representatives attended. Interpeace regional programme officers and their colleagues from the Rwanda, Burundi and Somali (south-central and Somaliland) programmes were also present.

Issues raised during the PSM in the areas of Security and Rule of Law, and of Decentralisation respectively were discussed and validated by the participants (with incorporation of comments made into this final document). Participants also prioritised the challenges to be

³ Only the Ayn region (Buuhoodle town as the capital) has not been visited due to unforeseen constraints.

addressed in priority in those two areas in the next stage of the programme. Day III, due to address the area of Democratisation, was pre-empted due to concerns by the government after the end of the second day.

Day III on the Democratisation Pillar successfully recommenced over two days, on 25-26 September, allowing for both a recap of the previous two days in May and a full day on democratisation where the participants prioritised the challenges to a functional democracy to be addressed. Prior to the meeting the Puntland government approved the validation already made at the Stakeholders' Meeting on Days I and II. Over 110 participants from all regions of Puntland (i.e. Bari, Karkaar, Nugal, Ayn, Heylan, Sanaag, Sool) including 23 government officials, civil society representatives, women (25%), youth, minorities and INGOs, donors and UN representatives attended the two days meeting that was officially opened by the Minister of Planning and International Cooperation (MOPIC), Daud Mohamed Omar.

The PSM was concluded by the Puntland stakeholders giving the mandate to PDRC to set up action oriented steering committees that will identify, and analyse solutions as well as support efforts to bring those solutions to action/ change. The selection criteria for the steering committees were validated by the stakeholders and will include more specifically opinion makers, change agents, decision-makers and implementers capable of bringing recommendations to actionable change.

Challenges to Puntland's Security and Rule of Law

2.1 Introduction

Twelve years after its establishment, Puntland State finds itself at a crucial crossroads. The fifth elected government is in place, transfer of some political and administrative powers from the state to the district level has been put in place, and a democratisation process aimed at paving the way for the establishment of a multi-party political system is currently underway. At this critical juncture, the creation of an effective regime of security and Rule of Law within a framework of democratic governance – a challenge that Puntland government is facing at the moment – is apparently essential. The serious question posed by both the international community and local stakeholders is how the current security sector of Puntland could be reformed so as to create a conducive environment for development.

The security sector, in general, is considered as a public responsibility for the provision of the internal and external security. Two main pillars form its basis: the security apparatus of the administration and the relevant civilian bodies entrusted to the management and control of that apparatus.⁴

The Rule of Law, as defined in a World Bank study, is *“a legal-political regime under which the law restrains the government by promoting certain liberties and creating order and predictability regarding how a country functions. In the most basic sense, the rule of law is a system that attempts to protect the rights of citizens from arbitrary and abusive use of government power.”*⁵ Such a system is clearly the most essential ingredient of the security sector.

Restoring peace through the effective strengthening of security by building up the basic institutional capacities as well as promoting effective social reconciliation has been one of the major goals of the Puntland State of Somalia since its inception in 1998. However, despite the fact that Puntland's successive administrations and the community have strived to maintain security and stability, the area is going through a period of volatile security and complex complicated political transformation, including democratisation of the political system.

Within this context, security and the rule of law (enforcement of law) has not been fully addressed since the inception of Puntland in terms of identifying the challenges and working on them. Proliferation of small arms in the hands of civilians, lack of professionally trained security personnel and equipment, administrative faults, financial scarcity and traditional factors are considered to be the major impediments to

⁴ Puntland Constitution, Articles 12 to 19.

⁵ Helen Yu and Alison Guernsey, *What is Rule of Law*, World Bank, September 2009, p.26.

a sustainable security and rule of law. Nonetheless, the strong will of the government and the public in general is apparent and Puntland's smooth transfer of power to a new administration on January 2009 offered renewed hope and momentum to address the challenges and enhance security and rule of law in the area.

Briefly, the basic factors influencing security and the rule of law in Puntland are:

- A lack of sufficient resources and proper financial management remains to effectively engage the law enforcement institutions (Police, Judiciary, Prisons and Attorney General's Office). In addition a comprehensive policy and sufficient legislations on security and rule of law as well as basic capacities to maintain the rule of law despite some of the government's endeavours to reform and restructure the institutions are lacking.
- Traditional/ clan and religious leaders' direct involvement in resolving crime cases by customary methods has weakened the law enforcement institution's responsibility in maintaining law and order, and as a consequence, encouraged armed youth to commit more crimes and be free;
- Fragile security situation and growth of criminal networks involved in highly lucrative activities including kidnapping of aid agencies foreign staff members⁶, human trafficking across the Gulf of Aden (Tahriib), arms trafficking, and despicable sea piracy;
- Loose guns in the hands of the public sustains delinquency and robbery, increases rape incidents, revenge killings, illegal roadblocks and a number of political assassinations;
- Conflicts over scarce resources such as water, pasture, land tenure and urban land disputes;
- The level of public engagement, awareness and community participation in the security sector remains weak.

One of the key findings in the "Dialogue for Peace" Programme was the dire need for strengthening the security sector because of the impact on both the consolidation of peace and the promotion of good governance.

As described in the Introduction, the Security and Rule of Law Pillar Mapping Exercise underwent different stages ranging from appraisal of the overall security situation to

⁶ No kidnapping of aid agencies foreign staff members has been reported since the current administration was instituted in January 2009.

field data collection and assessment and arrangement of a number of consultative and advisory meetings in order to document the major challenges to Security and Rule of Law and related issues in Puntland. This Note also encompasses broader views of stakeholders on peace, security and stability, and the interaction and compatibility of the traditional justice system and its applications vis-à-vis the State Law. The Note overviews the current status of Security and Rule of Law and details the following fundamental challenges to the improvement of the Security and Rule of Law: i) Weak Peace and Security, ii) Inadequate Rule of Law, iii) Institutional Challenges, iv) Widespread Poverty and Unemployment, v) Piracy and its consequences in terms of Security, and iv) Challenges to Social Reconciliation Processes, including the impact of cross-border incidents.

2.2 Background

Somalia gained independence from the union of Italian Somalia and British Somaliland Protectorate in 1960. The first nine years of an independent Somalia enjoyed the experience of the application of a national constitution, three democratic elections, two prime ministers and the first two elected presidents replacing each other peacefully. Nine years of civilian rule ended up in a military coup d'état on 21 October 1969. Soon after power takeover, the Supreme Revolutionary Council (SRC) - a military junta led by Mohamed Siyad Barre - abolished the national Constitution and dissolved the Parliament. All executive members and prominent politicians were imprisoned and the country was ruled by a military dictatorship where the whole judiciary system came under the firm grip of a police state. Civilian courts ceased to function as "National Security Courts" took their place instead. The rule of law was changed by an uncurbed arbitrary exercise of power by the state. This led to the eventual rise of clan-based armed movements of which the first three had been the Somali Salvation Democratic Front (SSDF) formed in 1978, the Somali National Movement (SNM) formed in 1982 and the United Somali Congress (USC) formed in 1988. All three movements were based in and operated from Ethiopia. A multitude of other armed opposition fronts formed along clan lines followed suit and this eventually culminated in the fall of the regime and the total collapse of the Somali State in 1991. Consequently, whatever justice and security system existing had been destroyed, giving way to lawlessness, clan confrontations and the disintegration of the country into clan-based enclaves, weak administrative regions and a breakaway region.

Successive devastating civil wars, primarily based on clan fighting, took the lives of hundreds of thousands of Somali people. Others fled the country and untold numbers left their home and sought refuge in peaceful areas within the country as Internally Displaced Persons (IDPs). The country degenerated into a number of clan fiefdoms ruled by warlords striving for power. The struggle was, for some groups such as United Somali Congress (USC), expansionism and territorial occupation/ gain, while others tended to defend their clans on the one hand and on the other hand to repulse the expansion of others. Technically, the USC and SNM inherited the state's political

power, as they occupied the two major capitals of Somalia. The whole country lived without peace and its people in permanent fear. Over the span of two decades, about eight National Reconciliation Conferences and six Meetings⁷, mostly supported by the International Community, were held but have not yet succeeded in producing a sustainable and credible government. The Somali factions⁸ who have been party to the conflict were unable to find a way to reinstate nationhood and pull the country out of statelessness.

However, not all parts of the country are in chaos. The northern territories (Puntland and Somaliland) have established relatively functional administrations despite being politically diverse and experiencing the impact of the violent conflicts in south and central regions of Somalia.

Puntland, comprising Bari, Karkaar, Nugaal, Eastern Sanaag, Haylaan, Sool, Ayn and north Mudug regions, emerged in 1998 out of a fragmented Somalia. Based on a non-secessionist policy, Puntland established its own regional administration that enjoyed a relatively stable and secure environment for almost twelve years. A PDRC and Interpeace study states that *“the administration worked with prominent community elders and former police officers to establish the first units of the police and the Darawiishta (field forces) and launched a campaign to clear the Charcoal Roadblocks.”*⁹

It is only in the last few years that security in general has started to deteriorate in a way that has generated serious concerns both within Puntland and the Horn of Africa region. From the spread of religious radicalism, proliferation of politically motivated assassinations to piracy off the Somalia/ Puntland coast and hostage taking in main urban areas and attacks on international aid agencies resulting in the partial withdrawal of international staff, which hampered the development and political transformation of the area, the area has been experiencing security problems. However, hostage taking in urban centers and attacks on international aid workers have not occurred in Puntland since the current administration was instituted in January 2009. In addition in 2010 there has been some improved engagement in the security sector with the recent defeat in Galgala Mountain (Bari region) of Mohamed Said “Atom” militia, known to belong to Al Shabaab, as well as the imprisonment and conviction of hundreds of pirates. Consequently, political assassinations have been reduced.

⁷ Interpeace, The Search for Peace – History of Mediations in Somalia since 1988, May 2009, p.10.

⁸ There is no official list of Somali Factions that feuded in both the political and the battlefield arenas. However, the most common factions are the 14 signatories of the General Agreement signed in Addis Ababa, on 8 January 1993. The Somali National Movement (SNM) did not take part in any of these reconciliation processes. Its southern faction, the Southern Somali National Movement (SSNM), took part.

Ibid, p.75-78.

⁹ PDRC and Interpeace, Puntland Experience: A Bottom-up Approach to Peace and State Building, The Search for Peace, 2008, p.26.

The engagement of the traditional elders and other stakeholders has contributed to maintaining the Nugaal region's security. An agreement was signed by the Nugaal elders to end impunity within their area and a Joint Security Workshop brought together the community elders, the Puntland authority and representatives of the international community. The initiative did not conclusively bear sustainable results, in part because of a lack of a coherent coordinated support for this approach by key international organizations (notably the UN) and lack of engagement by the regional authority at that time. Nevertheless, one positive outcome was the emergence of a community-based neighbourhood watch in Garowe through joint efforts by the local authority, police, and community (see below under 'Institutional Challenges').¹⁰

Public concerns about the weakness of security and rule of law reflect the outcomes of the previous Dialogue for Peace Programme, which highlighted that development and good governance, can only be achieved in a peaceful and secure environment.

Pillar objectives

This pillar note intends to appraise and highlight the major problems and constraints in the security situation in Puntland and to establish a shared understanding of the challenges and impediments to security, rule of law and social reconciliation in Puntland as reflected by the different stakeholders' groups. The assessment for the Security and Rule of Law pillar covered a large geographic area and engaged over 400 people representing all ranks and levels of Puntland society.

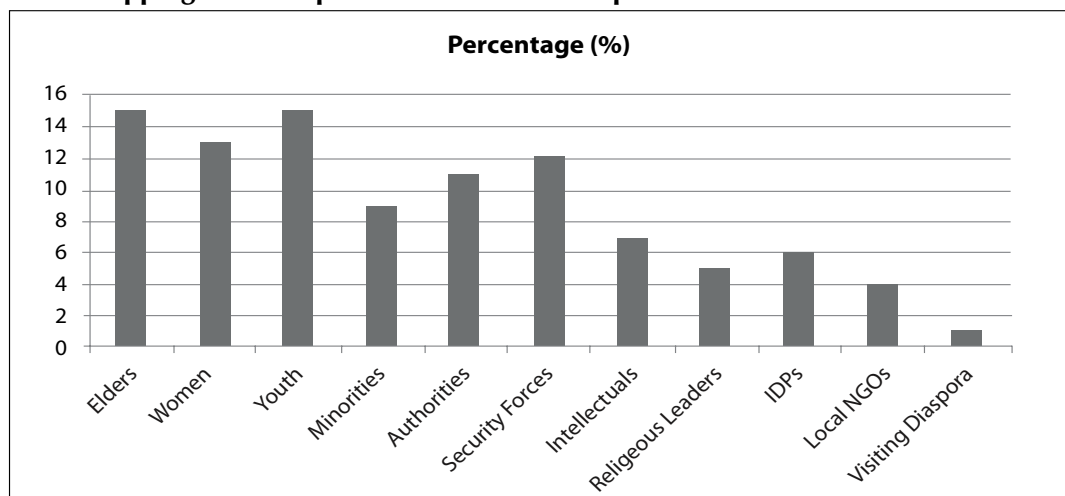
The tables below illustrate the spectrum of participants who participated through focus group discussions, consultation meetings and individual interviews.

Number of Participants to the Security and Rule of Law

Stakeholders group	Total Participants	Percentage (%)
Elders	63	15
Women	57	13
Youth	67	16
Minorities	38	9
Authorities	49	12
Security Forces	54	12
Intellectuals	32	7
Religious Leaders	22	5
IDPs	28	6
Local NGOs	19	4
Visiting Diaspora	5	1
TOTAL	434	100

¹⁰ PDRC/ Interpeace, Joint Security Workshop, Garowe, August 2007.

Pillar Mapping Exercise per Stakeholders' Groups



The following major challenges to the enhancement and development of Security and Rule of Law were identified during the Pillar Mapping Exercise:

- Weak Peace and Security
- Inadequate Rule of Law
- Puntland Institutional Challenges
- Widespread Poverty and Unemployment
- Piracy and its Consequences in terms of Security
- Challenges to Social Reconciliation Processes

2.3 *Weak peace and security*

Generally, the peace and security situation in Puntland is weak and volatile. During late 2009 and early 2010, Puntland witnessed several targeted killings of prominent political and business figures, including the murder of three members of Parliament (MP) and a first degree court judge of Bosaso and the attempted assassination of the Speaker of the House of Representative (HoR), which all signalled the alarming security situation that Puntland is facing. Not only prominent judges and MPs are targeted, but also youth, security officers and other peace activists. Although both the general public expression and the government statement in February 2009¹¹ recognize the improvement of peace and security as a priority, the majority of the Pillar Mapping participants said that at present, Puntland endures security and stability difficulties. A participant to a focus group discussion representing the Eastern Television Network (ETN) in Bosaso reflected this view: *“the peace in Puntland is not on firm ground (...) though there is a relative peace. It can weaken quickly.”*¹² Moreover, the fast changing

¹¹ The Puntland vision was defined as followed at the time of the meeting between the Puntland government and the international community on 18-19 February 2009: Puntland Re-engagement Policy - Puntland Vision: “Through popular collective engagement and determination, and under the leadership of state organs and with the support of the international community, Puntland is striving to achieve general well-being where all its inhabitants enjoy the benefits of peaceful, just and productive life. Similarly, Puntland shall be committed to contribute to the same goals for the whole of Somalia.”

political, economic, social and security problems in Somalia often exert pressure on Puntland.

The table below illustrates the increase of intentional killings in Puntland over the past four years (noting also that not all criminal incidents are properly recorded). These consist mainly of organized killings; revenge killings; and deaths from clan-based fighting. The number of killings increased from 118 cases in 2006 to a high 216, almost double, in 2009, mainly due to increased clan-based conflicts and the increased number of youth joining the piracy operations. Vessels hijacked by pirates refer only to incidents in and around Puntland and held within these waters at pirate enclaves in some coastal towns. In the case of rape incidents, these are rarely filed because of cultural taboo attached to the victims and therefore figures for rape incidents are under-reported. Records of drug-related security incidents gradually decreased from 91 cases in 2006 down to 68 in 2009.

Reported criminal incidents per categories from 2006-2009

Incidents	2006	2007	2008	2009	Trend over the period 2006-09
Killing	118	126	163	216	+ 45 %
Car Hijack	92	172	183	120	+ 30 %
Rape	47	19	36	36	+ 23 %
Kidnapping	17	26	31	31	+ 45 %
Vessel Hijack	8	11	26	24	+ 67 %
Drugs Related Crimes	91	82	70	68	- 34 %
Total	373	436	509	495	29 %

Source: Puntland Police, Garowe, 2009.

Spread of firearms

The proliferation of arms in the hands of the public is a serious problem for peace and security in Puntland. A large majority of the 400 persons consulted said that unless people are disarmed there would not be peace and security. A former teacher noted that *“people can own a gun, but legally.”*¹³ The majority of the participants believed that one of the main challenges to Security and Rule of Law lies in the huge number of guns in public possession. A participant of the Pillar Mapping commented *“the firearms in the hands of [irresponsible] people are just too much (...) it is only a matter of little quarrel between two men (...) and the bullet is out of the barrel of the gun!”*¹⁴

Traditionally, camel and cattle rustling practices motivated Somali pastoralists to carry weapons. As a legacy of the civil war, guns and automatic weapons spread in the urban and rural settlements as an elder stated: *“the public is armed in groups, sub-clans*

¹² Farah Adeed, Focus Group Discussion, Bosaso, 22 July 2009.

¹³ Said Ayuub Barjeeh, Focus Group Discussion, Baran, Eastern Sanaag region, 24 July 2009.

¹⁴ Shire Mohamed Salah, Focus Group Discussion, Baran, Eastern Sanaag region, 24 July 2009.

and in clan militias across Puntland. Without disarmament, we cannot expect reliable security and effective execution of rule of law system.”¹⁵ A statement confirmed by the Mayor of Uffein district during the Puntland Stakeholders Meeting who explained that “weapons available at will in markets and in big numbers is a major obstacle to security. At least this should have been discouraged.”¹⁶ Yet, the possession of firearms by the public and its control is seen from different perspectives by the people in Puntland, some, although less in number, even questioning the proportion of firearms in the hands of the public.

Those consulted are willing to see the public disarmed even though the strategy and the approach to be adopted are not clear or agreed upon. The Director of the Puntland Good Governance Bureau, justified the problem of small arms possession by arguing: “In most cases people keep weapons for self-defence; therefore, confiscating it from them will be quite a difficult job. Perhaps, at the moment, registering and providing legal ownership licences could be the most advisable option.”¹⁷

The World Bank/ PDRC Somali “Conflict Analysis” report indicates that armed public is a challenge to rule of law since “many lineages possess vast amounts of arms, which enable them to be stronger than the police in specific, and therefore a challenge to rule of law.”¹⁸

People are not only worried about the huge numbers of guns/ firearms in the hands of the public, but also distressed by the disparity of weapons between clans and politicians as well as by the disproportion (i.e. heavy weapons). That also complicates the disarmament strategy, with respect to the way of achieving simultaneous disarmament among holders of weapons and explosives.

The issue of widespread access to arms was also identified as a critical issue in the Peace Mapping Study (PDRC/ Interpeace 2009)¹⁹. In late 1998 and beginning of 1999, a number of former clan militias were recruited into the newly established “Daraawishta”²⁰ (Field Force) who focus on internal and external state security. The militias were supposed to bring their guns, thus extracting a sizeable number of guns from the public into government hands. The first batch of security forces recruited by the nascent administration in 1998 was estimated at 3,530 of which about 80% had their own guns.²¹ However, subsequently most of these guns returned into the hands

¹⁵ Said Hassan Hagi Dhahar, Focus Group Discussion, Eastern Sanaag region, 25 July 2009.

¹⁶ Mayor of Uffein, Puntland Stakeholders Meeting, Garowe, 25 May 2010.

¹⁷ Said Farah Mohamoud, Puntland Stakeholders Meeting, 25 May 2010.

¹⁸ World Bank/ PDRC, Conflict Analysis Region Report, Puntland, August 2004, p.25.

¹⁹ PDRC/ Interpeace, Puntland Experience: Bottom-up Approach to Peace and State Building, The Search for Peace, 2008, p.26.

²⁰ The word “Daraawishta” derives from the name of a well-known freedom fighter – Sayid Mohamed Abdullah Hassan, in early 20th century, also known as “The Warrior Mullah”. Sayid Mohamed is also known to the British as “The Mad Mullah”.

²¹ Col. Yasin Omer - Security Advisor to the President, Interview, 15 April 2010.

of the public when the Darawiishta disintegrated during the constitutional conflict in 2001. The exact number of the Puntland security forces at the time of the constitutional crisis was not known due to the existence of a huge number of “*caagle*” (ghost) soldiers in the payroll. Establishing accurate figures has always been a serious challenge but it is estimated that about 2,300 - 2,500 guns were returned to members of the public²².

Effects of fighting in the south and central regions of Somalia

In all the districts surveyed, people identified the on-going fighting in south and central regions of Somalia as having direct implications for Puntland's peace and security. The participants emphasised that Somalia is an integrated country and that consequently no particular enclave or part of the country can be safe while violent conflicts are continuing in other parts. Some participants saw the Somali problems as having a more significant regional than local dimension. Other participants recalled the threat from the Islamic Courts Union (ICU) in 2006 to destabilise Puntland security in general and Galkayo in particular. During that period, the advancement of the ICU towards Galkayo caused havoc with the movement of trade and of people south and north across this important junction. The influx of large numbers of IDPs from south-central Somalia is another factor of security concern.

Weaknesses of security services

In the visited districts across six regions of Puntland, there are no security forces or police in the rural areas. Police officers are concentrated in towns, while the rural areas security services are not provided. The justification for this lack of services is generally attributed to the low salary of police officers which is not sufficient to support their families in these remote districts. As a result, incidents are dealt with by elders who use traditional mechanisms to sort out and resolve all security related problems as well as engage armed youth to apprehend culprits (see – 2.6 on *Challenges to social reconciliation processes*).

Under the previous administrations, the police and other security forces did often not receive their salaries for months. This has improved significantly under the present administration with the security forces receiving regular salaries – but the amount is not enough to sustain them. On average, police officers receive a monthly salary of US\$ 50²³, which is low for a police officer who has to work in a volatile security environment. This undermines the effectiveness of the police as an intellectual in Bosaso commented “*if the government will not pay them enough (...) then somebody else will pay and use them!*” Similarly a participant of a focus group discussion in Baran said: “*a policeman whose basic needs are not covered will definitely look for alternatives (...) he might become a pirate or else?*”²⁵

²² Col. Yasin Omer - Security Advisor to the President, Interview, 15 April 2010.

²³ Ali Mohamed Abdurahman, Interview, Garowe, 20 December 2009.

²⁴ Dr Yassin Farah, Interview, Bosaso, 18 July 2009.

²⁵ Ahmed Hassan, Focus Group Discussion, Baran, Sanaag region, 24 July 2009.

Participants everywhere agreed that the security staff in Puntland did not have the general support of the public. Most of the commanders of the security staff are remnants of the previous regime and former member of Somali Salvation Democratic Movement (SSDF), or are new recruits, who have not received enough training or upgrading courses. The Mayor of Gardo commented *“they are [the security forces] of Mohamed Siyad Barre regime, all outdated and technically redundant.”*²⁶ This situation reduces their effective interaction with the community during operations and undermines the trust of the public in general.

Yet, another major challenge to the policing system is the lack of civic responsibility. This was seen by many participants as an additional hindrance to the government’s efforts to overcome crime perpetration. A woman activist who participated to the Puntland Stakeholders Meeting (PSM) put it this way: *“People often harbour criminals and prevent them from police apprehension. If the community collaborated with the security forces, no perpetrators would have gotten away with their crimes. That is why criminals are yet to be caught.”*²⁷ A view supported by the Mayor of Jarriban when he pointed out that it is actually *“the lack of support to the police (that) caused the lack of motivation from the police side. There are cases in which community members report criminals to the police but received no reaction. People are disappointed. There is no motivation; verbal or otherwise.”*²⁸ A representative from IDP camps in Galkayo also shed the light on the negative paying off collaboration between the inhabitants and the police as they are being discouraged to report to the police out of fear of collective punishment: *“There is a need to confine penalty only to those who committed a crime and not to punish also their families. Sometimes, innocent people are put into custody simply because they are relatives of a crime suspect. This makes people reluctant to report to the police.”*²⁹

Thus some participant argued, as this civil society representative that *“there is a need to wage an extensive awareness program. People do not know that government staff works for them and that if they do not cooperate both parts will fail.”*³⁰

The religious militancy

Koranic schools provide the basis for traditional and spiritual informal education for almost every Somali child. They *“are traditional institutions of learning that impart basic principles of Islamic education to children, boys and girls alike. Somalis consider the Koran as a moral and religious obligation and all children who can be spared by the family from work attend Koranic school at an early age.”*³¹ (The exception may be

²⁶ Osman Buuh, Interview, Gardo, Karkaar region, 15 July 2009.

²⁷ Halima Barre, Puntland Stakeholders Meeting (PSM), Garowe, 25 May 2010.

²⁸ Xaarin, Mayor of Jarriban, PSM, Garowe, 24 May 2010.

²⁹ Malyun, PSM, Garowe, 25 May 2010.

³⁰ Faduma Ibrahim, PUNSAA, at PSM, Garowe, 25 May 2010.

³¹ WSP, Rebuilding Somalia: Puntland Opportunities and Possibilities, 2000, p.188-189.

children from nomadic families who may not have the opportunity to attend koranic schools and often remain illiterate). However, some of the people consulted during the Mapping Exercise expressed concern over the output of the current Koranic schools at this stage, especially in urban settlements. Unlike, the traditional curriculum, some participants believed that additional “extremist” teachings have been inserted into some of the present Koranic schools. Others, though small in number, suspect that recruitments for extremist groups operating in the south and central regions of Somalia takes place in the koranic schools as a participant explained: *“here in Dhahar, there is a strange case – some families are accusing some religious men of sending their children to South/ Beletweyne, but without their knowledge and consent, to be trained. The issue is very sensitive and turned into an open conflict. Elders are now dealing with the dispute.”*³²

2.4 Inadequate rule of law

The traditional system of rule of law (Xeer) and the Sharia (Islamic Law) were concurrently used in Somalia before the colonial powers introduced the secular system³³. These three systems coexisted and complemented each other in different cases and levels within the Somali society. The customary and the Sharia laws were mainly used in, but not limited to, the pastoral areas, while the secular system became the law of the State. During the past decades, there has been a noticeable return to the customary and Sharia as the main systems of law in the absence of the “State”.

During the protracted civil war in Somalia for over two decades³⁴, all national state apparatus for rule of law such as courts, prisons, police, etc., virtually disintegrated, which contributed to complete state collapse. This presents challenges for not only the restoration of the rule of law but also in addressing the loss of public trust and associated civil obedience.

Following the formation of the Puntland State in 1998, efforts have been made to establish a formal legal system and Puntland today has 23 First Degree Courts (in 23 districts out of 36), with 3 functional Appeal Courts in Bosaso, Garowe and Galkayo.

Customary versus secular laws

In all the areas visited, the traditionalist participants believed that the informal justice system - using customary law and implemented by the elders - is more efficient at present than the official secular judicial system under the control of the administration. The customary and Sharia systems are more conducive to easy and effective solutions than resorting to a court of law, whose procedures require complex action-documentation/ investigation, lawyers and a lot of paperwork.

³² Abdi Ali Farah, Focus Group Discussion, Dhahar, Sanaag region, 26 July 2009.

³³ PDRC, Somali Customary Law and the Traditional Economy, August 2003, Garowe, p.18-23.

³⁴ There is no agreed upon date of the start of the Somali civil strife. Among the analysts of the Somali conflict there are those who think that it actually started in 1990 when the government totally collapsed, and those that believe that it started well before that, in 1977, when the war between Somalia-Ethiopia ended.

Traditional elders are skilled in mitigating disputes and clan-based conflicts under the customary regulations and Sharia but at times their actions may also undermine the rule of law when defending criminals of their own clan. In August 2007, the Nugaal Elders met at PDRC conference hall and signed a declaration to end the culture of impunity for criminals (i.e. no criminal from their clan would any longer be protected by crossing the clan border to shelter amongst his clan). The Nugaal elders' declaration was intended to be the first step in a process towards ending the culture of impunity through which criminals avoid accountability for their actions by sheltering within their clan. In order for the agreement to be fully effective, the Nugaal elders began discussions with other clan elders to reach similar agreements but the process stalled³⁵.

Undefined district boundaries and accessibility

Participants in the Pillar Mapping from law enforcement institutions stated that there are no officially defined geographic and administrative boundaries of districts in Puntland. This is a particular issue for districts that have been recently established, such as Uffein, Rako, Wai'ye, etc. where disputes may be ignited over which of the districts have the right to collect municipal tax from a specific village that lies in a boundary area. Some participants complained about unnecessary delay by the Ministry of Interior³⁶ in demarcating the borders. An elder in Wa'iye wondered *"how can we form our (local) council and think of rule of law when we still don't know our borders, where our police cannot arrest a wrongdoer?"*³⁷

District and regional administrative jurisdictions of Puntland are lacking clear delineations; yet even the State's borders with its neighbours from the north and south-central are still undefined, as a participant from Galkayo recalled: *"Let alone the lack of internal jurisdictions, Puntland borders with south-central and Somaliland are not clear. You don't know where your jurisdiction ends as a State and where the other one starts."*³⁸

People also expressed concern over the absence of institutions in the majority of districts, such as courts. Out of the surveyed districts (15) the ones that have functioning courts were Badhan, Gardo and Jariiban, Bosaso, Galkayo and Garowe dealing mostly with civil cases. Most of the districts that do not lie on the tarmac road lacked functioning courts. Participants in focus group discussions in the remote survey target districts (off the tarmac road) such as Uffein, Goldogob, Jariiban and Eyl complained of government neglect of providing law enforcement institutions. There are no operational public

³⁵ The initiative was also part of the discussions between the Puntland Administration, representatives of the international organizations, community representatives and elders aiming to restore security and stability in Puntland through a Joint Security Action Plan (PDRC/ Interpeace, Puntland Joint Security Workshop, Garowe, August 2007).

³⁶ The frequent change of the ministries status and assignments has somehow caused the delays.

³⁷ Said Mohamed, Focus Group Discussion, 16 July 2009.

³⁸ Hussein Ahmed Nur, PSM, 25 May 2010.

services in their settlements. Similarly, the international community rarely engages in these areas. The government and the aid agencies are mostly limited to three districts (Bosaso, Garowe and Galkayo), which have functioning court system, prisons, police stations, although these facilities are poorly equipped and furnished.

Protection of the judiciary staff

Interviewed individuals and participants to focus group discussions indicated that courts' judges at all levels are not properly protected. A prominent judge, Mohamed Abdi Awaare, of Bosaso first degree court, was assassinated in December 2009, an act generally considered as a result of his court ruling against suspected extremists who were sentenced to five to ten years of imprisonment³⁹. The prosecutors and judges of major towns are now given limited bodyguard protection. However, armed militias often overpower the police and the custodian corps as the prison breaks that took place in 2007 and 2008 in major towns well illustrate⁴⁰. Bosaso district Chief Police officer admitted the limited power of the police officers: *"sometimes, we may not be able control certain disturbances, because those involved in the dispute use automatic firearm that we do not."*⁴¹

Participants expressed concern over uncoordinated police operations' incidents, clan persecution, and the intrinsic Dia payment by the government to the deceased or injured members of the sub-clan, which often leads to a prolonged cycle of revenge killings⁴².

2.5 Puntland's institutional challenges

Puntland government established its law enforcement institutions (judicial system, custodian corps and the police force) right from its inception in 1998. The structures of these three key law enforcement institutions were established at different levels and jurisdictions, with capacities ranging from poor to mediocre in terms of infrastructure and staff. There are 36 districts⁴³ in seven regions, which, though they have official status, do not have an adequately functioning judicial system. In these jurisdictions, the actors involved consist of a number of state institutions that are legally mandated to enforce peace and use force. Clan militias and other armed militias use force when necessary, but are not legally authorized to do so⁴⁴. There are also non-statutory civil management organizations that influence the security and rule of law, such as the media and civil society organizations.

³⁹ Garowe Online, Killing in Bosaso, December 2009; available on: www.garoweonline.com.

⁴⁰ Galkayo in 2007, Bosaso and Garowe in 2008

⁴¹ Salaad Mohamed Yousuf, Interview, Bosaso, March 2008.

⁴² Revenge killing in the pastoral community is considered as a judgement aimed at punishing or penalizing somebody who committed a crime against a relative or a close kin. Most of the killings are settled at community level, through the payment of Dia (blood compensation), which is usually distributed to the members of the deceased lineage. That can lead to the closest kin of the deceased committing revenge killings because they do not consider the money that went to other people as real (or sufficient) compensation.

⁴³ Ministry of Interior and Local Governments - see below 6. *Challenges to the devolution of power to local authorities*

⁴⁴ The right to exercise some powers and mandated activities are often disputed among the actors (i.e. Elders, police chief, mayors, court judges and prison chiefs).

“The rule of law is more than just a set of rulers and their judicial application. As a much-advocated theory in development studies, the rule of law is also a matter of policymaking institutional development and international politics.”

Source: Helen Yu and Alison Guemsey, *What is Rule of Law*, World Bank, September 2009.

Judicial system

As indicated above, people expressed little trust in the courts. The blending of Sharia, Secular and Customary laws without clear separation of judicial jurisdictions has shed doubt over the credibility of the courts. Some people preferred the Sharia Law to prevail in all judgments, while others opt for the secular system (which is consistent with the Sharia according to the Puntland Constitution, Articles 1, 3 and 9).

The lack of action on cases involving gender-based violence provides one illustration of the lack of confidence in the judicial system. A woman representative from Tadamun Association for Social Services (TASS) in Galkayo explained that *“the law enforcement institutions rarely respond to cases of gender-based violence. Approximately 367 cases were reported from 2007 to 2009 including domestic violence, rape and child abuse, but only few got the attention of the law enforcement. Another issue is that there are many women who are not at all aware of the fact that they can forward their complaints to the law enforcement institutions.”*⁴⁵

The level of education, experience and status of the judges are often questioned. For example, the Puntland judicial system consists of the Supreme Court, First Grade and Appeal Courts but all these courts lack experienced and professional staff which impacts on their effectiveness (see above – 2.4 inadequate rule of law).

Finally, there has been inadequate investment infrastructure in the judicial system. Apart from a few court buildings rehabilitated with the assistance of Diakonia (a Swedish NGO) in 2005-6, almost all courts are either rented buildings or/ and in a dilapidated state with very poor equipment.

Security sector governance

The majority of the people consulted during the Pillar Mapping maintained that one of the main challenges to the proper and effective functioning of the security forces and the judiciary system is that the state is unable to provide adequate resources in terms of salary, benefits, and operational means for engagement. The budget allocated to the security sector supersedes any other heading in the governments’ annual budget. In 2003, it represented 46% of the overall ordinary budget, while in 2006 it was suggested to increase it up to 55%. The high percentage of public revenue allocated to the security sector is generally accepted simply because people are in dire need of reliable and sustainable peace and security – but it has not yet translated into reliable services for upholding the rule of law.⁴⁶

⁴⁵ Khadro, Galkayo Mudug Region, Focus Group Discussion, 22 December 2009.

⁴⁶ PDRC/ Interpeace, *Funding the Future, Dialogue for Peace Programme*, 2006, p.18.

Police officers who were consulted expressed their concern over the police personnel's understanding of the legal system and principles of public protection. There is a strong clan-based perception⁴⁷ that influences the police operations. In addition, the hierarchy and chain of command is often not respected, causing concern over the police forces' discipline and overall reliability.

Another gap is the absence of a formal working relationship between the community and the police force at different levels. Yet in Garowe, the administrative capital of Puntland, an attempt has been made in 2008 to address this through joint training programmes for representatives of the local authority, the police, the community and members of the community security force⁴⁸. These trainings have enhanced the partnership between the stakeholders - identified as a factor contributing to improved local security in Garowe - and encouraged other districts to undertake similar initiatives.⁴⁹

The police officers on duty are perceived to consist of three categories: a) Inadequately trained officers⁵⁰, b) Former military personnel, and c) Aging police officers. The lack of police training programmes and other much-needed capacity building is a factor in police officers lacking capacity to properly execute law enforcing duties. Those police officers who do have the necessary skills are constrained in their work by clan interference, civic disobedience and lack of public confidence and support. The table below illustrates the level of training and the number of police officers in four representative police stations in Puntland (Gardo, one of the four police stations in Bosaso, one of the two in Galkayo and one in the remote area of Uffein).

According to Puntland Ministry of Interior, there are a total of 30 police officers in Gardo, the home of the Karkaar regional administration, of which only one is a woman⁵¹, three actual police officers and the rest are a mixture of ex-army, trained and non-trained militiamen. Similarly in Galkayo and Bosaso, though the number of women police officers is slightly higher, professional police officers are scarce. Lastly, in Uffein, the situation is very different since there are only four ex-policemen, the rest being clan militia who know little about policing skills.

⁴⁷ Although not all clan elders perceive the police in the same way, some of them regard it as a threat since they do not represent their interests and therefore reject their services.

⁴⁸ Some communities established vigilant forces through recruitment of their youth in their respective quarters.

⁴⁹ PDRC, Training Workshop for Neighbourhood Security Committees of Garowe Town, 5-7 August 2008.

⁵⁰ Recruited police officers undergo few weeks training at Armo Police Academy in Armo district, Bari region, which is not enough for a police officer deployed in difficult security and administrative environments.

⁵¹ The exact number of police women is not available but Armo Academy has been training women police officers since it was commissioned in early 2005.

Number of police officers

Location	Total police off.	Sex		Trained Militia	Not trained Militia	Profess. policemen	Officers in service	
		M	F				Ex-Police	Ex-Army
Gardo	30	29	1	6	19	5	2	3
Bosaso Central Station	45	40	5	35	0	10	3	7
Galkayo Central Station	42	40	2	10	16	11	0	5
Uffein	10	9	1	8	2	0	0	0

Source: Puntland Police, Garowe, March 2009.

Generally, public engagement in maintaining security is not an exhaustive factor of the government's general Security Policy and Strategy, which does not include the implementation of community policing systems in main urban centres, neighbourhood watches, etc. The whole coordination system of operations is absent. The Mayor of Jarriban deplored in this regard: "...there are daily security and crime reports from districts and regions to the Ministry of Security and DDR, but rarely do these reports receive response from the authorities."⁵²

Lack of investment in infrastructure of police stations and prisons is another challenge. The physical structure of the police stations throughout Puntland is in very poor condition, with buildings dating back to the colonial era in most of the old districts.

The Puntland Central Prison, located in Bosaso, was built in 1996 through a limited community contribution and later refurbished with the assistance of the United Nations Conference on Trade and Development (UNCTAD). Its official capacity is 230 inmates of both sexes but the prison hosted 381 inmates (6 of them female) in 2009. The prison guards are composed of 150 custodian officers (including 10 women). The inmate-warden ratio⁵³ is one of the highest in the world: 2.5:1.

The prison facilities in Garowe, Galkayo and Badhan have no adequate utilities and sanitary facilities. There are 40, 87 and 33 custodian officers in each of the prison facilities respectively, responsible for 50, 120 and 20 inmates. As for the inmate-warden ratio it is of 1:1.3 (Garowe), 1:1.4 (Galkayo); 1:0.6 (Badhan).⁵⁴

In Gardo, a more or less up to standard prison was constructed by UNDP in 2006. However, the facility is not yet operational. It is not yet furnished and no staff is available to date, even though efforts to furnish the facility are slowly progressing through the UNDP Rule of Law programme.

⁵² Abdulaziz Sheikh, Interview, 5 August 2009.

⁵³ The number of prisoners to every prison guard.

⁵⁴ Interview with prison chiefs and deputies, March 2010.

The main problems facing the prison facilities in Puntland can be summarized as:

- Unqualified - lack of capacity of custodial officers; they have not been properly trained;
- Underpaid - like the police and security corps, the prison guards receive low salaries (see 2.3 – Weak peace and security). All security officers, regardless of which corps they belong to, are remunerated on same salary scale and benefits;
- Poorly equipped facilities.

Media as a tool for peacebuilding

Media can constitute a very important means for security and rule of law if used appropriately. People consulted during the Pillar Mapping Exercise described the media as a double-edged sword since depending on how it is used media can easily contribute to insecurity or otherwise facilitate control and management of an evolving conflict. This was acknowledged by the manager of SBC radio who said “we (*the journalists*) have to be very careful, otherwise we can easily cause problems (...) but certainly the radio is a good teacher.”⁵⁵ Another media representative emphasised that media can be used as an effective peacebuilding tool: “We have to scrutinize all reports or programmes, because many people listen to us (...) we know that there are sensitive information. On the other hand we have to utilize the media as a tool for building peace through awareness programmes.”⁵⁶

Several media representatives and the authority expressed concern over the low level of journalistic education of the overall local media staff while others, especially members of the authority, expressed concerns about media freedom versus clan loyalty.

2.6 Widespread poverty and unemployment

“No society can surely be flourishing and happy, of which the far greater of the members are poor and miserable.”

Source: Adam Smith (1723-1790); *Wealth of Nations*.

This notion of Adam Smith in the 18th century has since proved true in many societies, with Somalia as one of the front-runners due to the prevailing high levels of poverty and unemployment. Somalia is one of the poorest countries in the world: the UNDP ranked Somalia as 172nd out of 174 countries categorized in 1996 according to the level of Human Development Index (HDI)⁵⁷. Since then, Somalia has been excluded from ranking on the HDI due to lack of data. Similarly, no actual and accurate indicators and/ or rates of poverty and unemployment are available in Puntland.

⁵⁵ Mohamed Deeq, Focus Group Discussion, Bosaso, 21 July 2009.

⁵⁶ Mohamed Ahmed Mohamoud, Interview, Bosaso, March 2009.

⁵⁷ UNDP - Human Development Index (HDI).

However, despite the lack of data, the majority of the people consulted are firmly convinced that the prevailing high poverty and unemployment rates are one of the prime sources of insecurity. These factors have substantially contributed to the escalation of violence on land and at sea. In Eyl and Gara'ad, elders and women (see 2.7 on Piracy and its consequences below) stated that the majority of the youth joining the sea piracy are unemployed nomad youth, attracted by the ransom payments and/or graduates of secondary schools who did not get the opportunity to carry on their studies or find employment⁵⁸. On the other hand, youth abandon the rural areas and move to urban settlements, as a participant stated in a discussion: *"There is widespread poverty (...) youth abandon the nomadic lifestyle and flock to towns and villages. They are reluctant to heed elders' advice (...) they only want to live by any means available to them (...) (and) before you tell them this is wrong or right they may already have become thugs."*⁵⁹

Some scholars⁶⁰ identify a direct relationship between "poverty" and "crime" or "security" and "development" in the sense that poverty breeds crime as security enhances the prospects of development in any society. In Puntland over 70% of the population are under the age of 30 years⁶¹ which appear to be the most reluctant to tolerate the effects of poverty and lack of occupation. Elders and intellectuals emphasised the link between poverty, youth and crime such as this elder in Uffein who explained that: *"Piracy thrives because of poverty. If youth were given to have other opportunities of employment or leisure activities, they would not have become pirates."*⁶²

According to Puntland Facts and Figures⁶³, over 52% of the population of Puntland are nomads. During focus group discussions in almost all visited areas, the participants showed concern over the depletion of natural resources that contributes to many nomadic families abandoning their occupation. Some participants from rural areas went even further to blame the authorities and the international community for limiting themselves to urban areas along the tarmac road⁶⁴. Within this complex livelihood system, the rural communities complained of not receiving their shares in the service delivery by tying it to what they really contribute to in terms of revenue of the state as did this elder in Ballibusle (a livestock rich village between Jarriban and Galkayo): *"We don't get development opportunities despite the fact that we're the biggest taxpayers, because we produce livestock (...) our children do not go to schools, animals don't get enough water. When our goats and sheep begin to die in the dry season the youth will go into the towns to become thieves."*⁶⁵

⁵⁸ Focus Group Discussion, Garad, 5 August 2009.

⁵⁹ Shire Mohamed Salah, Focus Group Discussion, Baran, Eastern Sanaag region, 24 July 2009.

⁶⁰ Joseph Williams, President of CAPA, Christian Association for Prison Aftercare, 2007.

⁶¹ Ministry of Planning and International Relations, Puntland Facts and Figures 2007.

⁶² Said Artan, Interview, Uffein, 16 July 2009.

⁶³ Ministry of Planning and International Relations, Puntland Facts and Figures, 3rd Edition, 2007.

⁶⁴ The 'tarmac road' is the main passable road of Puntland that goes from Bosaso to Gardo, Garowe and Galkayo.

⁶⁵ Ahmed Mohamed Yusuf, Focus Group Discussion, Ballibusle, Mudug region, 7 August 2009.

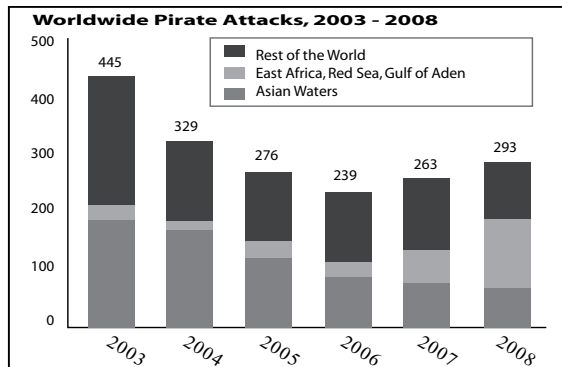
The elders in the rural areas also warned of the prospect of the negative impact of youth flocking to towns. Although the rate of flow of youth from the nomadic communities into the urban settlements is not actually known, participants expressed concern that rural youth will eventually overcrowd the urban centres with negative consequences for security.

2.7 Piracy and its consequences in terms of security

According to the United Nations Convention on the Law of the Sea (UNCLOS), piracy is defined as an “unlawful act of robbery or illegal violence at sea.”⁶⁶

Sporadic piracy operations in the waters adjacent to the Somali coasts, the Gulf of Aden and Indian Ocean, were first reported by the British Colonial expeditions in late 19th and early 20th centuries. Groups of sea gangs using rudimentary techniques and equipment occasionally attacked merchant ships and sail-propelled dhows but these operations ceased as colonial powers imposed their rule in Somalia in early 20th century. A new era of piracy has recently returned to the sea lanes of the waters surrounding Somalia as shown in the graph below:

Trends of worldwide sea piracy operations or attacks from 2003 to 2008



Source: Danish Institute for Military Studies (2009)

At the international level, piracy has become a serious and growing problem over the course of the 21st century. It attracted the attention of the whole world as it affected large portions of trade and, above all, the strategic interests of world powers. A number of warships are patrolling the Indian Ocean, the Arabian Sea and the Red Sea including the Gulf of Aden. Some are part of the North Atlantic Treaty Organization (NATO) and the European Union under the banner of “ATLANTA” Anti-Piracy Operation - primarily comprising the USA, Turkey, Italy, Spain, France, Germany, Holland, and the UK - while others are from China, Russia, South Korea, Japan and Iran.

⁶³ Ministry of Planning and International Relations, Puntland Facts and Figures, 3rd Edition, 2007.

⁶⁴ The ‘tarmac road’ is the main passable road of Puntland that goes from Bosaso to Gardo, Garowe and Galkayo.

⁶⁵ Ahmed Mohamed Yusuf, Focus Group Discussion, Ballibusle, Mudug region, 7 August 2009.

⁶⁶ UNCLOS, Convention on the Law of the Sea, Article 101, 1982.

In Puntland, piracy has become one of the sources of insecurity since late 2007, affecting the policy, economy and society as a whole. Sea gangs are armed with automatic weapons, boats and both conventional and digital communication equipment. They are organized primarily according to individual and mutual interests rather than clan lines. As the prosecutor of Karkaar region explained: *“Pirates live in Karkaar, Sanaag, Nugaal, Mudug and Bari regions. Law enforcement institutions cannot arrest them, because they have money and firearms. These institutions cannot deal with gangs that are more powerful and better equipped.”*⁶⁷

In the year 2008, the total amount of ransom money received by Somali pirate was estimated at about \$125m⁶⁸ as ship owners and the states of nationals on board hijacked ships continued to pay ransoms rather than support rescue operations by Puntland authorities. In 2008 Puntland security forces rescued two laden cargo boats and one vessel hired by Somali businessmen on their way to Bosaso and Berbera after they were taken over by pirates, with minimum damage in the rescue operations.

Pirates have been operating from the coastal settlements of Lasqoray, Bosaso and Alula on the Gulf of Aden and Hafun, Bayla, Eyl and Gara’ad on the Indian Ocean. More recent reports indicate that the main pirate base shifted from Eyl in Puntland, to Harardhere beyond the boundary of Puntland in South Mudug. The Mayor of Garowe indicated that Eyl is now free from pirates: *“both the administration and the community and religious leaders have worked hard to clear pirates from important town.”*⁶⁹

Piracy operations constitute a serious challenge and have wider implications in security and rule of law according to the people consulted during the Mapping Exercise:

- *Sea piracy is a source of insecurity in both urban and rural settlements.*
Feuding pirate gangs, sometimes under the effect of drugs, fight among themselves, creating an unsafe environment for the public. During police operations to arrest pirates, they resist and defend themselves with firearms.
- *Pirates promote lawlessness for their business to thrive.*
Millions of ransoms dollars are paid to organized pirates who see this as more of a lucrative industry than many hours in the sea searching for fish.
- *Piracy grossly disrupted fishing activities.*
A substantial number of young fishermen abandoned their artisanal fishing activities and joined the piracy business. Although some participants claimed more fish are available now than in the past because pirates scared off poaching by foreign trawlers⁷⁰, the local fishing business has also decreased substantially because of fears generated by piracy operations.

⁶⁷ Ismail Aw Ali, Interview, Gardo, 14 July 2009.

⁶⁸ US Congressional Research Services, Report on piracy in the Horn of Africa, April 2009. No data for 2009 are available to this date.

⁶⁹ Abdulaziz Nur Elmi, Puntland Stakeholders’ Meeting, Garowe, 24 May 2010.

⁷⁰ Focus Group Discussion, Eyl, 18 August 2009.

- Fishing populations in coastal settlements are decreasing as the livelihood of the coastal communities is disrupted by the pirate as well as anti-pirate operations.
- Pirates who receive large amounts of ransom money brought in negative, new social lifestyles in the community, such as excessive Qat consumption, alcohol and prostitution.
- The cost of living has increased due to pirates' attacks on merchant ships, and dhows bound for Puntland ports (Bosaso). As a consequence freight price in tonnage has dramatically increased, affecting retail price of consumer goods, especially essential food items.

Perceptions on piracy

On the one hand the international community, local community members and the administration perceive piracy operations as illegal, hence sea pirates should be duly punished⁷¹, a view illustrated by the following statement: *"Maritime piracy is a universal crime under international law which places the lives of seafarers in jeopardy and affects the shared economic interest of all nations. The United States will not tolerate a haven where pirates can act with impunity; it is therefore in our national interests to work with all States to repress piracy off the Horn of Africa."*⁷²

On the other hand large portions of Puntland's community consider the sea piracy operations as legitimate as the robbery of the marine wealth being done by foreign powers from Somali waters, their wealth being robbed by foreign powers: *"Foreign fishing trawlers are stealing our marine resources and devastating our marine habitat. They are protected by powerful international navies with their helicopters continuously, day and night, hovering over our houses. I lost my entire business. We live in constant fear!"*⁷³

This statement was echoed by the chairman of Gardo Youth Association who explained that he does *"not entirely approve their methods, but (he) believes that pirates fill a gap in Puntland, since there is no coastal guard unit to secure our coastline. Pirates serve that purpose, despite their unethical practices."*⁷⁴

One pirate chief justified his piracy as an act of revenge on those who steal his fish: *"I use to dive for lobster. It is all gone. Poaching foreign trawlers destroyed the entire seabed. I started to hunt for poaching trawlers who turned me destitute. I'm now a pirate (...) I hunt for any vessel."*⁷⁵

⁷¹ Joseph Williams, President of CAPA, Christian Association for Prison Aftercare, 2007.

⁷² Report Countering Piracy off the Horn of Africa, Congressional Research Center, USA - December 2008.

⁷³ Asha Abdulkarim – fish trader, Interview, Eyl, 19 August 2009.

⁷⁴ Ahmed Osman, Interview, Gardo, 14 July 2009.

⁷⁵ Interview, Eyl, August 2009.

However, despite the partial justification of the piracy by some part of the population, piracy activities have unquestionable humanitarian consequences as a Somali diplomat, Yousuf Omar Azhari, summarises: *“The Somali Pirate Conference laid bare the facts to the international community on the piracy menace, religious extremist and invasion of the Somali coast by trawlers. Pirates are not only a problem to maritime fleet but are a hindrance to humanitarian shipments. Humanitarian assistance including World Food Programme cargo cannot reach the hungry, the sick, the elderly, women and children in dire need of relief.”*⁷⁶

Impacts and effects of piracy at global level

- Piracy off the coast of Somalia has more than doubled in 2008; so far over 60 ships have been attacked. Pirates are regularly demanding and receiving million-dollar ransom payments and are becoming more aggressive and assertive.
- The international community must be aware of the danger that Somali pirates could become agents of international terrorist networks. An already money form ransom is helping to pay for the war in Somalia.....
- The high level of piracy is making aid deliveries to drought-stricken Somalia ever more difficult and costly. The World Food Programme has already been forced to temporarily suspend food deliveries. Canada is now escorting WFP deliveries but there are no plans in place to replace their escort when it finishes later this year.
- The danger and cost of piracy (insurance premiums for the Gulf of Aden have increased tenfold) mean that shipping could be forced to avoid the Gulf of Aden/Suez Canal and divert around the Cape of Good Hope. This would add considerably to the costs of manufactured goods and oil from Asia and the Middle East. At a time of high inflationary pressures, this should be of grave concern.
- Piracy could cause a major environmental disaster in the Gulf of Aden if a tanker is sunk or run aground or set on fire. The use of ever more powerful weaponry makes this increasingly likely.
- There are a number of options for the international community but ignoring the problem is not one of them. It must ensure that WFP deliveries are protected and that gaps in supply do not occur.

Source: Chatham House, *Piracy in Somalia: Threatening Global Trade, Feeding Local Wars*, London, 2009.

Piracy motivations

Sea piracy in Somalia was first started by aggrieved fishermen hunting for poaching fishing vessels or later on merchant ships carrying illegal charcoal cargo. Today however, pirates are attacking any type of vessel sailing along the Somali coasts and well beyond (a recent attack by Somali pirates captured a vessel that was nearer to India than Somalia)⁷⁷. The initial core persons of the sea piracy were former fishermen who, by capturing vessels, received sizable ransoms. Subsequently, the business ended up attracting hundreds of unemployed youth, business speculators and redundant former soldiers/militiamen. It eventually went out of their hands, as an elder in Gara`ad recounted: *“I was a successful fisherman in Eyl and Gara`ad for many years. My business thrived from marine resources trade in the UAE markets. Illegal foreign*

⁷⁶ Yousuf Omar Azhari, The Untold Story about Pirates and Trawlers, 9 February 2010; available on www.Allpuntland.com

⁷⁷ Inexperienced pirates boarded at least twice navy vessels patrolling the Indian Ocean waters of Somalia, because they could not differentiate between their prey and predator.

fishing trawlers rushed to our unprotected fishing grounds; we lost everything and fish catch quickly declined. We had no choice but to fight against these poaching foreign trawlers and chase them away from our fishing grounds. We know that taking hostage is inhuman, but on the other hand, it is as well inhuman to steal somebody's wealth. We cannot tell these young fishermen to refrain from going to sea to attack."⁷⁸

On the coasts of Puntland, pirates' attack from offshore have reached high levels (see box above)⁷⁹. Threats to both safe navigation and the delivery of humanitarian aid to needy refugees and IDPs in the Horn of Africa, commercial shipping and global trade also soared⁸⁰.

Eyl - Badey⁸¹ was the main anchorage site for hijacked ships⁸². Badey inhabitants expressed their suffering through media to the whole world. At the height of pirate hijacking operations, several international media channels visited the town. They interviewed many people in Eyl town and residents denounced the piracy and their supporters on the shore. One fisherman argued that piracy *"is a local challenge of global proportion."*⁸³

According to some international analysts, this is foremost a global problem for others: *"Despite the increase in presence and effectiveness of naval forces in the region, as well as the effectiveness of defensive and protective measures, pirate activity has continued and a number of commercial and civilian ships have been successfully attacked and seized. There are indications that pirates in the area continue to adapt their techniques and procedures in order to achieve success in capturing vessels, both in the [Gulf of Aden] as well as in the open ocean off the east coast of Africa, particularly in the increased distances that they are able to operate effectively off the east coast of Somalia potentially utilizing mother ships. Naval vessels patrolling the [Maritime Security Patrol Area] provide a measure of deterrence through their presence, but this is limited due to the vast area of the [Gulf of Aden] and is even less effective in the open waters east of Somalia. Given the high volume of shipping in the region, the safety of all ships cannot be guaranteed due to the often long response times due to the considerable distances involved."*⁸⁴

⁷⁸ Ali Ja'af, Interview, Gara'd, 5 August 2009.

⁷⁹ Resolution No. 1851 in December 2008 adopted by UN Security Council authorized to fight piracy and armed robbery at seas off the coasts of Somalia by all states and regional organisations.

⁸⁰ Roger Middleton, Piracy in Somalia: Threatening Global Trade, Feeding Local Wars, October 2008.

⁸¹ Badey is a quarter of Eyl, 4 km north on the coast. The main Eyl district town is situated in the gorge of Nugaal Valley about 4 km away from sea.

⁸² Though recent reports suggest that Eyl is no longer the main base.

⁸³ Haji Saide Waberi, Focus Group Discussion, Badey (Eyl), August 2009.

⁸⁴ American Congressional Research Service Report, 7-5700 - R40528.

2.8 Challenges to social reconciliation processes

Clan-based conflicts arise over the sharing of natural resources and land disputes, which can ignite terrible fighting with dire consequences. Other conflicts may be politically-motivated, involving different clans and interest groups. Although the nature of these conflicts varies from one area or context to the other, the results are the same – disrupting security and undermining rule of law. These problems occur both locally and arising from sensitive border disagreements.

Recurrent clan-based conflicts

During the past two decades, several recurrent clan-based conflicts have taken place in Puntland, mostly in the rural areas. An example is the Adaadda conflict (Burtinle district) where two neighbouring communities have fought over water and pasture. Although a reconciliation agreement was reached in 2007, the hostility has recurred since. In Uffein district (Bari region), from late 2008 until the end of 2009, two neighbouring communities fought over the establishment of new settlement and water reservoirs. Despite various attempts to end the hostilities the tension remains. The death toll in these two conflicts is 37. The origins of this conflict stem from competition over the ownership and control of natural resources – mostly grazing and water.

As I.M. Lewis noted in his Pastoral Democracy of 1961 – *“The northern Somali are essentially a warlike people who readily engage in battle or raiding to redress wrongs and injuries (...) and to gain access to natural resources or to conserve their rights over them.”*⁸⁵ Nowadays, the main pretext is that they claim to conserve the environment, rather than actually protecting their land for themselves. Each of the recent clan-based conflicts in Puntland derive from the establishment of new settlements or the excavation of new Berkeds⁸⁶. The conflicts often explode during the dry period: *“competition over pastoral resources is often exacerbated in the hot dry season of the Jiilaal from January to April.”*⁸⁷

⁸⁵ I.W. Lewis, A Pastoral Democracy, International African Institute, 1961, p.10.

⁸⁶ A Berked is an underground cement-lined water reservoir in the rural villages that have no sufficient permanent water.

⁸⁷ PDRC/ Interpeace, Puntland Experience: A Bottom-up Approach to Peace and State Building, The Search for Peace, 2009, p.58.

Complexity of Local Peace-making Processes

Local peace processes are the best means for resolving conflicts yet they face particular challenges at the implementation stage and in terms of sustainability:

Elders vs Young Militias – in the pastoral society the young militias usually abide by the traditional rulings of their elders. After almost 20 years of non-functioning state, a culture of men challenging their elders has gradually been built up. Local reconciliation initiatives are hence vulnerable, because the elders might succumb to the demands of young men, who are used by spoilers. Potential clan hostilities and the fact that young men are the would-be defenders sometimes make elders give in.

Militia Behaviour – Among the young generation, the culture of killing is thriving and regarded as normal undertaking in defiance of rule and order. It is a sign of pride, heroic and in some cases a blessed action.

Blood Compensation – Unless a genuine and substantial recompense is duly transferred to the family of the victim, it is very likely that revenge will replace the reward. Any compensation paid by the authorities on behalf of or forcefully taken by the authorities from one party to the other will not resolve the grief of the victims' close kin. Direct and publicly transferred Dia can only partially resolve the conflict.

Diversity of Actors – The actors of the process are not only those directly involved, but also the speculators and diverse interest groups who may come into the process of peacebuilding as undetected spoilers, concealed within their respective parties in the process.

Clan-based conflicts not only affect the rural communities, but also often escalate to urban settlements. Urban people may also aggravate the conflicts by providing both material and moral support to their relatives in the conflict area, including lethal firearms, ammunitions, vehicles and food. This is mainly due to politicians and businesspersons seeking their clan's security protection for their wealth and/ or the advancement of a political loyalty/ affiliation or status.

People in focus group discussions, including elders, blamed clan politics for most of the insecurities and bad governance. Clan-based conflicts pose major challenges to large portions of the society in the form of:

- Instigating general insecurity throughout the area, Puntland.
- Causing mass displacement of not only the feuding communities, but also other communities residing in or near the area of the conflict.
- Disrupting trade and safe movement of goods and people by erecting roadblocks.
- Curtailing the livelihood of the communities.

For instance in early 2008, fighting over the establishment of a new village and the excavation of new water reservoir broke out between two neighbouring communities in Uffein district (Bari region). Both elders and youth attempted to stop this bloody fighting, but with limited success. An articulate young man in Uffein highlighted the issue of impunity through clan protection of perpetrators by saying: *“When we try to convince our rural youth to stop fighting, they label us as cowards who do not defend the clan's pride and wealth. They only know to kill for clan pride.”*⁸⁸

⁸⁸ Abdulrizak Abdulkadir Ibrahim, Focus Group Discussion, Uffein, Bari Region, 16 July 2009.

The IDPs and their host communities

While the Internally Displaced Persons (IDPs) are at times blamed by their host communities for bringing in extremist elements, the IDPs consulted complained of persistent physical abuse by the hosting communities. Both complaints have substance but have never been properly addressed. IDPs, who were interviewed in Bosaso deplored the frequent harassment and, in some cases, rape and other kinds of physical abuse despite the fact that the IDPs' representatives consulted unanimously agreed that they are better off in the Bosaso slums compared to the unsecure situation in the south.⁸⁹ *"We're better off here (...) we can work and we're not afraid of mortars."*⁹⁰

In general, the security of the IDPs rests with their landlords who own the plots of land they live on. All 24 IDPs' camps visited during the Mapping Exercise have committees of elders who talk on their behalf and solve eventual disputes and conflicts within and outside the camps.

Yet, not all IDPs are concentrated in the camps. Some have established themselves in the towns and are running their own businesses. As a young man displaced from his home town, Baidoa (the capital of Bay region) who arrived in Bosaso 10 years ago and is today managing a wholesale clothing business in Bosaso well illustrates: *"We left Baidoa in 1992 because of the famine and the fighting between different factions. My father thought we would be better off in Mogadishu but this was not the case; the fighting there was between warlords and there were also gangs of clan militias killing and robbing people."*⁹¹

A municipal councillor in Bosaso believed that unless IDPs are registered, the town will be in permanent insecurity: *"IDPs should be registered and given Identification Cards. They settled in all corners of the town [Bosaso] (...) if their camps catch fire then the whole town will burn down."*⁹²

Minorities

The Somali clan structure is intriguingly unique. Thus the term 'minority' is used to describe a sub-clan whose members are far much smaller in numbers than their cousin sub-clan(s); therefore, the term '*Laangaab - short branch*' can be applied. The *Laangaab* is still a member of the bigger clan, and because of his/ her sub-clan's numerical exiguity, the *Laangaab* may be neglected in the process of political participation or getting a reasonable share in public positions – although short branches are not automatically socially excluded. Numerical strength of the sub-clan is what matters. The opposite of *Laangaab* is *Laandheere* (long-branch).

⁸⁹ Focus Group Discussion with IDPs, Bosaso, 14 July 2009.

⁹⁰ Faduma Abdalle, Focus Group Discussion, Bosaso, 7 October 2009.

⁹¹ IRIN, Radio talk show, Bosaso, 10 March 2010,

⁹² Said Gelle Yousuf, Focus Group Discussion, Bosaso, 22 July 2009.

The three presidents who succeeded since Puntland's inception may be attributed to such socially prevailing perceptions. Therefore, the word 'minority' changes meaning and significance in this context. In Puntland 'Minority or socially discriminated' groups are the Tumaal, Madhibaan⁹³ and Yibir. These groups complained of complete neglect and social stigma. They do not participate in the sharing of resources and job opportunities. They also disapproved being demeaned for their trade, deliberately neglected and excluded from participating in the state apparatus. A participant in a focus group discussion claimed: *"how can you ask me about security (...) when you don't ask me about my social status. When job opportunities and other resources are shared nobody calls us..."*⁹⁴ During the Puntland Stakeholders' Meeting, participants representing the minorities deplored the unfair labelling of 'minorities' generally given to them. They would rather be called 'socially discriminated', which in Somali sounds as *"Haybsooc"*⁹⁵ (see also *Decentralisation pillar*).

Not only the minorities are neglected from participating in political and social activities, but they are also unprotected during conflict. Traditionally, the communities that are smaller in number were protected by larger enabled communities through the establishment of alliances. For instance, the Madhiban in the Bari region often allied with other larger Majeerteen communities, while those in Eastern Sanaag had strong ties with the predominant Warsangeli community. In such cases, the minorities get both security and economic protections. However, the tradition seems not to be strongly honoured by the new generation particularly young members of the larger clans. Furthermore, the new Puntland Constitution legally protects the minorities⁹⁶, even though representation in the various government and state institutions is not guaranteed. There are no nominated members from the minorities in the House of Representatives though only one vice-minister from the Madhiban community is in the cabinet.

Cross-border conflicts

Besides the local internal conflicts, Puntland also experiences cross-border conflicts on its borders with Somaliland and Ethiopia (Somali State of Ethiopia) on the west and the central regions to the south. Recurring hostilities often threaten the security and stability of the area. In 2006, the Islamic Courts Union (ICU) attacked Puntland from the south, but was repulsed by Puntland forces with the support of Ethiopian army units. To the west, Lasanood is a town disputed between Somaliland and Puntland, according to claims respectively with clan allegiance for Puntland and geographic lines for Somaliland. Lasanood is currently occupied by Somaliland forces and neither direct nor mediated peace talks have yet taken place.

⁹³ There are other minority groups dispersed in major clans.

⁹⁴ Faisa Cali, Focus Group Discussion with Minority group, Galkayo, 24 December 2009.

⁹⁵ Haybsooc: literally means "Ethnically segregated People".

⁹⁶ Puntland Constitution, Article 23, sections 1, 2 and 3.

The overall view of the stakeholders consulted through interviews and focus groups on the southern and western areas can be summarized as:

- Puntland people consider the presence of Somaliland forces in Lasanood as an occupation and all the participants urged the Puntland administration to liberate the town. The mode of liberation is not clear but only a few participants in the Pillar Mapping Exercise suggested peaceful means of solving this problem.
- The most significant source of insecurity is from the south and participants accentuated the need for preparedness and vigilance.

In general, the security threat from these two fronts is enduring. An intellectual emphasised the territorial integrity of Somalia and its problems: *“it is as though you have a bad leg and, all other parts of your body also feel the pain (...) Puntland as a part of Somalia is not immune to the diseases in other parts.”*⁹⁷

In addition, clashes among the cross-border neighbouring pastoral communities are frequent, relating variously to:

- *Livestock rustling* – which could trigger armed confrontation between the communities on both sides of the border.
- *Revenge killings and blood retribution related issues* – usually criminals who commit revenge killing across the border, hide behind the lines of their militias or regular troops on the other side.
- *Pasture and water* – as rainfall is often more intensive on one side of the border or the other, nomads move where there is better grazing and water even if it is on the side of a hostile community. Consequently, fighting might erupt over a simple friction between camel or goats herders.

Galkayo – an important crossroads

Another area requiring careful attention is the complexity and volatility of Galkayo town and its administrative and social interactions among the various communities living or transiting in this important junction. Galkayo constitutes the epicentre of much of the social, economical and political troubles in the Mudug region as two distinct and often feuding administrations exist. Despite a number of peace and reconciliation processes, notably including the 1993 Mudug Peace Agreement⁹⁸, the Hawiye and Darood, two of the four major Somali clan families, engage in clan-based fighting along their common border. The clashes often take place in the rural areas where the nomadic communities are in constant search for pasture and water (see section on recurrent clan based conflicts above). A female participant from Galkayo deplored: *“We rarely feel secure. We live in a town [Galkayo] where tensions escalate within minutes over nothing. There are 64 sub-clans living in the south of Galkayo. Whenever any of these have disputes, the conflict that erupts spills over to the northern part of the town.”*⁹⁹

⁹⁷ Said Farah Mohamoud, Interview, Garowe, 10 December 2009.

⁹⁸ The 1993 Peace Agreement was the most important accord between the two main rival clans in Galkayo.

⁹⁹ Dahabo Mohamed Bare, Interview, Galkayo, Mudug Region, 22 December 2009.

2.9 Conclusion

During the past three years, Puntland has been experiencing growing insecurity. From a combination of recurrent organized criminal operations (e.g. politically motivated assassinations of prominent figures, revenge killings and explosions), to sporadic community-based conflicts, the area is virtually on alert. The effects and the consequences of insecurity led to stagnation of development and delivery of both the basic services by the various local authorities and humanitarian assistance by the international community.

Generally, people who participated in the Pillar Mapping Exercise unanimously acknowledged the delicate security and stability of the area. The outcome of the consultations stipulates the major challenges and impediments facing the overall improvement of security and stability of Puntland.

The anxieties and concerns of the public over the identified trends are growing. Among the categories of people interacted with, youth and women are most outspoken in expressing concerns over the situation of security and the rule of law. Specifically, women directly blamed men for the overall insecurity and lapse of security and rule of law institutions since, according to women, men and only men cause fighting and insecurity while women suffer the most.

The efficiency and capacity of civil society groups involved in the security and rule of law sector was seen as limited as they were seen as lacking the experience or expertise to participate fully in the maintenance of security and rule of law maintenance. The Ministry of Planning considered that only 20% of local NGOs in Puntland have the necessary basic capacity.¹⁰⁰

A notable omission during these consultations, including the Puntland Stakeholders' Meeting, was any reference or emphasis to the Puntland government's Security Policy and Strategy on security and rule of law. This seems to be in part because people are not aware of its importance and in part because of people's scepticism about the contemporary rule of law. The political dimension of security and rule of law is central to tackling the challenges outlined here, but those consulted appeared to primarily focus on the social and institutional dimensions.

¹⁰⁰ Mohamed S. Samatar, Interview, 12 April 2010.

The discussions around Security and Rule of Law that took place throughout Puntland as part of the Pillar Mapping Exercise highlighted a set of lingering areas around which divergences remain and thus require further particular attention:

WHAT ARE THE PROSPECTS?

1. Weak peace and security

The creation in Puntland of an effective system of Security and Rule of Law within a framework of democratic governance is essential. However, currently the Puntland government lacks the necessary capacity in this sector. Policies and strategies that engage all actors and ensure accountability are not adequately established.

How can a comprehensive state policy be developed for the security sector?

What are the best approaches for substantially enhancing public awareness and public engagement in managing security, for example through community-based approaches?

How can effective civic and parliamentary oversight of the security sector be established?

How could the current security sector of Puntland be strengthened to create a more conducive environment for development?

2. Proliferation of weapons

The proliferation of weapons in Puntland, including disproportionate possession levels among the clans and politicians, is a major concern of the population. The people of Puntland seem willing to disarm even though the strategy and the approach to be adopted has yet to be agreed upon.

How can the possession of small arms and heavy weapons in Puntland be effectively controlled?

3. Inadequate rule of law

With the collapse of the Somali state, institutions upholding the rule of law largely disintegrated, contributing to a reversion to reliance on customary law and sharia. Currently there are three parallel applied legal systems in Puntland (secular, customary and sharia), which are not harmonised (i.e. there is a lack of uniformity of rulings for the same offences and lack of clarity about which legal system applies in which cases). At the same time, existing laws do not fully cover the legal cases that occur on the ground. There is also a lack of public confidence in the systems of law and order that can result in civil disobedience.

How can the discrepancies between the existing legal systems be addressed?

How can the different legal systems be harmonised?

How can public confidence in rule of law be revived?



4. Puntland's institutional challenges

Puntland's law enforcement institutions are generally inefficient due to the lack of skilled staff, professional ethics, proper financial management and adequate physical facilities. This undermines public confidence in the systems for law and order.

How can the capacities of the law enforcement institutions be strengthened to regain public confidence? And what are the priorities for capacity building?

How can a proper financial management system be developed, implemented and monitored for law enforcement institutions?

5. Recurrent clan-based violent conflict

During the past two decades, a number of recurrent clan-based violent conflicts have occurred in Puntland, mostly in rural areas. The motives for these conflicts stem from competition over the ownership and control of natural resources – mostly grazing and water. The clan-based conflicts not only affect the rural communities, but also often escalate to urban settlements. While conflict in society is natural, the tendencies for these conflicts to become violent in Puntland, rather than to be managed peacefully, continues to threaten stability.

Another area requiring careful attention is the complexity and volatility of Galkayo town and its administrative and social interactions among the various communities living in or transiting through this important junction. Despite several peace and reconciliation processes, notably the 1993 Mudug Peace Agreement, two of the four major Somali clan families often run into clan-based fighting along their common border.

What mechanisms can prevent the recurrence of violence as a means of resolving clan-based conflicts?

How can a culture of peaceful and constructive dialogue be instituted into the communities in Puntland and its neighbouring Somali communities?

Challenges to a working democracy and democratisation process

3.1 Introduction

This Note summarises some of the achievements on the journey made in the northeast regions, subsequently Puntland, from a clan-based system towards a democratic political process, and presents the challenges faced in developing functional democratic systems and the next steps following the ratification of the revised Puntland Constitution by the Puntland House of Representatives on 29 June 2009. The Note also provides a recapitulation of the transition towards democracy and an overview of two main aspects discussed by the stakeholders consulted during the Pillar Mapping Exercise, namely: a) the challenges to a working democracy in Puntland and b) the general viewpoint of the stakeholders on democracy and the democratisation process in Puntland.

To define 'Democracy' is not an easy task in the Somali context and particularly in Puntland which is a pastoral, coastal and newly urbanised society. The stakeholders consulted on the topic adamantly stated that they know very little about it.

A popular and widely accepted definition of democracy states the following: "*Democracy is the government of the people, by the people, for the people.*"¹⁰¹ However, in the Somali context democracy is only understood as the rule of the people – as originally defined by the Greeks (the rule of the people 'demos'). Later, after the passage of several centuries, the concepts of freedom, human rights and personal liberty as well as principles of inclusiveness, good governance, transparency and accountability were gradually incorporated as constitutive ingredients into the democratic notion and model of today. While 'democratisation' is the process of making democracy a political modus operandi, in the case of Puntland it is synonymous with the transition from traditional clan-based system to democratic political system.

The challenges that today influence the on-going democratisation process in Puntland are numerous. The first one is the concept of democracy itself and the way a process of democratisation can take place in a nomadic pastoral society. Other contextual challenges include:

- Diverging public perceptions and understanding of democracy
- Clan and clan politics
- Islamic perspective in democracy
- Impact of Somali conflict
- Puntland's institutional challenges

¹⁰¹ Abraham Lincoln (1809-1865), Definition of Democracy; available on: <http://www.democracy-building.info/definition-democracy.html>

As background to the above challenges, some critical aspects of the issues of democracy in the Somali context (origin and nature of Somali conflict, Somali experience with statehood and present prospects of democracy in Somalia) are presented. The process of democratisation has been delayed many times and needs to be animated in connection with the favorable new political climate created by the current Administration in Puntland. It is only since the end of 2009 that one of the most important steps towards the democratisation process has been taken with the ratification of the Constitution by the Parliament under the leadership of the President, Abdirahman Mohamed Mohamoud (Farole).

3.2 Background

Puntland was established as an autonomous political entity in 1998, after the collapse of the Somali State in 1991 followed by the fragmentation of the country into clan fiefdoms and an utter failure of all attempted national reconciliation processes.

When the Somali state collapsed in January 1991, an all-out civil war broke out in the country. A large number of displaced people from south-central Somalia returned to their ancestral homeland in the north-east regions of Somalia (present Puntland). These regions were neglected in terms of social and economic development from the previous governments and remained without infrastructure and basic social services for a long time, to the extent that they were referred to as “unreachable”.

To enhance the security situation and to improve the quality of life of the people in north east regions a workable administration was needed. Titled and traditional elders, political leaders, high ranking military officials, elites and administrators as well as the public, men and women, much aware of what was at stake, joined together and contributed to build peace and government institutions; a political and socio-economic entities that the people of Puntland and Somalis enjoy today.

The first idea of setting up an embryonic political organization started with the revitalisation of the Somali Salvation Democratic Front (SSDF) during the SSDF meeting in Galkayo on 14 February 1991. Many political meetings, conferences and community gatherings followed that ground breaking Galkayo convention which paved the way for the involvement and mobilisation of the public of north east regions at the grassroots level behind the political movements of SSDF, United Somali Party (USP), and Somali National Democratic Union (SNDU).

The scheme of the establishment of Puntland State continued with incremental headway, maturing and evolving through the organization of the Garowe Consultative Conference (25 February – 12 March 1998) followed by the Garowe Constitutional Community Conference (15 May – 1 August 1998) and the establishment of a Charter, a President (Abdullahi Yusuf) and a Vice-President (Mohamed Abdi Hashi), a cabinet with 9 portfolios, a Parliament of 69 MPs (among them 5 women), and an agreement on Garowe as the Capital of the State. This was a political and social matrix that brought the communities of Sool and Eastern Sanaag into the Puntland State of Somalia.

The Transitional Charter envisioned that the government of Puntland was an integral entity of a future Somali Federal State and was conceived to be the first building block through the “bottom-up approach” of the new Somali Federal Republic. The Charter (1998-2001) also pledged the drawing up of a Constitution and the holding of political elections to be contested by many political parties.

During the first three years in office (1998-2001), the first installed Puntland government strived to address some priority concerns of the public, namely the reestablishment of public institutions; ensuring law and order; drafting a new Constitution within the three years of its term of office; preparing socio-economic development plans; and playing a more effective role in the national peace and reconciliation process.

The new administration engaged prominent community elders and former police officers in establishing the first units of the police and Daraawiish (paramilitary forces) and succeeded in dismantling 60 illegal ‘charcoal checkpoints’ along the 680 km length of the vital road that connects major towns of Puntland. *“Between 400 and 500 militia manning checkpoints along major roads had been dislodged, but offering them an opportunity for training and integrating into the security forces.”*¹⁰² These undertakings had immediate benefits that permitted the administration to function in the following two years, to restore peace, stability, and confidence to the region¹⁰³.

The first President of Puntland, Abdullahi Yusuf Ahmed, served a three-year term until 2001 without dispute to the office of the presidency, but his attempt to extend his expired mandate (30 June 2001) against the provision of the Charter, provoked a constitutional crisis which triggered political and military confrontations.

However, before the expiring of the administration’s mandate in July 2001, a Provisional Constitution was approved by the legislature of that time. This Provisional Constitution remained the de facto Constitution of Puntland until 2009 when a revised Constitution was endorsed by the Parliament.

The Puntland Charter had provided that in case of constitutional crisis, the President of the Supreme Court would take over the presidency temporarily. Accordingly, the Chief Justice at the time, Yusuf Haji Nur stated: “as of 1 July, I am the legitimate authority in Puntland” (interview with IRIN¹⁰⁴). The Chief Justice was declared acting president the next day and held the position until 14 November 2001, when the delegates at a conference held in Garowe elected Jama Ali Jama as President.

¹⁰² Matt Bryden and Jeremy Brickhill, *Disarming Somalia: lessons in stabilisation from a collapsed state*, Conflict, Security and Development, Volume 10, Issue 2, May 2010, p.239-262.

¹⁰³ PDRC and Interpeace, *The Puntland Experience: A Bottom-up Approach to Peace and State Building - 1991-2007*, The Search for Peace, 2009, p.26.

¹⁰⁴ IRIN, *Somalia: Puntland administration challenged*, Nairobi, 2 July 2001.

The former President Abdullahi Yusuf Ahmed, who refused to recognise Jama Ali Jama as President, attacked and captured the capital Garowe on 21 November 2001. Clashes between the forces loyal to the two rivals continued until 8 May 2002 when Abdullahi Yusuf's forces seized Bosaso, a remaining stronghold of Jama Ali Jama.

Abdullahi Yusuf restored his leadership in 2002 but continued battling sporadically with Mohamed Muse Hersi, known as Adde, a former army general and returnee from Canada, who was commanding Jama Ali Jama's militia for over a year. On 15 May 2003 in Bosaso the two contenders reached a compromise under the mediation of two paramount chiefs and signed a peace agreement allowing Adde's supporters to hold ministerial posts and incorporating his militia (more than 800 men)¹⁰⁵ into the regular Puntland security forces.

After Abdullahi Yusuf Ahmed became President of the Transitional Federal Government (TFG) of Somalia in October 2004, Mohamed Abdi Hashi, vice President of Puntland served as interim President until 8 January 2005, when a new election was held and the presidency of Puntland passed to Mohamud Musse Hersi (Adde).

With the help of Interpeace, arrangements were made to conduct a constitutional review process. A Constitutional Review Committee (CRC), composed of 14 members was appointed in February 2007. A Draft Constitution produced by the CRC was discussed in Garowe throughout February 2008 with a broad spectrum of organizations, prominent personalities, and a cross-section of representatives from the different sectors and geographical regions of Puntland¹⁰⁶. These ranged from governors, mayors, and officials from ministries, to civil society groups and religious and traditional leaders.

The CRC forwarded the revised draft from the consultations to the Puntland cabinet for review on 2 June 2008 and the cabinet studied, revised again the draft and sent back it to the House of the Representatives (Parliament) for approval. However, given that its mandate was due to expire shortly, the Parliament voted to postpone the proposed draft to the new upcoming House.

Since the end of the term in office of Mohamud Muse Hersi (Adde) as President of Puntland and the House of Representatives was due to expire, security concerns and political uncertainty were very high in the mind of the citizens. The public wondered about the fate of the country: 'Will Puntland survive the next political crisis? Will President Adde give up the power if he loses election? How will the transition to the next administration be managed? Will it be peaceful and in line with the provisional Constitution?' A host of candidates were already campaigning all over Puntland and

¹⁰⁵ PDRC, Consultative Survey Report, Dialogue for Peace Project, 13 – 26 July 2004.

¹⁰⁶ Ahmed Abbas Ahmed and Ruben Zamora, Puntland constitutional review process, Accord, 2010.

started campaigning without authorisation from the government, which had banned the candidates from giving press releases or attending public gatherings as well as being escorted by heavy military hardware. When President Adde declared his candidacy to the presidency the trust and confidence in him were at their lowest point, particularly amongst the candidates who were suspicious of the intentions of the president in office. The public was concerned and watchful, wanting a smooth transfer of power according to the rules. The community elders and the intellectuals were also alerted and were having consultation meetings in order to intervene at critical junctures (as they did subsequently). Women groups successfully played the role of fire-fighters to avert potential clash between candidates and their supporters. The pressure was very high on both Adde and the candidates to come together and accept some basic rules and fair play in the process.

The President made a solemn promise that his Government will not intend to remain in office one day longer than its legal term (expiring on 8 January 2009) and that the elections will take place in due time. He announced that he planned to run for re-election. The election was scheduled for 8 January 2009 and the President expressed his determination to hold “peaceful and democratic election” while dismissing speculation of a war with Somaliland as an election delaying tactic.

A major controversy arose when the President officially appointed 8 members of an ‘election’ commission (15 November 2008). The Commission was mandated to ratify and settle election disputes. The presidential candidates protested the single-handed selection of the Electoral Commission but the President rejected their request for consultation in the selection process. In addition to Puntland government security forces, hundreds of heavily armed militias were roaming Garowe streets, most of them employed as personal security for more than 15 candidates. This situation sparked tensions in the already fragile political and security situation of Puntland. Major themes debated on were:

- Election delay tactics.
- ‘Election Commission’ appointed by the President (not balanced).
- Government resources to fund President’s campaign.
- Government security forces at the exclusive order of the President.

The opposition candidates called for all presidential hopefuls to unite in the interests of holding peaceful elections and a smooth transition of power. Political debates and meetings continued unabated amid accusations and counter accusations causing frictions among candidates themselves. The public were holding their breath for fear that the situation might go out of hand with dire consequences.

On 14 December 2008, after a ten-day meeting, 38 titled traditional clan leaders (Isimo) signed and issued in Garowe a document addressing the controversies around

the election including matters like security, the 'election commission' as well as public funds and announced:

- The establishment of a 300-strong police force to patrol Garowe during the election process. This security force will be directly under their command.
- The administration prohibited from using public funds for campaign purposes.
- The members of the 'Election Commission' to be selected jointly by Puntland administration and by the Isimada - traditional leaders.

On 30 December, the new 'Election Commission' formally announced the list of the 66 members of Parliament (33 of them were newly appointed), who according to Puntland's clan-based political system, required the signed consent of their traditional clan leaders (Isimo).

On 6 January 2009 the presidential 'Election Commission' issued the final list of the official candidates to the presidency and vice-presidency as follows:

Candidates for the presidency: 1) *General Mohamud Muse Hersi (Adde)*, 2) *Abdirahman Mohamed Mohamud (Farole)*, 3) *Abdullahi Ahmed (Ilkajir)*, 4) *Nuradin Aden Dirie*, 5) *Aden Mohamed Gadale*, 6) *Omar Hashi Farja*, 7) *Ali Abdi Awaare*, and 8) *Nur Hassan Farah*.

Candidates for the vice-presidency: 1) *Hassan Dahir Mohamous (Afqura)*, 2) *Gen. Abdisamad Ali Shire*, 3) *Saleban Isse Ahmed*, 4) *Mohamed Haji Aden*, 5) *Ali Bashi Haji* and 6) *Prof. Muhiyaddin Ali Yusuf*.

Dr. Abdirahman Mohamed Mohamud 'Farole' and General Abdisamad Ali Shire were elected as President and vice-President respectively. The new elected President, Dr. Abdirahman Mohamed Mohamud Farole, held ministerial portfolios as Finance Minister and Planning Minister in the previous Puntland Administrations. Among the dignitaries who attended the event was the former President of the Transitional Federal Government (TFG), Abdullahi Yusuf Ahmed.

3.2.1 Democracy in the Somali context

Origin and nature of the Somali conflict

Somali conflict is predominantly clan-based, something that goes back to the roots of the Somali history. These traditional conflicts typically involve competition for meagre natural resources over territory and pasture, water, livestock and agricultural land in the dry-farming regions, and associated cases of revenge killings. Since 1991, armed conflict has reflected a mix of traditional and political clan-based factors in the version of civil war. More recently, the clan fighting has differed in style and scale as well as in motives from the traditional ones. The struggle for political power and the clan hegemony are at the heart of the causes that originated and continue to prolong this type of intractable conflict. A participant in Bosaso blamed clan politics for the collapse of the Somali State: *"the Somali State failed due to clan disputes and infighting. The*

*4.5 formula also brought insurmountable difficulties in the political scene as well as further fragmentation and rivalry within political bodies and institutions, it will never work.*¹⁰⁷

After 20 years of Somali civil strife (1990-2009), the same non-subsided conflict is being fought with different clan political agendas: Somaliland, Puntland, Galmudug, Transitional Federal Government (TFG), and religious groups.

Somali experience with statehood and democracy

Before ascending to full independence in 1960 and the union of the two parts of Somalia, the UN Trusteeship of Southern Somalia (1950-1960) had two municipal elections (1954, 1959) and two political elections (1956, 1959) competed by various political parties with self-governing political and civic institutions - national assembly, executive headed by a prime minister as well as municipal councils in all districts, while the Somaliland Protectorate had a self-rule period of six months with elected government. The Somali Youth League (SYL) and Somali National League (SNL) were the principal political parties to independence and the creation of the Somali Republic. So, the birth of the Somali Republic did not start from a Tabula Rasa as far as democracy is concerned.

In the 1960s, Somalia was one of the first much-admired African democracies for its vibrant multiparty system. However, not even 10 years later, in 1969, in the zenith of the cold war, the country plunged into the Soviet camp, shifting prematurely to revolutionary scientific socialism through a coup d'état led by the military against the civilian government of the time. The revolutionary regime transformed itself into a one party system and inflicted, beyond repair, damage to the people as well as the country itself¹⁰⁸. Year after year the economic and political situation of the country worsened and the regime resorted to aggressive repression against the resentment of the people towards its government. The regime's military confrontation with Ethiopia in 1977-78 is said to be the greatest factor for the fall of the regime together with a number of clan-based politico-military formations¹⁰⁹ which fought against the regime and provoked the government's total collapse in 1991. Subsequently they turned their guns against one another and made the country fragmented into clans and regional fiefdoms, with clan politicking assuming a greater role in the agenda of Somali politics:

- Somaliland – 1991, declared its secession from the rest of Somalia.
- Puntland – 1998, built an autonomous administration based on clan power sharing and political representation.
- Transitional Federal Government (TFG) – 2002-2004, predominantly in south-central Somalia, adopted a Charter based on the clan-based formula of 4.5¹¹⁰.

¹⁰⁷ Abdullahi Ali Hussein, Focus Group Discussion, Bosaso, 19 July 2009.

¹⁰⁸ The 'Regime' became a 'Police State' and the standard of living declined dramatically.

¹⁰⁹ SSDF in 1978, SNM in 1981, SPM in 1989 and USC in 1989.

¹¹⁰ Each of the four major Somali clans (Darod, Hawiye, Dir and Digil - Mirifle) is allocated one point while a residual category of "minority groups" receives one half of the seats accorded to each of the major clan-families – hence the "0.5" and the general formula of 4.5.

Present prospects of democracy in Somalia

Puntland is in the early stages of the democratic process while Somaliland is further down the path, having held successive rounds of peaceful elections although still facing challenges in terms of the intricacies of the workings of a democratic process.¹¹¹ South-central Somalia is yet to make a full transition from violent conflict. The TFG is struggling to survive the blows of the armed opposition¹¹² and has an unenviable assignment of appeasing or defeating the forces that oppose the revival of the Somali State.

After years of inconclusive fighting under the banners of factionalism with disastrous results for the whole country, Somalis are tired of their clan-based political endeavours and are craving for alternative approach to solve their differences. This critical point was summarized by a woman participant: “As Puntlanders, we are at a crossroad; we must make definitive choices between clan system and democracy (in Somalia).”¹¹³ Other stakeholders expressed similar discontent with the situation, saying that first and foremost one should learn how to engage in dialogue, achieve sustainable peace and rebuild the shattered Somalia.¹¹⁴ In sum, some of the features of the current crisis are:

- Civil war fatigue.
- Emergence of extremist ideologies and their application.
- Criminal activities with both local and global implications, such as human trafficking and piracy.

Some of the features of the changing socio-political dynamics can be summarized as:

- Successful local processes brought relative peace, and fairly functioning administration.
- Changes in the nature of the stakeholders, leaders and generations.
- Changing political behaviour of both local communities and the diaspora.
- Emergence of media sector that supports general public awareness.
- Changes in the role of traditional leaders.
- Emergence of role models in the north with selected/ elected Parliaments (Puntland and Somaliland respectively).
- Increased demand for representative leadership and dropping the 4.5 formula.
- Emergence of a growing private sector requiring democratically agreed regulation and relevant authority for oversight.

¹¹¹ Michael Walls, Somaliland: Democracy Threatened, Africa Programme, September 2009.

¹¹² Al-Shabaab and Hisbul-Islam.

¹¹³ Maryan Mohamed Abdulle, Consultative Meeting, Garowe, 14/15 October 2009.

¹¹⁴ Focus Group Discussion, Baran, Eastern Sanag region, 23 July 2009.

3.2.2 Puntland democratisation process

Puntland political system

The institutions that will support the democratisation process (the Constitution¹¹⁵, multiparty system, elections, etc.) have not yet been established in Puntland. The transition from clan system to multiparty system, the integration of customary law, Sharia and democracy principles as well as the preparation of the groundwork and the framework for the building of the democratic institutions of Puntland State will be major upcoming tasks for the democratisation process.

Puntland State was established in August 1998, through a provisional Charter of three years and a clan-based political system of governance; seats in the Puntland Parliament and Ministerial portfolios as well as local district councils have been allocated according to a traditional system of clan lineage¹¹⁶. In addition, since its establishment, the Puntland State successive political leaders pledged to move away from clan-based political system to democratic multiparty system¹¹⁷. This transition should have been completed at the end of 2001 according to the Government Programme. However, the promise of democratisation of the political system is to be realized. Indeed, as participants to the Pillar Mapping Exercise explained, the previous Puntland Administrations were not motivated enough to carry out their mandate nor were they pressured to do so by the public.

Nonetheless, despite that background of disenchantment¹¹⁸, the positive outlook and the favourable disposition manifested by the current Government and Parliament towards the democratisation process as well as the political maturity displayed by the public¹¹⁹ in recent political development, promise better opportunities for accomplishing the democratisation process. The current President ran for election on a political platform of democracy and a multiparty political system and reiterated his position in his 100 Day Speech, subsequently also nominating a State Minister for the Democratisation and Federal Affairs. The newly installed Administration pledged political change and showed commitment to address public concerns over the deteriorating security situation and the implementation of the long delayed democratisation process. As an example, the revised Draft Constitution, was finally discussed and ratified by the Parliament in June 2009. The last Article of the Constitution states that *“the Constitution approved by the House of Representatives of Puntland on 29 June 2009 shall be applied provisionally pending the holding of the referendum.”*¹²⁰

¹¹⁵ Approved by Parliament, yet to be disseminated and endorsed by the population.

¹¹⁶ PDRC, Assessment Survey on Democratisation Process, Garowe, 19 April 2008.

¹¹⁷ The Puntland Charter agreed at the Garowe Conference in 1998 defined the provisions for a transition to a democratic system of governance during the Puntland Regional Government's three year term. These included the drafting of a Constitution, holding of a census and popular referendum to endorse the draft Constitution, and preparation of the legal framework for political parties and elections.

¹¹⁸ *“The public has become disappointed with the government and worried about the unfolding political crisis.”* PDRC, Democratisation: Business & Professional Groups Workshop, Garowe, 20 August 2008.

¹¹⁹ Women's organizations through the Ministry of Family Affairs succeeded in bringing together the presidential candidates (more than 20), the President in office at the time (Adde Musse) and his group to accept a code of conduct during the campaign and presidential election process. The elders also contributed to keep the peace during critical moments.

¹²⁰ Puntland Constitution, Article 141, 29 June 2009.

Stages of the democratisation process

Generally speaking, the term “Puntland democratisation process” refers to the accomplishment of political activities related to the finalization of a number of stages crucial to the process. Earlier stages of the Constitution can be summarized as follows:

1998	Puntland Charter
5 June 2001	Provisional Constitution
February 2007	Constitutional Review Committee begin review
February 2008	Discussion on first Draft revised Constitution by sectors of the public
June 2008	Final draft Revised Constitution
May 2009	Draft debated by Parliament
29 June 2009	Draft ratified by Parliament

The current status of the process and the ‘next steps’ is provided by the tentative schedule from the Office of the State Minister for Democratisation and Federal Affairs, presented below.

Tentative schedule: January 2009 - December 2013 *Stages and Activities of the Process of Democratisation*

Constitution:

The Draft Constitution was ratified by Parliament (2009) and provisionally enforced by presidential decree and dissemination by 2010.

Puntland Electoral Commission (PEC)¹²¹:

PEC Act proposed by the Council of Ministers and ratified by the Parliament by 2010.

Voter registration (or census):

The voters’ registration (or census) will require intensive public awareness, capacity building, documentation and considerable resources. The decentralisation process – the establishment and the empowerment of districts and local councils – should be undertaken ahead and in view of voters’ registration to achieve effective *Referendum* results as well as free and fair elections.

Constitutional Referendum or Public Ratification:

Referendum Act and Law/s on political association/parties will be ratified by Parliament by 2011. The modalities for the conduct of the referendum require expertise as well as substantial resources which the present government lacks.

¹²¹ Puntland Constitution, Article 114 on Power and responsibilities of the electoral commission.

Establishment of Multiparty System:

Electoral Law ratified by the Parliament and political associations/ parties registered by PEC by 2011. One of the biggest challenges to the success of the democratisation process is the transition from clan-based system to modern multiparty system. The present administration shall endeavor to put this activity on the right perspective; otherwise the clan system will keep overshadowing the formation of political party system.

Holding of Municipal Elections:

Elected district council will be formed by 2012 and the three winning parties will be appointed as the sole legal political parties in the upcoming elections

New PEC (Puntland Electoral Commission):

New PEC (agreed by the political parties) will be put in charge by 2013 to take over from the previous PEC for the remaining democratisation steps. It will draw a new time line for all issues of the political election.

Political Election:

Free and fair political election will be a decisive step towards the democratisation process and in the direction of more sustainable peace, political stability as well as socio-economic development.

The Chairperson of the Constitutional subcommittee of the Parliament¹²² clarified different issues concerning the democratisation process. He reiterated that the democratisation process will be phased according to the specific sequences mentioned above. He stated that the Constitution is the result of a consultative process with different sectors of Puntland stakeholders including religious scholars to ascertain its conformity with the Sharia¹²³. He further specified the modalities of the transition from the clan system to multiparty system delineating the role of the Electoral Commission in the process that will be composed of 9 members (the by-law regulating its selection and function will be approved by the Parliament).

3.2.3 Transition to democracy

To understand the challenges confronting the process of transition to democracy, it is necessary, first of all to understand what this process is all about. The transition is not one time process but a complex multi-staged one. The process will start with the democratisation process covering all its stages (Puntland Electoral Commission, Constitution Referendum, Voter Registration, Establishment of Political Parties, Municipal Election, and Multiparty Political Elections) but it will not end with it.

¹²² Ahmed Jama Abdulle, Puntland Stakeholders Meeting, Garowe, 25-26 September 2010.

¹²³ The Articles 9 and 13 of the Constitution specifically address the consistency of the Constitution with Islamic principles.

The 'Transition' implies a host of factors (policies, institutions, economic and cultural transformations) and engagement of social force (general public, civil society and Diaspora as well as the authority); it will also require long timeframe process, planning key process steps, monitoring (milestones and indicators) the status of the process.

The transition from clan system to democracy will imply the integration of customary law, Sharia and democracy principles in a coherent legal framework which is consistent with the structure of the State, cultural values and beliefs of the people so that existing inconsistencies between the Constitution, the 'Xeer' (tradition) and the Sharia will be harmonised as noted by a participant¹²⁴ during a consultative meeting.

Then the process should proceed with the rebuilding and strengthening of the groundwork and the framework for the democratic institutions of the State followed by the transformation of the clan culture into a viable democratic political culture.

There are certain critical democratic requisites to guarantee the political stability and sustainability of such a State: constitutional government, respect for rule of law, good governance, and transparency in the exercise of power and above all respect for human rights. Not only the political dimensions of democracy, the multi-party system, free elections and civil rights should be considered, but also other important economic and social dimensions of the process which mainly determine the nature of the emerging political system. Clan politics aside, any emerging democracy would have to battle with a legacy of poverty, illiteracy, and underdevelopment present in the socio-economic structure of the country.

The majority of the participants in the discussions held in Puntland regions (except Ayn), approved and welcomed the idea of the shift from clan system to democracy, and believed that democracy would introduce a political system that provides good governance and can bring justice, equality and equal opportunity for all the people of Puntland. They also believed that democratic political system can resolve contemporary problems as well as combating discrimination based on clan affiliation.

The process of transition to democracy will be completed only when a new democratic system emerges from the old one and takes its place.

In some countries (in Latin America, Asia and Eastern Europe as well as Africa) the concept of 'Transition' implies dictatorial regime change but in Puntland (Somalia) where effective State does not exist and transition means transition from clan system to democratic one, the situation is different. While dictatorship is an imposed regime

¹²⁴ "Puntland institutions and political system are built upon clan system but the constitution is designed as a democratic constitution; this is a big inconsistency."
A.A. Osman (Shuke), Consultative Meeting, Garowe, 15 October 2009.

- *Challenges to a working democracy and democratisation process*



Focus Group Discussion on local priorities for consolidating peace, Ballibusle, Mudug region (top), and a participant expressing his view on the diverging public perceptions and understanding of democracy, 9 August 2009 (bottom).





Puntland Stakeholders Meeting (PSM) – Participants voting on the reformulation of one of the challenges from Democracy and Islam to the Anti-democratic Propaganda, 27 September 2010 (top), and a woman local councillor explaining that the so-called ‘minorities’ in Somalia are not a minority group as such but are rather marginalised by the other clans, PSM, 24 May 2010 (bottom).



- *Challenges to a working democracy and democratisation process*



Former Local Government building, Xuddun District, Sool Region (top), and the 12th Anniversary of the Formation of the Puntland State of Somalia, 1 August 2010 (above).





Camels watering, Ballibusle, Galkayo District (Mudug region), August 2009 (top) and Camels desperate for water at a dried up drinking trough (above), El-Buh, Badan District (Eastern Sanag), July 2009.



on societies that can be dismantled by democratic forces, the clan system in Puntland is a way of life embedded in the social fabric of the people and is therefore a different case. Clan system will not disappear easily from the social and political life of the people with the introduction of multiparty system and elections; the conditions for its existence and the forces who intend to keep it alive are still strong enough to challenge the emerging system.

The transition to democracy has the purpose to achieve and assure peace and stability. It is the opinion of scholars and conflict resolution practitioners that democracy can offer the adequate tools to manage such conflicts¹²⁵ like the one waged in Somalia. The principles, the institutions, and the procedures associated with the democratic process can provide a safe and fair ground in which to compete, to solve differences. This is what has been lacking in Somali clan-based politics where competition meant resorting only to violent means.

The question of how to solve the clan conflict cannot be detached from the other central question of how to rebuild the failed State of Somalia and this is what the transition is all about. For a businessman of Baran (Eastern Sanaag) *“the State, this time around, should be built upon democratic principles; all other options will fail as the recent history of Somali politics have shown abundantly.”*¹²⁶ Only a democratic state as *“the primary actor of the Somali politics could, through its apparatus and institutions, maintain and safeguard sustainable peace, security and political stability as well as the unity of the country”* as a judge argued¹²⁷.

So far, ‘Democracy’ has been a relatively unfamiliar concept to the people in Puntland (or for that matter in Somalia), a country known for its overwhelming clan structure; the political leaders as well as the public lacking adequate knowledge or experience on the subject of democracy. The existence of widespread illiteracy and the typical traditional mindset of the population may create problems for the smooth transition to democracy.

Some stakeholders were unconvinced of the success of democracy due to the weak governmental institutions, disconnection between the public and the government as well as people’s lack of understanding of democracy; nevertheless the people of Puntland long for statehood and hope for democratisation to take root in the country¹²⁸.

The germinal idea of the establishment of Puntland started from the Somali Salvation Democratic Front (SSDF) meeting in Galkayo on 14 February 1991 subsequently followed by many political meetings, conferences and community gatherings which

¹²⁵ Timothy D. Sisk, Democracy and conflict management, Beyond Intractability.org, August 2003.

¹²⁶ Ayub Barjeh, Focus Group Discussion, Baran, Eastern Sanaag region, 23 July 2009.

¹²⁷ Said Osman, Focus Group Discussion, Baran, Eastern Sanaag region, 23 July 2009.

¹²⁸ Farah Adeed, Focus Group Discussion, Bosaso, 19 July 2009.

paved the way to the present remarkable achievement of Puntland. The people waded through political crisis, endured conflicts and many challenges to life. It took 20 years of development: 8 years of gestation (1991-1998) and 12 years to adolescence (1998-2010) to come so far. The question is where and how to go from here?

Transition to democracy: Diaspora and civil society roles

What is the role and relevance of the Diaspora and civil society to the transition process? And how can they best be engaged?

There is a consensus building up among socio-political practitioners¹²⁹ around the idea that the democratisation process requires a strong presence and engagement of civil society. The assumption is based on the idea that primarily civil society can build the needed social capital and shared value which are transferable into the political sphere of the community. They can promote institutions based on vision and mission rather than clan affiliation; they can empower individuals and provide them with (right) skills and attitudes for the common good.

Through involvement of civil society, citizens learn about fundamental democratic values of participation and collective action, and they disseminate these values within their communities. Civil society actors engage more effectively with decision makers in government structures and with donors in support of poverty reduction, democracy and peacebuilding. They safeguard and expand the democratic space available to the public.

The part of civil society in the success of the democratisation process is a challenging one. Whether they will play realistically their role or not, it will be decisive for the successful accomplishment of the democratisation process.

It has become a political characteristic that members of the diaspora rush for presidents and cabinet positions during transition of Puntland governments. The diaspora is also a very important economic protagonist for Puntland for their contribution with remittance to the income of a great number of families as well as their interaction with the business community investing in a variety of sectors of the economy of the country.

The diaspora is de facto a very important political actor. They consist of former and current politicians, prominent intellectuals and businessmen/ women. At present

¹²⁹ "However, there is growing agreement that civil society, civic culture, and social capital are all important for strengthening democracy."
Charles (Chip) Hauss, Beyond Intractability.org, August 2003; available on: <http://www.beyondintractability.org/essay/democratisation/?nid=1352>

diaspora members hold several key cabinet ministries such as the Interior and Local Governments, the Security and Disarmament Demobilisation and Reintegration (DDR), Public Works, Ports and other state ministers such as Good Governance, Democratisation and Federal Affairs and Planning. This section of Puntland's society has the capacity to influence the political process through the experience that they gained in the countries they live in as well as through the promotion of the provision of additional efforts in mobilizing human and economic resources for the process.

Puntlanders in the diaspora are interested in the democratisation process and are pushing hard towards that end. Recently they succeeded in establishing a worldwide forum – the “Puntland Diaspora Forum” – where all relevant issues of Puntland as well as Somalia are being addressed. As an offshoot of that experience preparations are underway to extend local and independent “Forums” to places where the presence of the diaspora is strong. The “Puntland Diaspora Forum” has, among other initiatives, the plan to hold in the near future an important Forum in Puntland (the ‘transition to democracy’ is one of the expected themes).

The challenges to the democratisation process will come in different forms depending on their nature and how they manifest themselves in certain situations. Some challenges are structural in that they are ingrained in the social fabric (nomadic way of life, poverty, illiteracy, and clan politics) or linked to social tensions (public armament, conflicts, security deterioration, population displacement and pressure), while some others are related to the limited and inadequate civic education (human rights protection, citizenship, public good, political maturity). Some challenges are also contingent on the attitude of the politicians in office (weak governmental commitment, lack of political will, poor planning and inexperience, attachment to political privileges) or depend on the political environment (insufficient pressure on the government, absence of credible leadership and skilled political cadres, public political maturity, etc.). Lastly, the impact of the Somali conflict on Puntland may also play its part.

3.3 Diverging public perceptions and understanding of democracy

The biggest challenge to democracy in Puntland first and foremost is to understand what democracy is all about; therefore, for democracy to put roots and thrive in Puntland it must be understood and accepted by the people. The stakeholders consulted were adamant about their inclination to it, but at the same time they expressed their miscomprehension of the way it works and what the benefits associated with it might be. For this reason, it is critical to understand what democracy really is and how it is practiced around the world in order to contribute to the solution of the Somali problems.

Originally defined the rule of the ‘demos’ (the people), democracy then incorporated, after the passage of several centuries, the concepts of freedoms, human rights and personal liberties as well as principles of inclusiveness, good governance, transparency and accountability as constitutive ingredients. Besides, according to Charles (Chip)

Hauss *“modern democracy only dates from the late 18th century.”*¹³⁰ Indeed, the democracies of the renowned city-states of classical Greece and of Rome, during the early years of birth of the notion of the democracy, were unlike the democracies of today since it did not presuppose the equality of all individuals, the majority of the people, notably the slaves and women having no political rights were not part of it.

All historical evidence points to the fact that democracy was not something like a gift given or endowed to societies by virtue of their humanity but it was acquired through struggle and human suffering, people often paying heavy prices to obtain democracy¹³¹. Traditionally, the democratic political system is a result of a balancing of powers among competing political forces with diverse interests and it is made possible through peaceful competition by political parties (periodic elections). Thus, *“to be considered democratic, a country must choose its leaders through fair and competitive elections, ensure basic civil liberties, and respect the rule of law.”*¹³²

According to the Galkayo Education Centre for Peace and Development (GECPD) Director, *“democracy should provide institutional structures and supportive political culture that accept open disagreement and reconcile competing interests with the rule of law and above all promote non-violent means of resolving disputes.”*¹³³ In advanced democratic countries the political parties mobilize public opinion and compete in periodic elections to ensure accountability and power transfer from one party to another. Democratic institutions and political culture reinforce each other in guaranteeing the rule of law within a framework of checks and balances that limits all forms of power usurpation from the part of those in the government.

There is not one pure form of democracy but *“the essence of democracy should be the same everywhere, except for those aspects tinted differently by local culture or religion”*¹³⁴ as a participant explained. To discern those different aspects, the word democracy, in order to define better its political connotation, is often associated with other defining prefixes like direct-democracy, representative-democracy (Parliamentary or presidential) and/ or liberal-democracy. There are many other political systems that are antithetic to democracy; these are mainly authoritarian or totalitarian types of political system but also among others: monarchy (kingdom), oligarchy (government by small group), autocracy (dictatorship) and theocracy (religious authority).

During the Pillar Mapping Exercise, the participants touched upon much of these sides of democracy and shed light on some of the controversial aspects such as the idea that democracy is a western concept. Nonetheless, some participants argued that

¹³⁰ *Ibid*, Charles (Chip) Hauss.

¹³¹ Mohamed Yusuf Weirah, Economist and Intellectual, Interview, Bosaso, 20 July 2009.

¹³² *Ibid*, Charles (Chip) Hauss.

¹³³ Hawa Aden Mohamed, Interview, Galkayo, 8 August 2009.

¹³⁴ Ali Barre Abdulle, Interview, Goldogob, 11 August 2009.

*“democracy is not a prerogative of Western countries alone. India, for example, has a vibrant democracy.”*¹³⁵ A statement confirmed by a professor from the Puntland State University of Garowe who explained that *“there is no one democracy; there is an American democracy and there is an African democracy; so there should also be a Somali democracy.”*¹³⁶ Besides, some participants, while addressing some misconceptions and negative propaganda being done around the term democracy, also suggested that a Somali name for democracy should be found in order to better capture its full meaning.¹³⁷ Another person participating to the Puntland Stakeholders’ Meeting¹³⁸ went further by suggesting to dispel all the uncertainties surrounding the concept of democracy and compile a booklet as manual: *“a simple booklet as a reference defining democracy, its principles, symbols, the tools it uses, the ways it works and above all the benefits it might bring to the community in terms of peace, stability and development could better do the job of clarifying misconceptions and redressing contradictory perceptions being widely disseminated among the public.”*

The essence of democracy remains almost the same though there can be differences in its manifestations: *“We shouldn’t polarize the debate on democracy between pro-westerners and pro-extremists; Islam has also a culture of forgiveness, justice, brotherhood, and good governance etc.”*¹³⁹ The metaphor of democracy *“being a double edge knife”*¹⁴⁰, elucidates very well some of the evil images that are sometimes attributed to it. Indeed, the concept of democracy can be misused and that is what created a certain disagreement among the participants. In pointing out the heart of the disagreements around democracy, a religious member from Garowe argued that *“the personal liberties are what make the core of the differences of democracy that is perceived as irreconcilable. Allah made certain limits to human liberties to not transgress.”*¹⁴¹

The ideas and positions expressed by women, youth and minorities and their respective perspectives on the democratisation process were loud and clear. For the minority group member, safety and well-being were linked to democratic system. A man¹⁴² (from the minority) in Bo’ame underscored the priority of peace and security when saying *“we need peace and security more than politics.”*

Youth have been able to diagnose the troubles that inflict them. A young man¹⁴³ in Goldogob depicted youth situation in the following terms: *“Youth is the major social protagonist involved in conflict situations as well as in antisocial or criminal activities.”*

¹³⁵ Dr. Yasin Artan, Consultative Meeting, Garowe, 14/15 October 2009.

¹³⁶ Professor Abdifatah Abdullahi, Consultative Meeting, Garowe, 14/15 October 2009.

¹³⁷ Consultative Meeting, Garowe, 14/15 October 2009.

¹³⁸ Puntland Stakeholders Meeting, 25-26 September 2010.

¹³⁹ Professor Abdifatah Abdullahi, Consultative Meeting, Garowe, 14/15 October 2009.

¹⁴⁰ Ali Hirsi, Consultative Meeting, Garowe, 14/15 October 2009.

¹⁴¹ Mohamed Said Yusuf, Consultative Meeting, Garowe, 14/15 October 2009.

¹⁴² Warsame Musse Isse, Focus Group Discussion, Bo’ame, 19 August 2009.

¹⁴³ Darwish Ali Mohamed, Focus Group Discussion with Youth, Goldogob, 11 August 2009.

Another youngster, in a focus group discussion in Jariiban, tried to explain the causes of youth predicament: *“displacement, lack of education services, widespread unemployment can be considered the leading causes for youth misbehaviour.”*¹⁴⁴ In Gardo, where youth seem to be more organized and aware of their problems, they lamented almost in chorus that youth remained for so long without guidance and direction and that facts of lawlessness and anarchy contributed to youth being attracted to those situations that endanger the public tranquility and security as well as their success in life. Youth heartily sympathized with the idea of democracy and have high expectations of improvement it might bring in their life.

The majority of women who participated in the focus groups discussions was in favour of democracy and raised concern over the clan system when it comes to political decision making processes and promoting democracy. In the many discussions, women were very proud to label themselves as the bread winners of their family or as peace keepers in their community; these are some of the facts they consider historic achievements for all women particularly in a period of social distress like the present one. Women claimed many more achievements but resented the silence by men on their achievements. A woman voicing this resentment claimed: *“Women are entitled to more acknowledgement and respect for their achievements.”*¹⁴⁵ Particularly they resented the fact that they have no voice in the affairs of their community. Women complained of many injustices but their protests were loud as well. Some of their positions in the matters of politics are almost identical and almost expressed in the same terms, a fact which is indicative of new awareness and discourse in the making. It seems that this awareness is summarized by a women activist¹⁴⁶ with the statement: *“Women are the majority in the society, if empowered they can help determine the right course of the national politics.”* Women were very receptive to the idea of democracy and would like to understand more about it and particularly what they can gain from the introduction of a democratic political system.

An IDP woman¹⁴⁷ from Galkayo (Mudug Region) deplored the lack of intermarriage between social groups (host communities and IDPs), a fact that according to her constitutes a formidable challenge to their integration into Puntland’s society. She hopes that with the advent of democracy this situation will change.

The majority of the stakeholders consulted, though not grasping all the complexity that democracy entails, have high hopes of what democracy can do for them and welcome its advent in Puntland. They hope that the democracy will create more opportunities for women, youth and minority to participate actively in the political process in terms of representation as well as influencing decision making processes.

¹⁴⁴ Focus Group Discussion, Jariiban, 5 August 2009.

¹⁴⁵ Saredo Elmi Warsame, Focus Group Discussion, Jariiban, 5 August 2009.

¹⁴⁶ Maryan Mohamed Abdulle, Consultative Meeting, Garowe, 14/15 October 2009.

¹⁴⁷ Malyun Osman, Puntland Stakeholders’ Meeting, Garowe, 25/26 September 2010.

3.4 *Clan and clan politics*

Historically (before the independence of 1960) Somalia lacked a formal government but still had some essential features of self-governance like the prevalent clan system that the Somalis rely on. The clan system, distinctive for Somali social and political system, and the customary law (*Xeer*)¹⁴⁸, despite not being codified in written laws, have been regulating pastoral and agricultural communities' way of life for centuries. This lack of central authority is reflected in Somali character as highly independent and individualistic people¹⁴⁹. Somalis, as a result of that, are very protective of their freedoms to the point of being averse to authority. Clan loyalty became far more important than formal government loyalty and the history of governance in Somalia demonstrates again and again the centrality of the clan system in the governmental structure. Thus, the democratisation process in Puntland, a country with a dominant nomadic pastoral culture and with a political system based on clan power sharing, will be facing stiff challenges when trying to remove or disempower the age-old clan system.

Clan politics can be a powerful tool in the hands of unscrupulous politicians who can put clans against one another and create conflict among the public to divide and rule in order to fulfill political gains as it was cleverly done at the time of Mohamed Siyad Barre's regime. Indeed clan politics is being associated with disputes, divisiveness and mistrust that will eventually manifest itself in all the critical phases of the democratisation process (voters' registration, elections, etc.). This can compromise the process of democratisation and distort the good intentions behind the endeavour. These are predictable risks behind clan politics.

The majority of the participants consulted pointed out that clan and clan politics remain one of the most challenging problems facing the democratisation process since in the public affair and the system of governance its influence could erode efforts of good governance, transparency and accountability of those in the government, and in the public service. A statement that was confirmed by a participant in a focus group discussion who stated that *"the majority of the people selected by clan leaders (clan system) to a public position will only try to profit personally from the opportunity of the office. Under a clan system the question of who best can perform his duties in terms of knowledge, capacity and honesty is never asked or sought after."*¹⁵⁰ Participants also echoed this point, apparently of great interest, such as this teacher¹⁵¹ in Goldogob who deplored that *"when it comes to select or appoint the right person to the right position, clan leaders who are in position of power, would quite often choose candidates who are uneducated or sometimes ethically unscrupulous."*

¹⁴⁸ *"The customary law (Xeer) of the clan was the main political and legal instrument by which inter-clan and intra-clan issues were addressed, conflicts resolved and resources managed."*

Ibid, A.A. Osman (Shuke), Case Study.

¹⁴⁹ I.M. Lewis, *A Pastoral Democracy*, International African Institute, 1961.

¹⁵⁰ Abdi Shakur Aden Farah, Focus Group Discussion, Gardo, 15 July 2009.

¹⁵¹ Interview, Goldogob, 11 August 2009.

A representative of the minorities justified: *“We (minority) are people who work to survive for life and we tolerate everything that happens to us for the sake of our safety.”*¹⁵² Another man in the focus group discussion added to the first remark the following that they (the minorities) *“are in this situation of life uncertainty, in first place, because of the existence of clan system. Maybe democracy would improve our life.”*¹⁵³ In addition, a great part of the youth consulted hoped for some changes to happen in their unattended situation, which they blamed on the prevailing clan system of the country.

In Taleh town, a women representative of the Ministry of Women and Family Affairs complained about the disempowerment of women in politics saying that *“(...) women are not allowed to elect or to be elected.”*¹⁵⁴ The same position was vindicated by another woman in Burtinle town, Nugal region, when explaining that *“the elders will never let women represent the clan!”*¹⁵⁵ In Gardo a group of women¹⁵⁶ discussing the status of women in politics agreed that the clan system and the elders are responsible for women impasse in politics.

Leaders as well as clan members seemingly compete among themselves on who is the best defender of the clan interest and play the part of the lion with the other clans. Clan interests will probably always be involved in political processes whether it is the voter registration, the political leading positions’ nominations, or the acceptance of election results. During all political campaigns as well as other processes of political nature, the ugly faces of clan politics will appear everywhere as one young activist alluded.¹⁵⁷

A civil society representative summed this up by saying that *“democracy cannot take roots easily where the practice of clan politics is almost endemic. The clan system we are so much devoted to has crippled Somali state and it will likely do the same with the democratisation process of Puntland; particularly in the public affairs clan politics is a calamity that is difficult to eradicate from our political system and the way we understand social dynamics.”*¹⁵⁸

Talking about the relation between clan politics and democracy, a woman participant predicted that *“clan politics in the political life of Somalia will not disappear with the introduction of democracy and multiparty system; instead, it will find ways to sneak in the system through other masqueraded forms.”*¹⁵⁹ Besides, a well-known clan elder and businessman went even further by asserting that *“clan system is incompatible with*

¹⁵² Jama Hassan Farah, Focus Group Discussion with Minorities, Garowe, 21 January 2010.

¹⁵³ Bashir Ali Mohamed, Focus Group Discussion with Minorities, Garowe, 21 January 2010.

¹⁵⁴ Koos Hassan Mohamed, Focus Group Discussion, Taleh, 17 August 2009.

¹⁵⁵ Asili Mohamed Khalif, Focus Group Discussion, Burtinle, 12 August 2009.

¹⁵⁶ Focus Group Discussion with Women, Gardo, 15 July 2009.

¹⁵⁷ Mahad Barkuud, Focus Group Discussion with Youth, Baran, Eastern Sanaag, 23 July 2009.

¹⁵⁸ Eng. Roble Isse Ahmed, Focus Group Discussion, Taleh, 16 August 2009.

¹⁵⁹ Fadumo Mohamed Nur, Focus Group Discussion, Uflein, 18 July 2009.

a democratic system of governance; the fight of the two systems will slow down the process of democratisation.”¹⁶⁰

“Most of the security problems are due to or have something to do with clan controversies” an officer from the Ministry of Security¹⁶¹. Another participant to the Puntland Stakeholders’ Meeting¹⁶² stated that “clan allegiance as we have been experiencing it in Somalia prevails above all other systems such as religion, socialism and democracy.”¹⁶²

3.5 *Islamic perspective in democracy*

Basis for democracy in Islam

The relation between religion and democracy is very much debated in the world among both Muslims and non-Muslims. In the Somali region, the issue is more sensitive since the clan-based system has been discredited in modern politics and the people being weary of it are looking for alternative system.

About 51 Islamic countries (the population being mostly Muslims) exist in the world. These countries have different forms of State: *Secular* (Turkey, Djibouti, Senegal, Tunisia, Egypt, Malaysia, Indonesia, Algeria, etc.), *Islamic Republics* (Pakistan, Iran, Mauritania, and Afghanistan: all have Constitutions and political election systems), *Constitutional Monarchies* (Morocco, Jordan, Bahrain, Kuwait.), *Absolute Monarchies* (Saudi Arabia, Oman, Qatar, Brunei), while the rest have different forms of *Parliamentary or Presidential Republics*, especially in Africa, with few exceptions (Libya).

From the above alone it is clear that there is no one exclusive form of government for all Islamic countries; the importance seems to be the adherence to Islamic principles and values rather than to a prescribed rigid form of government which, so far, the Koranic text and the prophetic traditions (Hadith) have not sanctioned in conclusive way (the Koranic wisdom is evident here considering the ever changing human social structure and conditions). However, the Koranic text laid down for the first time in history (14 centuries ago), the fundamentals of democracy in terms of participation, consensus and representation. Indeed, notions informing political structure and jurisprudence derived from the Islamic Holy sources and Sharia which are:

- Shura: consultation in government affairs.
- Majlis Shura (congress): elects, advises and rebukes the leader.
- Ijma’a: consensus.
- Muba’ya: public pledge.

¹⁶⁰ Abdi Said Soriyan, Interview, Jarriban, 5 August 2009.

¹⁶¹ Said Nur Mohamed, Puntland Stakeholders’ Meeting, Garowe, 25/26 September 2010.

¹⁶² Prof. Hussein Suleban Ahmed, Puntland Stakeholders’ Meeting, Garowe, 25/26 September 2010.

The first model of Islamic state was established by the Prophet Muhammad (PBUH¹⁶³) himself in Medina with the “The Constitution of Medina.”¹⁶⁴

Constitution, multiparty system and Sharia

In the focus group discussions held in Puntland, the majority of the participants pointed out the importance of having a democratic system which is not in contradiction with the Sharia (Islamic laws). They believed as well that the concepts of “Democracy” and “Sharia” are compatible or reconcilable with each other when it comes to their basics.

In Somalia the application of Sharia law is not something new and it has roots in the society merging with the local traditions. All the Constitutions of modern Somalia adopted, in one way or another, the basis of Sharia. Both of the previous Somali governments (civilian in 1960 and military in 1979) declared Islam as the State religion. The Somaliland Constitution as well as the Charter of the Transitional National Government (TNG) from Arta Reconciliation Conference (2000 Djibouti) and the Charter of the TFG from Mbagathi conference (2004 Kenya) all manifested the propensity to the Islamic nature of the State and its Constitution¹⁶⁵. The first Article of the Puntland constitution reads: *“The purpose of Puntland State is the realization of form of state founded on consultation, democracy, equality, and social justice in conformity with the Islamic Sharia.”*¹⁶⁶

The “Islamic Courts” movement which overrode the reign of the warlords in Mogadishu in 2006 applied Sharia in the communities under their control. The current Transitional Federal Government (TFG) led by Sheikh Sharif (former leader of the Islamic Courts Union) has recently endorsed the application of Sharia, too.

The majority of the persons consulted widely followed the position expressed by a religious leader from Burtinle: “If democracy does not contradict Islamic principles, then there is no harm in it. But for obvious reason of religion differences, USA and Puntland cannot have the same democracy, so our democracy should be different.”¹⁶⁷

A position that somehow contradicted by some other people held, albeit a minority, who argued that ‘Democracy’, ‘Constitution’ and ‘Multiparty System’ are notions against Islam and not condoned by the ‘Sharia’ since the Koran constitutes the Constitution sent down by Allah and there is no need for man-made Constitution. To that end a

¹⁶³ Peace Be Upon Him.

¹⁶⁴ Full Text of the Medina Charter, available on: <http://www.constitution.org/cons/medina/macharter.htm>

¹⁶⁵ Max Plank Institute for Comparative Public Law and International Law, *Somali Constitutions and Charters: References to Islam in Somali Constitutional Instruments*, IFCC Induction Workshop in Djibouti, 4 – 23 March 2010.

¹⁶⁶ Puntland Constitution, Article 1

¹⁶⁷ Sheik Mohamed Guled, Focus Group Discussion, Burtinle, 12 August 2009.

Sheikh from Waaiye town asserted that Somalia being an Islamic country it “doesn’t need western systems like democracy or secular system. They (the westerners) want to introduce democracy in order to defeat Islamic principles. They want to establish a legal system that paves the way to the equality between man and woman or the legality of marriage of same sexes.”¹⁶⁸ Another religious man from the same town but in a separate focus group discussion professed that “democracy preaches and advocates for total liberty which is against the submission to Allah.”¹⁶⁹ Similar positions were expressed in Jarriban and in other towns where democracy was believed to be by some few participants in total opposition to the Sharia and the multiparty system: “Islam doesn’t condone such social system; Allah warned against them in the Koran.”¹⁷⁰

During the Puntland Stakeholders’ Meeting¹⁷¹, the issue of Islam and democracy was discussed with great interest. The participants almost unanimously approved the democratisation process in Puntland and insisted on the need of highlighting that Islam is not an issue as far as democracy is concerned as such; instead what is of concern is the negative propaganda against democracy.

Religious extremists’ insurgency

Another real challenge to the democratisation process is the group of forces who, for different reasons, are willing to put a complete stop to any kind of democratisation and this with all means at their disposal. There are determined, irreconcilable and heavily armed with the potential of jeopardizing the whole process of democratisation. Islamic militant groups (Al Shabaab and Hisbul-Islam) are fiercely fighting for the control of the whole country and propagating speeches that malign democracy as anti-Islamic.

The positions of these groups can provoke violent reaction. They clearly believe that democracy is in total contradiction with the Sharia and they perceive it as a challenge to religion; therefore, it is something to fight against to defend Islam from perversion. This challenging position and the threat associated with it were clear and well understood by many participants who showed their concern on how the peaceful tradition of Islam was twisted from comprehension and tolerance to violence. They admitted also that the Islamic militant groups will never approve neither the Constitution nor the democratisation process or the multiparty system.¹⁷² In other words, as clarified by a participant from Uffein: “A strong state of Somalia is possible only through Sharia, but not the style of Al Shabaab. Al Shabaab receives orders from external forces.”¹⁷³

¹⁶⁸ Focus Group Discussion, Waaiye, 16 July 2009.

¹⁶⁹ Ahmed Hassan Barre, Focus Group Discussion, Waaiye, 16 July 2009.

¹⁷⁰ Abdiqani Mohamed Guled, Focus Group Discussion, Jarriban, 5 August 2009.

¹⁷¹ Puntland Stakeholders’ Meeting, Garowe, 25/26 September 2010.

¹⁷² Focus Group Discussion, Dhahar, Eastern Sanaag, 25 July 2009.

¹⁷³ Ahmed Ali Mohamud, Focus Group Discussion, Uffein, 18 July 2009.

The new religious hard-line insurgent groups maintain that political parties are un-Islamic. *“The goal of Al Shabaab is to impose a government based on the Taliban model on Somalia and beyond and Al Shabaab prides itself to have launched a holy war against the resurrection of any future secular Somali State.”*¹⁷⁴

In responding to some misconception about democracy and Islam, Dr. Yusuf O. Al-Azhari wrote: *“Islam does not contradict democratic principles as a base to good governance. In fact suffrage public nomination of leaders in Islam commenced from the time of the Prophet (SAW). People were allowed to come out in support of the leader of their choice through vocal expressions known in Arabic as (Mubaaya’a).”* He then added: *“Most of the western laws were actually driven from Islamic Laws.”*¹⁷⁵

3.6 Impact of the Somali conflict

The Somali conflict impacts the democratisation process in Puntland in different ways but the most feared impact is the one that can hinder the process from taking place or impairing its outcome.

The situation in Somalia is very fluid, uncertainty as well as unpredictability is high. The concern and the question in the mind of every Somali as well as the international community are: What next? Political-military factions destroyed the Somali State; clan cleansing disturbed the fragile harmony and coexistence among the people, warlordism eroded the moral fabric of the public, Islamic courts and the Islamic insurgents battered the age old peaceful religious traditions and values of the country.

In the daily news releases and in the media in general the attention is focused on the rapid transformation of sea piracy from local boys, claiming to protect the Somalia coastal and marine resources to highly organized criminals. There is already a disturbing talk of the industrialization of piracy or internationalization of piracy. *“The impression we have is that the money flows are leaving Somalia and going into criminal elements”*¹⁷⁶ Jan Kopernicki told Reuters. Could it be that the transformation already took place? Will the Somali coast including Puntland become a hub for organized crime of various sorts, notably arms smuggling, drugs and human trafficking, as well as piracy? If such a scenario happens the democratisation process will with no doubts be strongly challenged.

In addition to these concerns, Puntland has other acute worries with its neighbours. Puntland emerged from the disintegration of the Somali State¹⁷⁷ and, starting from

¹⁷⁴ Ahmed A. Hassan, *Al Shabaab Threat Clouds the Horn of Africa*, 3 February 2009; available on: http://wardheernews.com/Articles_09/Feb/03_alShabaab_ahmed.html

¹⁷⁵ Dr. Yusuf O. Al-Azhari, *Somalia: Camouflaging under Islamic Shadow with Sinister aims*, 10 April 2010.

¹⁷⁶ Jan Kopernicki, *New Generation of Somali Pirates Emerging*, President of the UK Chamber of Shipping industry association Reuters.

¹⁷⁷ In January 1991, the Somali state collapsed and Somali citizens of Darod clan lineage were driven out from the towns of central and inter-river regions of Shabelle and Juba by USC (Hawiye) and allied forces.

scratch, managed to build a relatively stable autonomous administration that does not want to break away from Somalia and will eventually be part of Federal State of Somalia. However, problems related to legacy of the unresolved Somali question are recurrent with its neighbours. Thus, while Puntland has a territorial dispute with Somaliland over Sool and Eastern Sanaag regions, the case with south-central Somalia is more complex and deep-rooted. In both fronts hostility strained relationship and periodic verbal hostilities heighten conflict.

A teacher in Taleh (Sool region) expressing his opinion on how dangerous the political situation still is in Somalia asserted in a focus group discussion: *“Those who destroyed Mogadishu would not stop, if provided with opportunity to do so in Puntland and Somaliland, whatever motive drives them (clan, religion or politics) they will strike.”*¹⁷⁸ Following the seizure of Mogadishu by the United Somali Congress (USC) and allied forces, fierce battles continued taking place several times in 1991-1993 between the attacking militia of USC and the SSDF in Mudug in defence of Galkayo and the north-east regions, now Puntland. In early 1992, a concerted attack by Al-Ittihad Al-Islami¹⁷⁹ with the help of local Islamists seized the town of Garowe, Bosaso port, and other strategic locations along the main road. After fierce combat, SSDF and local clan militia expelled Al-Ittihad from the region. Again in November 2006, the USC having gained politico-military ground in south-central Somalia seized Bandiiradley¹⁸⁰, a village strategically positioned close to Galkayo town, an important gate to Puntland and vowed to overrun the forces of Puntland. In Galkayo, a divided town, clan clashes erupt from time to time between Puntland security forces and militia of the contending parts. The ashes of the Somali conflict/ civil war are still hot in this front and everything can happen unexpectedly.

A MP emphasised this point during the Puntland Stakeholders’ Meeting¹⁸¹ by saying that the unending conflict in Somalia and unsettled issues related to it could have serious implications to the peace and security in Puntland.

On the other front with Somaliland, the rift is territorial; both Puntland and Somaliland claim the regions under dispute as integral part of their territory respectively by virtue of kinship (Puntland) on the one hand or by virtue of colonial borders (Somaliland) on the other hand. Though both regions (with different political orientations: Puntland as federalist and Somaliland as secessionist) were first praised for keeping law and order in the northern regions of Somalia, some confrontations have taken place from time to time. Tensions between Puntland and Somaliland escalated into violence several times between 2002 and 2009, over the control of Laasanood.

¹⁷⁸ Ismail Mohamed Jama, Focus Group Discussion, Taleh, 7 August 2009.

¹⁷⁹ Led by Hassan Dahir Aweys (Hawiye), present leader of Hisbul-Islam allied to the powerful Al-Shabaab. He was at the time suspected of supporting General Aydid (USC) move of conquest of north-east regions.

¹⁸⁰ BBC News Africa, Islamists take key Somali town, 12 November 2006; Available on: <http://news.bbc.co.uk/2/hi/africa/6141594.stm>

¹⁸¹ Sadiq Abshir Garad, Puntland Stakeholders’ Meeting, Garowe, 25/26 September 2010.

In Dhahar an elder answering a question raised by a participant on the administration they are loyal to, said: *“With Somaliland we coexist quietly, we collaborate and trade with them. We welcome everybody.”*¹⁸²

3.7 Puntland’s institutional challenges

Puntland politics is complicated and for that matter that of Somalia also. There are three main intertwined political systems¹⁸³: traditional (clan) system, religious (Sharia) and modern (secular) systems¹⁸⁴. The Constitution is designed to conform essentially to the Sharia, while the State structure (power balance) and organization are in accordance with modern and secular arrangements. The proponents or the supporters of one system against the others are at loggerheads with one another and the social/ political tension they create is spread over the entire community. The ongoing ideological conflict finds manifestation in the political sphere of all walks of life and involves the broader public so that the peaceful coexistence of ideological groups may be hampered by the groups’ recalcitrant political behaviour.

Here tradition, religion and modernity are ideologies that pre-suppose the best way for a society to live together in harmony and govern itself, solving conflicts which are expressions of the struggle for resources, power, and privileges as well as ideas inside the society through the functions of state institutions. But where these institutions are not functioning properly or are altogether inexistent, the need for rebuilding them (in a democratic framework) becomes very much compelling as the case is in Puntland/ Somalia. The democratisation process will eventually take place in an environment under above competing agendas which have also serious ramification with local and foreign interests. One of the challenges to the democratisation process, therefore, remains, without doubt, how to merge the opposing forces and interests in an acceptable cohabitation of a democratic framework.

Challenges materialize in different forms and with different implications to Puntland’s institutions. There are challenges that by their nature and impact hinder the democratisation process from taking place since they originate from non-action or lack of commitment from the part of the institutions or from challenges rooted in the historical and political conditions of the country (poverty, illiteracy clanism, insurgency etc.).

¹⁸² Said Musse Ahmed, Focus Group Discussion, Dhahar, 25 July 2009.

¹⁸³ A.A. Osman (Shuke), *Case Study on Traditional Multi-Stakeholder Dialogue on Structures in Local Governance for Local Development*, PDRC, 1 August 2005.

¹⁸⁴ The *Xeer* system is an unwritten codex of laws, norms, morality, etc., which through the traditional elders jury works for consensus. It is seen as more flexible than the Islamic Sharia and the secular systems. *Xeer* and Sharia have played an even more important role during the vacuum after the collapse of the Somali State in 1991. *Sharia*: The “Qaadi” (judge) is accountable to Allah. Jurisprudence is drawn from the Koran and the Hadith (Islamic tradition).

Secular system: “Modern legal written codex”, introduced by the colonialist administration and settled by the upcoming of the Somali State. Requires a complex judiciary system with law experts, judges, prisons etc. More or less in coma for the time being. The judge is accountable to the rule of law (the written Law Codex).

In Peder Pedersen, *Analyzing “Somali Customary Law and Traditional Economy”*, PDRC/ WSP, Garowe, 2003.

- *Challenges to a working democracy and democratisation process*

The institutions (Government and Parliament) preside over the implementation of the democratisation process and are held responsible for its success or failure. They must address and tackle all kinds of challenges that might pose threats to the accomplishment of the process in a timely and effective manner.

But so far, according to the Secretary General of Puntland Media Association “*all the subsequent governments since the establishment of Puntland State did not do more to promote the democratisation process and they failed their responsibilities; the public still expects concrete results concerning the multiparty system.*”¹⁸⁵ Indeed, the stakeholders consulted had negative impressions regarding the capacity or the willingness of the authorities to discharge their pledge of bringing democracy to the people of Puntland. They are concerned and ask questions on issues like:

- Puntland governmental Institutions adequacy to the task.
- The disconnection and weak communication between the public and the government.
- The inexperience of the institutions on matters of democratisation processes.
- The strength of political will and commitment of the authorities.
- The ability to raise the required human and financial resources.

The doubts were also expressed by the participants regarding the institutions’ awareness of the existence of the above conditions or readiness to confront the challenges.

The list of the challenges that the institutions have to address is long; among them figure the establishment of the Puntland Electoral Commission (PEC) and the electoral laws, the dissemination of the Constitution and its endorsement by the population. The successive steps that will cover a period of 4/5 years are all critical steps for the democratisation process. All these steps will be most probably subjected to a host of practical problems whether technical, financial or political. Thus, the challenges that can derail the normal course of the democratisation process:

- Social tensions, security problems and arms proliferation.
- Lack of financial and material resources.
- Clan politics and Islamic insurgency affecting free expression and debate.
- Lack of resilience and livelihood fragility (epidemics, drought and emergencies).
- Disengagement of women and youth due to lack of motivation.
- Undefined districts and regional boundaries and lack of clarity over jurisdictions.
- Instability and tension due to unpredictable population movements.

¹⁸⁵ Burhan Ahmed Dahir, Puntland Stakeholders’ Meeting, 25/26 September 2010.

The discussions around the democratisation process that took place throughout Puntland as part of the Pillar Mapping Exercise highlighted a set of lingering areas around which divergences remain and thus require further particular attention:

WHAT ARE THE PROSPECTS?

1. Public perceptions and understanding of democracy

Although there seems to be general support for democracy, the public is not familiar with what it comprises. The people consulted expressed their miscomprehension of the way it works and what the benefits associated with it might be. For democracy to take roots and thrive in Puntland, a common understanding and acceptance by the people is needed.

How can public awareness and a common understanding of the principles of democracy be promoted?

How can a political and cultural environment for democracy be promoted?

2. Clan system and clan politics versus democracy

Currently in Puntland, the House of Representatives, ministerial and public offices' appointments are clan-based. The clan system and its accompanying loyalties frequently outweigh competence in government appointments, which undermines good governance, transparency and accountability. In addition, clan politics are often associated with disputes where divisiveness and mistrust are generated by politicians in order to divide people along clan lines for political agendas.

Can we protect the public affairs of Puntland from clan politics through instituted principles of democracy?

3. Negative propaganda around the concept of democracy

Article 1 of Puntland Constitution states the following: "The purpose of Puntland State is the realisation of form of state founded on consultation, democracy, equality, and social justice in conformity with the Islamic Sharia." Although some of the stakeholders consulted perceived democracy as an anti-Islamic political system, the majority emphasised the importance of having a democratic system that is in compliance with the Sharia (Islamic laws) and maintained that the concepts of "Democracy" and "Sharia" are compatible and reconcilable.

How can the understanding of democracy be promoted and understood in ways that are respectful to Islamic principles?

4. Puntland's institutional challenges

The Puntland democratisation process has made limited progress over the past 8 years, despite high public expectations. The ratification by the House of Representatives of the revised Constitution is a significant step forward and its public launch and endorsement is awaited with keen interest by the Puntland people. The government has outlined the next steps to be undertaken and those consulted want to see these taken without further delay: the establishment of the Puntland Electoral Commission and passing of the electoral laws; the dissemination of the revised Constitution and its public endorsement (or otherwise). These are likely to be the focus of political activity in Puntland over the next five years. The Constitution demands this, the government has promised it, and the public expects it. However the stakeholders consulted expressed concern about the capacity and the commitment of the Puntland authority to carry out the democratisation process in a timely and effective manner.



How can the capacity of government institutions be enhanced to strengthen their capacity to institute democratic principles and systems?

What are more constructive ways in which the public could contribute to the democratisation process?

5. Impact of the Somali conflict

The political situation in Somalia is very dynamic, with a high degree of uncertainty and unpredictability, which impacts directly on Puntland through acute conflicts with its neighbours (Somaliland and south-central Somalia). In both areas, periodic violent clashes erupt as a result of the legacy of unresolved issues. This is coupled with heavily armed and financed criminal networks engaged in piracy and trafficking in arms, humans, and drugs that have the potential to seriously undermine and compromise the democratisation process in Puntland.

What mechanisms can safeguard the democratic process in Puntland from potential risks (such as the impact of organised crime) and unsolved issues with its neighbours?

Challenges to the devolution of power to local authorities

4.1 Introduction

African countries have undergone repeated decentralisation reforms, some since just after independence while others more recently (late 1980s). In Puntland, the actual decentralisation process started only half a decade ago with a firm commitment of the Puntland government to devolve political and administrative powers to local government in order to improve governance, transparency and accountability and to provide better services through institutional development and capacity-building.

The new Puntland Constitution defines decentralisation as a system of governance¹⁸⁶. For instance, the Article 120 states: *“Puntland will adopt the principle of decentralisation system of governance (and) to embark in the decentralized power of administration, Puntland territory is sub-divided into regions and districts.”*

Despite the existence of the above legal provisions and the commitment of the Puntland Government¹⁸⁷ to the decentralisation of political and administrative power down to the local people along with the formations of local councils, tangible progress is still lacking.

Decentralisation is said to be any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy. Decentralisation is usually about strengthening both central and local governance in ways that support the objectives of unification, democratisation, and greater efficiency and equity in the use of public resources and service delivery. The primary objective of decentralisation is to have local institutions that are able to perform or support all these functions with appropriate roles at multiple levels¹⁸⁸.

The administrative governance structure adopted in Puntland comprises three tiers: the State executive, regional administration and district councils. It has also a Parliament of 66 representatives based on a clan selection process. In mid-2003, the government of Puntland formulated policies and laws for local government as part of its commitment to the democratisation of the Puntland political system through devolution of administrative power down to the citizen. The objectives were to decentralize service delivery through the establishment of inclusive, participatory local governance systems.

Decentralisation has therefore emerged as a key issue to peace, since it is believed that it can fundamentally and structurally contribute to the sustainability of peace, long term development and good governance for Puntland State of Somalia.

¹⁸⁶ Provisional Puntland Constitution, Articles 120, 123, 124, 125, 126 and 127, Section 6, 2009, pp.47-50.

¹⁸⁷ Ministry of Planning and International Cooperation, Puntland Five-Year Development Plan, 2007, p.23.

¹⁸⁸ The International Union of Local Authorities (IULA), Worldwide Declaration of Local Self-Government (1993), 31st World Congress, Toronto, 13-17 June 1993.
The IULA sets out the importance of local government in delivering services at the local level.

This chapter focuses on local governments and local institutions as they are the key recipients of decentralised powers and reviews the origins and developments of decentralisation in Puntland by looking at its structure and financing. The major existing challenges hampering the current established local governments and impeding the creation of remaining municipal districts are also highlighted. Moreover, the extent of public participation (especially in regards to women, youth and minorities) in local governance and the degree of local service provisions will be discussed.

The three critical questions dealt in this research are as follows:

- Why nearly all the established local councils in Puntland districts are today not properly functioning and do not meet public's expectations?
- What are the root causes of local council's weaknesses?
- What are the challenges facing the establishment of the remaining local councils and the application of the women quota in local council functions?

In light of these fundamental questions, PDRC, following the successful completion of the three-year Dialogue for Peace Programme and noting the obstacles still hampering the developments of Municipal District Councils in Puntland, re-engaged with the population from all levels and undertaken research on the challenges hampering local governments through the decentralisation pillar of the Pillars of Peace Programme.

Decentralisation Pillar Note Objectives

The followings are the main objectives of the Decentralisation Pillar Note:

- To review the developments and legal matters of decentralisation in progress so as to examine the structural and financial framework of current local governments.
- To highlight the major obstacles hampering the well-functioning of established local councils and the completion of remaining Municipal District Councils.
- To assess the extent of basic social services provided by local governments and community participation in local decisions.

**Number of participants to the Decentralisation Pillar
Mapping Exercise per stakeholders groups**

Sectors	Focus Group & Consultation Participants	Individual interviews	Total Participants	Sectors (%)
Elders	57	1	58	13%
Youth	54	2	56	12%
Businessmen/ women	40	3	43	10%
Professionals	27	4	31	7%
Women	42	6	48	11%
NGOs	42	0	42	9%
Religious	19	0	19	4%
Intellectuals	13	0	13	3%
Media	4	1	5	1%
Minority	26	1	27	6%
Councilors	66	4	70	15%
Authority	33	8		9%
TOTAL	423	30	453	100%

4.2 Background

Puntland State of Somalia has embraced a decentralized system of governance but over the past five years, the system of local government has been experiencing many ups and downs.

Since independence in 1960, Somalia has experienced civilian and military regimes as well as periods of statelessness. During the democratic era (1960-1969), the newly established state institutions failed to meet people's expectations: *"Poverty increased and security deteriorated. Moreover, corruption, nepotism and cronyism characterized state institutions."*¹⁸⁹

During the military regime of Mohamed Siyad Barre, Somalia was divided into eighteen regions each containing three to six districts (total of 84 districts) with the exception of the capital region (Banadir) which was segmented into 15 quarters. Some were totally urban, while others included both urban and rural communities. Local government authorities were appointed by the central government headed by district commissioners appointed by the President¹⁹⁰. The powers of the municipal councils included local taxation, town planning, registry and census, public services-notably sanitation, land management, and approval of the local budget. The major educational, economic and

¹⁸⁹ Afyare Abdi Elmi and Dr. Alahi Barise, *The Somali Conflict: Root causes, obstacles, and peace-building strategies*, Institute for Security Studies, 2007; Available on: http://www.iss.co.za/index.php?link_id=22&slink_id=3463&link_type=12&slink_type=12&tmpl_id=3

¹⁹⁰ A study of Political Structures for Somalia: Menu of Options, LSE political Science, August 1995, London, England.

social services however were financed and maintained by the central government, which also exerted supervisory control over the municipal councils through its power to remove mayors and to dissolve the councils.

Likewise this highly centralized system of governance that persisted over two decades during military regime era used excessive force and collective punishment to suppress opposition. The people had no mechanisms for registering their discontent. The system did not allow opposition forces to exist, let alone have a voice in important issues. By early 1990, this pattern of local government had collapsed leading the country into chaos and disorder. Since then Somalia remained without a strong functioning central government.

After the collapse of all state institutions in 1990, attempts were made with varying degrees of success to rebuild state institutions and restore law and basic public services. The historical deterioration of public sector institutions and management during the pre-war period continues to exert a profound legacy in the political and administrative structures, processes and incentives required for public governance in Puntland.¹⁹¹

Puntland government was established after the failure of national reconciliation initiatives¹⁹² (notably Soddere and Cairo processes) supported by the international community to institute a strong united federal government. It managed to develop an accepted system of governance with the broad-based support of its citizenry, and to turn the page from Somalia's depressing history of bad leadership and centralized government.

The adoption of the decentralisation process in Puntland has highlighted many challenges facing local governments in general. The formations of local councils may become volatile as new districts with local councils emerge while old established local councils have also occasionally been dissolved.

The number of districts with local councils reached its highest levels in the year 2007. A total of 18 districts had established councils out of the 29 districts.¹⁹³ However, since then the formation of local government has faced many challenges on the ground. Because of the complex changing circumstances in almost all local governments in districts, and with a view to revitalizing the local decentralising process, a Pillar Mapping Exercise was carried out to gather the views of 453 persons from the different sectors of the society (see *annex*).

¹⁹¹ World Bank, Somalia: From Resilience towards Recovery and Development, 11 January 2006, p.34

¹⁹² Since the collapse of the last Somali military regime, 6 reconciliation conferences were held outside the country by the international community and many unaccounted conferences took place inside with the aim of restoring and building a well-supported, inclusive and accepted central government.

¹⁹³ PDRC, Needs Assessment Report on Decentralisation of Political and Administrative powers to Municipal District Councils and Civil Society, January 2007.

4.2.1 Decentralisation process: development and legal matters

Puntland State of Somalia has been established for more than a decade as an autonomous regional administration. The Charter of 1998-2001, adopted at the Garowe Constitutional Conference¹⁹⁴, clearly stated the devolution of power and administration from the central authority to sub-national (local) administrations in the form of local councils.

In late 2003, the Puntland government engaged in the process of decentralisation of power and administration as part of Puntland democratisation process. Decentralisation was formalized under the local council Law No. 7, dated 23 September 2003, giving legal status to local government in a decentralised setting. The act confirmed that the local government councils shall “*exercise all executive powers and functions in their area specified by the law.*”¹⁹⁵ The Administration expressed its serious commitment to governance reform in its Local Government Action Plan and at the same time created a selection committee¹⁹⁶ chaired by the Minister of Interior, Local Government and Rural Development. The committee was responsible for facilitating local communities’ initiatives in establishing their district councils, selecting its members and assisting the selected councilors establish administrative and management structures.

Although the decentralisation strategy was formalized in 2003 under the Local Council Act (law), giving legal status to local governments, the real commencement of local district council formations initially took place in April 2005¹⁹⁷. The first district that formed a local council was Garowe – Puntland’s capital, in 2005. It had 27 councilors, each with a four-year mandate.

In December 2006, a survey conducted by PDRC revealed that out of the 29 districts at the time, only 15 had formed their local councils. Three years later, 7 new districts were formed which is, out of the 36 districts then existing, only 25 districts with formed councils. Unfortunately, almost all these district councils no longer exist since they were either dissolved, their mandate expired and there were no replacement, or internal problems prevented the local councilors’ meeting on a regular basis. As an example, the Galkayo local council formed on 27 August 2009 has only started to function in the early months of 2010¹⁹⁸. The current Puntland Administration has moved the democratisation process forward, taking steps such as passing and approving the revised Constitution through the Council of Ministers and House of Representatives¹⁹⁹.

¹⁹⁴ Constitutional Conference, Garowe, 15 May 1998.

¹⁹⁵ Puntland Government, Local Council Law No. 7, September 2003, Article 24.

¹⁹⁶ The selection committee, created in April 2005 by the President. consists of a number of representatives from the ministries (including the ministry of interior & local government) and the governor of the region concerned.

¹⁹⁷ PDRC, Needs Assessment Report on Municipal District Councils, January 2007.

¹⁹⁸ Jama Hassan, Director of local government department, Interview, Garowe, Nugaal-region, 4 March 2010.

¹⁹⁹ The revised Puntland Constitution was approved on 29 June 2009 by the Parliament.

The revised Puntland Constitution that was provisionally approved recently stipulates that the State shall be based on democratic principles which empower active participation of all citizens at all levels in their own governance. Specifically, *“Puntland shall apply the decentralised governance system.”*²⁰⁰ In the meantime, the Constitution highlights that citizen representatives will be elected by their constituencies in the year of 2011.

In addition, in the five-year strategic plan (2007-2011) the Puntland government elaborated a specific chapter that stipulates the strategies and policies of the state government in terms of governance and institutions. These strategies and policies constitute a means of devolution of power and administration down the local level with the overall goal of increasing people’s participation in local decisions and with the aim of holding free and fair elections at the local level. However, the empirical evidence to date suggests that these expectations are yet to be realized.

The realities on the ground and the developments of local government matters show that much remains to be done to progress with the decentralisation process, six years after it was put in place.

4.2.2 Structural and Financial Framework of Local Governments

Local government system in Puntland comprises of the Ministry of Interior, Local Government and Rural Development, Provincial and District Local Government Offices, and the local authorities. Other key players include the Ministry of Finance and the Puntland State Audit Office.

Local government²⁰¹ comes under the direction and guidance of the Ministry of Interior, Local Government and Rural Development for local administrative issues at the central level. The Ministry plays some crucial roles throughout all stages of the decentralisation process including the capacity building and technical assistance provided to local councils to perform their assigned functions²⁰².

The organizational structure of current local government is categorized into three rankings/ categories (A, B and C) based on population density, economic productivity and geographical size. Districts that fall into category A are the regional capitals. Category B is composed of the districts of second class. They include the major urban cities with some economic sources that can generate revenues to run their local governments’ daily operations. Finally, category C districts include those recently formed districts with low revenue base.

²⁰⁰ Puntland Constitution, Section 6, Article 120.

²⁰¹ Local governments derive their legal foundation, powers and functions from the Local Government Law No.7.

²⁰² Ministry of Planning and International Cooperation, Puntland Five-year Development Action Plan, p.23.

To date, out of 36 officially registered districts in Puntland, 7 are in category A, 14 of them are in category B while 15 districts are in category C (see table below). These rankings of districts are subject to change²⁰³. A district can move from B level to A level when its local government's revenues generated increases up to a level where its expenses are sufficiently covered; the opposite can happen, too. This modification of district ranking is to be legally issued in presidential decree. Up to now, no district ranking modification has been reported.

Each district is composed of a local council primarily the local councilors and a municipality which mostly consist of the executive councilors, the district secretary and ordinary staff. Local councils constitute the primary aspect of decentralisation. Its local councilors are the representatives of the community in that residence. The mayor and his deputies are elected among the councilors. There are also district and village committees²⁰⁴ that come under the district council.

The local governments are given broad latitude by the Constitution to establish their revenue base, including the choice of instruments and rates, within their areas of jurisdiction. However, due to the lack of capacity and political control, most of the municipal district council problems are caused by lack of revenues to meet their assigned tasks.

The provision of state governments' grants to local authorities is either non-existent or very low. The only significant government grant is the one given initially as a 'get-go fund'²⁰⁵ to local councils in their early stages of operations. However, whether these grants have been properly used and whether the state government is monitoring how these grants helped the poor low income district councils is uncertain.

Many of the people consulted raised questions regarding the grants given to councils and the local revenues generated versus the local government expenditure. An elder, also businessman, who deplored the financial support given to local governments said that *"the kind of financial and material support given to the municipal district council from state government is not helpful and not the right one."* He added that sometimes a luxury car is given to the mayor or governor whereas his period of duty is less than a year. This practice is economically unproductive and does not help the decentralisation process (since the car is seen as personal property and owned by the mayor or governor whether he is still in office or not).²⁰⁶

²⁰³ Puntland Government, Local Council Law No. 7, September 2003, Article 1.

²⁰⁴ Under the district council there are district and village committees as indicated in the Article 28 of the local council Law No.7 which are the representatives of district or village residents (with a particular consideration given to women and minority groups) mainly designed to administer the village matters in terms of security and community mobilisations.

²⁰⁵ A 'get-go grant' from the central authority is initially given to local councils to boost them up and meet their immediate occurred expenses in their initial administrative steps. This grant is comprised of cash money (between 50 - 100m Sh.So), a small car to be used for daily activities or the transportation of the district authorities and the initial publications of tax-collecting related documents.

²⁰⁶ Shire Mohamed Salah, Focus Group Discussion, Baran Eastern Sanaag region, 23 July 2009.

Decentralisation of power and authority has not been fully implemented since only a minority of the 36 officially registered districts under the Ministry of Interior, Local Government and Rural Development has managed to establish a functional local council. In addition, most of the 25 established local councils are in reality not functioning due to internal dysfunction or disputes within the councils that have sometimes forced the state authority to dissolve them.

Current status of decentralisation in Puntland

TOTAL number of districts	Number of established local council	Number of dissolved and non-functioning local council	Number of non-established Local council
36	25	24 out of 25	11 out of 36

Puntland has not fully devolved the decentralisation process to all its districts nor made a favorable working environment for local government institutions, notably clear defined job descriptions within local government staff or between the ministries and local governments. This can bring confusion through unclear duties and responsibilities between local governments and the ministries, and local governments and regional administrations, particularly in the performance and monitoring of some functions as well as the provision of certain services.

Interviews with the Mayors of Bosaso and Gardo²⁰⁷ depicted concerns over the visible reticence of the state authority in transferring power with equivalent responsibility. Bosaso Mayor stated in this respect that *“the Ministry of Youth and Sports has the intention of controlling Bosaso local stadium and the Ministry of Fishing has a complete authority on any project relating to local fish market being implemented in the district.”* These concerns imply an unclear division of responsibilities and functions between ministries and the local institutions.²⁰⁸

Districts which established their local councils are facing many challenges on the ground. Lack of capacity and skills, financial constraints, poor institutional capacities and growing negative perception from the public due to the poor or non-existent social services have overwhelmed the progress of local administrations and rendered them idle.

The structural and financial frameworks of local governments also vary according to the defined district ranking as their local capacities also differ.

The representatives of the stakeholders consulted during the Pillar Mapping Exercise identified the following issues as the main challenges to functional and effective decentralized governance structure with strong public participation in governance at the local level.

²⁰⁷ Osman Buuh, Mayor of Gardo, Interview, Gardo, 13 July 2009.

²⁰⁸ Abdirasaq Hareed, Mayor of Bosaso, Interview, Bosaso, 8 January 2010.

4.3 *Inappropriate local councils' selection process*

*“Xul laguma keenin ee Xal baa lagu keenay”
 (“They were not brought for their merit but to fill a void”)*

Focus Group Discussion, Jariiban-Mudug region, 03 August 2009.

Puntland government resulted from a broad-based congress attended by representatives from the different clans residing in the state, including traditional elders and political leaders. It has been using the clan-based system as the formula for sharing political power and selecting the seats of Parliament and local councils. Similarly, the selection process of local council members is based on a clan formula through consultative process. Since this clan-based selection procedure of district councils is seen as inadequate and only partially applied, it has become the most critical junction of the whole process. *“Almost all established councils fall apart before they come to being”*²⁰⁹ and the clan-based selection process of the council members are held mostly to blame for this by those consulted. Although local councils will be elected under the new Puntland Constitution, the transition from clan-based system remains a challenge. In the absence of an electoral system, the selection process is done through a clan-based quota system.

Practically, a selection committee nominated by the state government, instructs the local traditional elders in the targeted district to share and divide the defined number of council members among their sub-sub clans in a ratio they have agreed upon or according to their local norms. This selection committee, who derive its legitimacy and executive powers from the nomination decree, has the mandate to receive the list of candidates for local council seats for review and screening of their personal histories in accordance to the set selection criteria stipulated in the local council law. However, questions have surfaced about the effectiveness of this selection process as a participant²¹⁰ expressed: *“I believe that the general atmosphere and conditions being worked by the selection committee was haste and unclear.”* He added that if this committee is dedicated in acting according to the law, nothing would go wrong.

In a similar way, the nominations of new regions and districts are often based on political consideration, usually to satisfy clan demands and pressures – rather than on the basis of socio-economic need or advantages. This creation of new districts for reasons other than actual need has become an obstacle to decentralisation itself, and in many cases has resulted in the establishment of unviable districts. For instance, the original Iskushuban district council has since been divided into five, namely Uffein, Bargaal, Xaafuun, and Rako.

²⁰⁹ Mohamed Farah Dhashane, Intellectual and expert in local governments, Focus Group Discussion, Burtinle, Nugaal region, 12 August 2009.

²¹⁰ Dahir Mohamed Farah, Puntland Stakeholders' Meeting, Garowe, 25 May 2010.

Thus, the stakeholders consulted were unanimous in saying that local community leaders and selection committees had abused or transgressed the pre-determined districts' rankings A, B, and C during the council formation procedures in almost all districts. All regional capitals have ended up as category A, with 27 district council members, major urban cities in category B with 21 members, and the remote and newly designated districts as category C with 17 members. No consideration was given to the defined number of councilors for each district category in the local council law²¹¹. Sometimes the assigned legal selection committee (chaired by the Minister of Interior and Local Governments) deliberately added extra council seats, as in the case of Jariiban district in Mudug region for example. The addition of members resulted from an internal dispute and dissatisfaction among the local communities over the sharing process that emerged.²¹² This approach has not only spoiled the pre-determined district category but also contributed to internal disputes among many district councilors. According to a woman local councilor in Jariiban district, *"the extra persons added have brought the council problems since they were brought through an arbitrary selection procedure."*²¹³

Districts of category C outnumber the districts of categories A and B. These category C districts have no mechanism of generating local revenues apart from the state government's supporting fund they receive to run their offices which in turn brings additional economic burden on the state revenues. A traditional elder²¹⁴ attending the Puntland Stakeholders' Meeting said that the mayors of these increased districts often come to the capital demanding financial supports which is contrary to the notion that district administrations should actually contribute to the state government revenues.

The ultimate decision power of traditional elders to select and submit the members of their district councils was also highlighted by those consulted. Many of the participants identified the misguided initial steps of the council selection procedure in terms of the exclusive power lying with the traditional elders coupled with the absence of mechanisms to ensure the selection is done in accordance with the pre-set criteria notified in the local council law²¹⁵. The elders nominate the members at will and without the observance of norms and conditions. For example, a young teacher at a private institute in Gardo commented on the selection procedure: *"elders never allow the youth to be involved in the council member selection; they base it on their personal interests and views but not for the community."*²¹⁶ In addition, the selection of local council members by traditional elders has transgressed the allotted legal number for each district category and invited in many unskilled, less educated groups to fill the

²¹¹ Puntland Government, Local Council Law No. 7, September 2003, Article 15.

²¹² Jama Hassan, Director of Local Government Department, Interview, Garowe, 16 March 2010.

²¹³ Jawahir Elmi, Focus Group Discussion, Jariiban, Mudug region, 03 August 2009.

²¹⁴ Mohamoud Said Aw Muse, Puntland Stakeholders' Meeting, Garowe, 25 May 2010.

²¹⁵ Puntland Government, Local Council Law No. 7, September 2003, Article 21.

²¹⁶ Mustafa Hashi, Focus Group Discussion, Gardo, Karkaar region, 13 July 2009.

seats of many district councils. *“The majority of clan leaders have selected as their council members those who were in poor living-standard and social status among the community in terms of education and income earning.”*²¹⁷

Dissatisfaction from various clans and social groups (including women, youth, and minorities) in the proportion of councilors seats allocated to their groups has increased. Minority clans²¹⁸ in particular expressed deep grievances and discontent in the way the power is divided among the clans. *“It never happens as fair selection and share in any governmental positions; the major clans always manipulate the most economic and political resources.”*²¹⁹ Women and youth are also marginalized in terms of representation in the current established local councils. The youth – the lifeblood of every society, they constitute an important and wholly neglected group in the clan-based selection process. Women and youth are discontented by the current clan-based selection procedure where the traditional leaders nominate the sub-clan representatives. While the share of political and economic resources are divided among clans, women are never considered: *“No man wants a woman to fill a vacant position. They want a man there even if he is the worst one of them.”*²²⁰

Many districts have also failed to implement the presidential decree²²¹ which ensures and backs up the legal dedicated number of seats for women in the local councils. Some participants highlighted that as the decree is unclear in the way it is written and how it should be applied, it has not been implemented, and has not effectively contributed to the nomination of women as local councilors.²²² In particular, the decree does not specify whether the 30% of female councilors are to be selected on clan-based formula or on women-based formula.

In the views of the many internal obstacles to be overcome when selecting local councilors, some communities became unwilling to form a district council at all. For example, an elder from Waciye district in Karkaar region argued that there is no need to establish a local council since it might just bring additional internal problems²²³ as the weaknesses of the selection procedure of local council members can create internal conflict among the councilors themselves.

Lack of job descriptions and continuing disputes over financial or administrative issues are among the other problems faced by local councils. Those have affected the performance of local government and their acceptance by the community. A lack

²¹⁷ Abdifatah Mohamoud, Focus Group Discussion, Bosaso, Bari region, 22 July 2009.

²¹⁸ Minority clans in Puntland are: Madhibaan, Tumaal, Midgaan and Yibir.

²¹⁹ Mowliid Ducaale Jama, Focus Group Discussion with Minorities, Bosaso, 17 December 2009.

²²⁰ Halima Mohamed Jacfar, Focus Group Discussion, Gardo, Karkaar region, 10 November 2009.

²²¹ A presidential decree with a reference No. 93 issued on 16 June 2007 aimed to fully ensure and back up a specific number of seats (30%) for Puntland women in local governments. (See annex)

²²² Focus Group Discussion, Garowe, 24/25 December 2009.

²²³ Askar H. Hassan, Focus Group Discussion, Waciye, Karkaar region, 16 June 2009.

of recognition which has earned some council to be nicknamed ‘cancer’ because they are seen as spreading problems among the community instead of bringing them benefits²²⁴.

4.4 Negligible public participation

Poor public participation in local decisions

Through people’s participation and involvement in planning and decision-making processes, a local authority with good local governance can be established. An essential advantage of decentralisation is that it *“facilitates good governance through empowering local people, allowing them to participate in decisions affecting their everyday lives.”*²²⁵

It is important to note that decentralised governance is a relatively recent experience in Puntland, and the heart of decentralisation – participation – is unfamiliar and unpracticed, as those districts that formed local councils have not integrated public participation in their process.

In most of the municipal district councils (whether from category A, B or C), the degree of public’s participation and involvement in decisions that affect their lives is either very low or totally absent. Local people’s involvement and participation in decision-making that affects their livelihood, planning and budget has been underscored as very low or completely absent. The budget of the local councils, if any, is prepared by the executive committee and approved by the council without any prior public consultation. In spite of the fact that one of the primary assigned activities of local governments relates to budgeting, this is missing in almost all district councils (particularly in category B and C). The minority of the local governments in category A such as Bosaso have managed to elaborate budgets.

It is worth noting that even the few districts that do have budgets – sometimes thanks to the support of international NGOs or the UN – have nevertheless not held public consultations regarding the budget. A participant to a focus group discussion in Bosaso believed that *“the only vague and occasional attempts to present already discussed and prioritized plans to some selected local citizens do not ensure the active participation of the public in the decisions.”*²²⁶

A cornerstone of decentralisation is participation of local people in decisions that affect their lives and the accountability of their local council. At present, there are no mechanisms or conducive and favorable atmosphere for community participation and

²²⁴ Abdirahman Khalif, Councillor, Focus Group Discussion, Garowe, Nugaal region, 24 November 2009.

²²⁵ *“If decentralisation does not lead to the empowerment of the people then it cannot constitute an element of good governance.”* Nsibambi, *“Introduction to Decentralisation and Civil Society in Uganda: The Quest for Good Governance,* 1998, p.8.

²²⁶ Mohamed Sahar Gule, Focus Group Discussion with Minorities, Bosaso, Bari region, 17 December 2009.

involvement in the management of local administrations, particularly in local decisions. The selection process of local authorities based on the clan system is believed to be incompatible with the modern system of governance and mechanisms to ensure that women, youth, minority and marginalized groups are involved in the delimitation of service delivery priorities do not yet exist.

Women and youth's representation and participation at the local level

Successful decentralisation requires some degree of local participation of all sectors of society. Participation that enhances the representation of women, youth and minority groups in all tiers of local councils is an opportunity to preserve their rights and prevent any group from being marginalized. Some very serious challenges relating to both the representation of women, youth, and minority clans in the process and their active participation in local decisions have been identified during the Pillar Mapping Exercise.

Women constitute a very active portion of the community in Puntland. Many of them are engaged in business, or are petty traders more informally engaged in business activities at the grassroots level. They are taxed for their businesses by local governments through fees and licenses but perceive that they benefit less in terms of influence in local political and economical domains. Women's dissatisfaction and grievance of not being enough represented in local administrations was noticeable as a participant from Garowe member of PDRC's Advisory Board stated: *"women are more interested in participating in local councils, working for their country, and are more advantageous and productive to local developments than men, but in this system of clan-based selection process, women have no space."*²²⁷

The law guarantees political representation of women in local councils, and yet it is still ineffective as local elites (elders) seek to determine priorities without consulting the wider population and especially the women. Legislation that fully supports the increased representation of women in local councils was passed by presidential decree²²⁸ in order to ensure women's involvement in a culture which often prevents their participation in politics. However, bearing in mind the previous vain attempts²²⁹ to allocate a specific numbers of seats to women, the actual legislation needs to be examined accordingly.

Women's representation in social, political and economic domains is very marginal. They are not adequately represented in terms of numbers nor do they actively participate. The number of women in the current established local councils is much less than their

²²⁷ Lul Mohamed Warsame, Puntland Stakeholders' Meeting, Garowe, 25 May 2010.

²²⁸ Puntland's Presidential Decree, No. 93, 16 June 2007.

²²⁹ From the clan-based system, where elders determine who represents its clan to the local councils, the allotted number of seats for women were neither unclear nor difficult to obtain. The local norm implies that the major clans that get more members than others were asked by the selection committee to include woman/women for their members of local council.

prescribed legal rights due to the existence of cultural challenges. As one participant noted, this results from *“the old traditional culture that gives less consideration to women in terms of representation of her clan, the dominance of men over power and political resources, women’s low profile in education and administrative skills, mistranslation of Islamic religion and the lack of coordination as well as poor collaboration among women in the attainment of political positions.”*²³⁰

The empirical evidence gathered during the Mapping Exercise suggests that some districts are far from meeting the allotted 30% of seats for women while others do have some women councilors even though the district transgressed the total number of councilors set by the district rankings in order to accommodate women. Examples are Jariiban, with 10 women out 31, and Aluula, with 18 out 45. The set numbers of councilors are: Category A - District: 27 members, B-District: 21, and C-District: 17.

Among the many obstacles to the implementation of the women’s quota in local councils is the fact that the decree was issued after some districts had already formed their local councils. Due to the difficulties met in the selection process (see above section 4.3), many local community leaders were reluctant to reshuffle and restart the process in order to meet the decree while others felt that the Puntland government had not taken sufficient measures to enforce implementation of the quota. One well-respected elder in Gardo district stated while commenting on the challenges to the implementation of the presidential decree: *“we, the elders of Gardo, will not oppose the quota implementation if the government itself does not. The decree was issued late, and restarting the selection and allocation process to meet the demands of increasing female councilors will be painful and could bring a worse result.”*²³¹

The few number of women councilors in the municipal district councils have very little space to express their point of view. The ability of women to speak out freely among men is a complex matter in the Somali context. During traditional meetings at the clan level, women are not considered and speaking out would be considered inappropriate. Men are traditionally viewed as representatives of the family unit, thus constraining women’s confidence in suggesting their views, opinions in decision-making. Women’s dependence on their sub-clans in terms of decision-makings coupled with their low number in Municipal District Councils do not support their wish for their views to be heard and considered in decisions regarding local issues.

In sum, the challenges highlighted during the Pillar Mapping Exercise by the stakeholders are as follows:

- The women’s quota was issued too late; local consultations in the selection process had already started.

²³⁰ Amina Ahmed Abdi, Ministry of Women, Consultation Meeting, 11 November 2009.

²³¹ Mohamed Adan Ali, Focus Group Discussion, Gardo, Karkaar region, 13 July 2009.

• *Challenges to the devolution of power to local authorities*

- No clear definition on whether this increase of women seats in local councils would come as women-based or as clan-based share.
- Lack of governmental supervision and follow up.
- Cultural barrier which limits women from holding public positions.

The formal representation of youth, women and minority groups in local councils seems to be largely symbolic. Particularly for the youth and minority groups, there is no structural and/ or legal framework supporting their representations in the current local governments. The representatives of youth and minorities consulted argued that they have no rights to participate and are less considered in the current selection system as applied at the time of local council formations: *“as long as the clan-based system is the formula used for power sharing, the role of youth will be neglected and omitted.”*²³²

Public participation is not always given since many of the local communities may not have the time or the interest to participate even if invited as they are struggling to survive the harsh life. This is particularly acute for the poorest people and some of the minority groups, who appear to be less fortunate in terms of economic opportunities and have low social status in the society.

The discussions around women and minority clan issues in local governance turned into a quite enthusiastic debate during the Puntland Stakeholders’ Meeting as a member of the Galkayo local council also representative of the minority clan well illustrates: *“You all agreed that we, women, are 60% of the population, you also agreed that we have a big role in working for peace with men, and at the same time you do not give us our rights.”*²³³ She also openly asked the participants to the meeting not to call her member of the minority clans but instead a member from ‘socially discriminated clans’.

4.5 Puntland’s institutional challenges

“Better governance means greater participation coupled with accountability”

Kofi Annan, 2000

Internal disputes within the local governments

Apart from the challenges described above resulting from low involvement of the people in local decisions, there are also other governance problems emanating from the weak and even strained relations between local political leaders, civil society organizations. Within the councils, antagonism is often apparent between the local councilors on one side, and the mayor and municipal district secretary on the other side. *“The challenge faced by Taleex council does not come from the lack of revenue but from the prolonged internal disputes resulting from the fight against the elected*

²³² Jama Abdirahman Ahmed, Focus Group Discussion, Garowe, Nugaal region, 10 October 2009.

²³³ Farhia Yusuf Hirsi, Puntland Stakeholders’ Meeting, Garowe, 25 May 2010.

mayor.”²³⁴ As observed in many of the visited districts such as Galkayo, Dongoroyo, Jariiban, Badhan, Dhahar and Bo’ame, one of the greatest threats faced by these district councils is the internal disputes among local councilors, which prevent them from focusing on their assigned tasks. Some of the disputes have even led to the dismissal of some of these local councils²³⁵.

Many of the internal disputes in local councils, especially those between the mayor and the secretary²³⁶, are due to administrative and financial related issues. These internal governance problems have occasionally triggered the state government’s intervention up to the point of dissolving a local council.

As a result of these persistent internal conflicts in almost all districts that have a local council, many local people expressed their discontent and doubts on whether the present local government staff (both the councilors and municipality staff) can contribute to the accomplishment of the decentralisation vision. A visiting person from the Somali Diaspora commented in this regard: *“As a result of the low education level of the current local councilors and due to improper selection procedure which deviated from the pre-set criteria and is highly dependent on the clan lineage, these councilors are not expected to bring any positive changes. I think there is another factor stronger than the low education level which is ‘tribalism’. People that have personal motivations will not make any progress even if they are trained. Given these factors, I think that training alone cannot bring better performance. There are other factors that need to be considered.”*²³⁷

Internal governance problems in almost all established local councils impact on local development and undermine the public perception of local councils and the working relationship with civil society organizations at local level, reinforcing frequent common perceptions that the local councils members are disqualified and unable to fulfill their duties.

There has been little political or technical involvement by the state authority in addressing these governance-related problems that hamper local government functions, except when the state government takes a decision to dissolve the local council.

Accountability and transparency of local revenues

Accountability and transparency are indispensable for the development of local government to build and maintain trust and confidence among the public and in

²³⁴ Yusuf Artan Muse, Councillor, Focus Group Discussion, Taleex, Sool region, 16 August 2009.

²³⁵ Some districts visited during the Pillar Mapping Exercise such as Dongoroyo, Burtinle and Taleex have been dissolved due to prolonged dispute in the local council.

²³⁶ This type of dispute between the mayor elected by the council and the secretary appointed by the line-ministry has been underlined as one of the greatest obstacle to any developments of local governments.

²³⁷ Engineer Abdi Farah, Focus Group Discussion, Gardo, Karkaar region, 15 July 2009.

order to maintain tax compliance. Local councils in Puntland derive the power to raise income and establish rates and instruments on local taxes from the Constitution, Article 125.2. Financial resources are however scarce and disproportionate to the local government's responsibilities and duties. Furthermore, there are no institutional mechanisms to facilitate the sharing of public revenue sources and funds between the state government and the local government.²³⁸

The Puntland State Audit Office (PSAO) has the mandate to audit local revenues.²³⁹ The Constitution directs local governments to form an investigating and supervising department at the local level that has the responsibility to ensure and follow up how the local district income is collected and managed. However, local audit institutions have not yet been established.

The Ministry of Interior, Local Government and Rural Development has the biggest responsibility and takes a great role in ensuring the efficiency of local government revenues. In that respect, the Ministry receives the budget guidelines from those local governments that have an annual or bi-annual budget, particularly those in category A. The Ministry also receives monthly accounting reports on local government revenues so they can follow and supervise sources of revenues vs. expenditures. However, the question remains as to whether all these requirements and measures set by the Ministry have compelled the few local governments with budget to report regularly and managed to increase the transparency and accountability of local government revenues.

In any case, the spending of public funds was raised by the consulted stakeholders as one of the obstacles facing local government development. The general public is against paying local taxes since local councils are seen as inefficient, non-transparent, not accountable and rife with corruption²⁴⁰, a position that the Mayor of Jariiban underscored when he wondered how a person could be asked to pay taxes when he/she never sees any returns²⁴¹. Many of the local people also said that the Puntland government has not done enough to address their concerns regarding the way local revenues are being managed. No investigations have been undertaken against those officials accused of misappropriation of public funds or any actions taken to reduce local corruption. Instead, if the district authorities are accused of corruption, the state government dismisses them without further interrogation or prosecution. The Mayor of Jariiban was among those who argued that the state government has not taken sufficient actions to ensure accountability and transparency of local revenues, as people who deliberately took away public revenues have not been prosecuted. This inaction also

²³⁸ Puntland Government, Local Council Law No. 7, September 2003, Article 24.

²³⁹ Ministry of Planning and International Cooperation, Puntland Five –Year Development Plan, p.24.

²⁴⁰ Corruption is here defined as “*the abuse of public or private office for personal gains, improperly and unlawfully enriching themselves or those close to them or inducing others to do so, by misusing their position.*”

²⁴¹ AbDiasis Aw-Yusuf, Focus Group Discussion, Jariiban, Mudug region, 3 August 2009.

has a negative impact since unaccountability and lack of investigation can encourage further stealing and corruption in relation to local revenues, degrade the credibility of local governments' performances, and diminish public trust in local government functions. Finally, it increases the reluctance of local tax-payers to pay taxes.²⁴²

In practice, the current anti-corruption measurements at the level of either state government or local governments for control of local revenues are ineffective and rarely applied. Although the current administration in Puntland has shown publicly its commitment to address the growing public concern over the misuse of public funds, it is too early to judge the outcomes of these actions.²⁴³

Physical facilities of local governments

The local government institutions in Puntland are facing infrastructural challenges that hamper development. The consulted stakeholders wondered how a civic administrator who lacks an office or even a chair could be efficient in his/ her work. This was a concern that the Minister of Interior acknowledged when he linked the low progress of local institutions to the poor facilities of local governments²⁴⁴.

The lack of substantive efforts by the Puntland government to ensure and prepare a conducive environment in terms of physical facilities for local governments is seen as countering the stated commitment²⁴⁵ by the state government to fully devolve power and support the decentralisation process. In addition, as a result of the poor access and communication (especially due to the rough roads and geographical remoteness), many districts feel neglected since they are not granted regular visits from neither the central authorities nor NGOs (international or local) involved in community development projects. A female participant from the remote district of Badhan deplored that *"on that black tarmac road, central government does some functions, but we, in remote districts, are totally neglected."*²⁴⁶

During the Pillar Mapping Exercise, physical facilities and buildings from 15 districts in 6 regions of Puntland were observed. Four of the visited districts, notably the major urban cities on the tarmac road (Garowe, Bosaso, Gardo and Galkayo), have premises, equipments and a relative suitable working environment. Almost all other districts,

²⁴² AbDias Aw-Yusuf, Focus Group Discussion, Jariiban, Mudug region, 3 August 2009.

²⁴³ In the First 100 Days in Office report by Puntland's President: *"The New Administration, through the Ministry of Finance, has created mechanisms at Ministry-level and lower levels to ensure proper financial controls and transparency through periodic reporting and inspections."*

²⁴⁴ Abdulahi Ahmed Jama, Minister of Interior, Local Government & Rural Development Ministry, Interview, Garowe, 6 June 2009.

²⁴⁵ As indicated both in Puntland Five-Year Plan (2007-2011) and the first 100 day progress release report (26 April 2009), the Government has indicated its serious commitment to complete the democratisation process in order to hold free and popular elections by 2013. The Puntland government has particularly stated the strategic plan for strengthening the public administration role in the realization of the Millennium Development Goals and the creation of the best possible enabling environment for stability and economic growth.

²⁴⁶ Hawo Abdullaahi, Focus Group Discussion, Garowe, Nugaal region, 25 December 2009.

especially those in category B and C, use either poor old premises with poor facilities and equipments or none at all, while some municipalities (such as Bo'ame, Goldogob, Dongoroyo, Uffein and Eyl) are now using rented private buildings or working in another governmental building without adequate facilities since their local offices have not been rehabilitated (in some cases, no offices exist). Local district councils in category C are even less fortunate compared to the other two categories. Facilities such as local offices, police station, clinics, and any other local governmental facilities are either non-existent or too damaged to be usable.

The existence of these infrastructural challenges has not only handicapped the ability of the municipalities to deliver services to their residents but has also tarnished the image of local councilors as *“people won't visit them (local authorities), and have no interest as they are neglected.”*²⁴⁷

There do not at present appear to be any plans to address the challenges posed by the lack of infrastructure for local institutions, or to rehabilitate the buildings and working environment of local government. The Puntland government has not yet given due attention to the institutional building of districts in respect to provision of premises, equipment and other technical assistances.

4.6 Low capacity of current local governments

One of the key priorities of decentralisation and local governance set by the Puntland government is to make the decentralisation of services delivery effective through the establishment of inclusive, participatory local governance systems. This primary task of local government's service delivery requires both the human and financial resources that commensurate with the assigned tasks.

The local government Law No. 7 provides current established local councils with broad latitude to establish their venue base, and the autonomy for their provision²⁴⁸. However the evidence suggests that although they have the power to collect revenue, local councils are unable to access adequate financial resources for all their needs due to lack of financial management skills and low basic education of their municipality staff (councilors and staff). As one participant to a focus group discussion said in Gardo, *“I do believe that the capacity of current local councils to manage community developments is questionable even if their revenues are increased.”*²⁴⁹

Human Resources and Capacity-building

The lack of professional and well trained staff in local municipalities is amongst the greatest challenges to the progress of the local governments in the Puntland State.

²⁴⁷ Shire Mohamed Salah, Focus Group Discussion, Baran, East Sanaag region, 24 June 2009.

²⁴⁸ Puntland Government, Local Council Law No. 7, September 2003, Article 24.

²⁴⁹ Abdi Farah Isse, Focus Group Discussion, Gardo, Karkaar region, 14 July 2009.

The lack of financial resources for staff employment means there are insufficient staff and that people that are actually employed lack sufficient capacity and expertise to develop projects and perform assigned tasks.

Many of the consulted people during the Pillar Mapping linked the absence of professional and educated staff in local governments to the initially inappropriate selection procedure for local councilors (described above). The pre-requisite selection criteria stipulated in the local council law²⁵⁰ and the habit of recruiting unskilled staff to deliver services influence the overall standard of the staff. The local government law does not guarantee a salary for local councilors but allowances during the two periodic sessions in the year (the two primary meetings of local councils yearly, as stipulated in the law). The executive committee²⁵¹ which works through the whole year takes monthly allowances specified by the Ministry of Interior and Local Government based on the potentiality of economic resources in the district. The existing system of remuneration implies that any candidate for local councils should be economically self-dependent and not rely on the council allowances for their subsistence.

Concerns about the unattractive situation for professional staff were expressed by many young educated people with administrative skills. These young persons also highlighted that the low salary given by local government offices has not only called for the employment of unprofessional staff in local municipalities but has also discouraged talented people who might have otherwise considered working for the local government. *“Many young skilled persons are losing interest of holding public offices due to the presence of many unskilled servants (like a bull in a china shop), spoiling the functions of local governments.”*²⁵²

As indicated in its five-year development plan²⁵³, the Puntland government has the responsibility to build stronger functioning local institutions and to provide a better balance of the roles of the state government and local government in the service delivery. The Ministry of Interior, Local Government and Rural Development has the responsibility for providing capacity building to municipal district councilors, whose knowledge and technical capacity is often low. During the consultations, questions surfaced concerning the strategic positions of Puntland government, particularly in the way it deals with the improvement of local capacities. During a focus group discussion attended by the director of local governments from the Ministry of Interior, Local Government and Rural Development, some participants assailed the director

²⁵⁰ Article 21.3: *“he/ she should have at least secondary education or equivalent experience”*; Article 21.8: *“the candidate for local council should not have a wicked habit and financially stable”*.

Ibid, Local Council Law No.7.

²⁵¹ A committee comprising 9 persons in A-district, 7 in B and 5 in C including the mayor and his deputy whose main task is to implement decisions made in the two sessions during the intervals.

²⁵² Sacdiyo Jama Hassan, Focus Group Discussion with Youth, Garowe, Nugaal region, 12 October 2009.

²⁵³ Ministry of Planning and International Cooperation, *Five-Year Development Planning*, p.20.

with questions relating to the role of the state government in the development of local government capacity²⁵⁴. In fact, the Puntland government does not provide any measurable financial support to local governments for the provision of social services, nor does it upgrade their capacity to be more effective in organizing equitable and efficient revenue collection and spending.

Nevertheless, despite the various financial and human resources impediments that prevail among the current local governments, there are some positive efforts being made by International NGOs and UN organizations in improving the capacity of local governments to deliver services. These organizations or agencies, together with their local counterparts, are involved in projects meant to improve the delivery of services through institutional building and improved capacity of local governments. The Joint Programme of Local Governance and Decentralized Service Delivery (JPLG) led by the UNDP along with other UN agencies (UNICEF, UN-HABITAT, ILO and UNCDF) in collaboration with the Puntland Ministry of Interior and Local Government has developed a capacity building programme for the district councils of Garowe, Bosaso, Gardo and Galkayo. JPLG is part of the UN Transition Plan for Somalia, developed in the context of both the Somalia Reconstruction and Development Plan (RDP) and the five-year programme initiated in 2008 with a timeline to 2012. Under this project, a local government development programme plan has been elaborated which allows the four pilot districts to submit three district development project plans with the availability of \$100,000 budget for each district. As a result of the many projects being implemented in the district of Gardo and the commitment of the local administration, local people have noticed an improvement in planning and small-scale service improvements, mostly in sanitation. The local people have been actively involved in public gatherings on security issues and in efforts to better manage the local finance in order to reduce corruption.

There is a generally accepted view that the local governments in Puntland are facing serious capacity problems in terms of administrative skills, financial management and budgeting, and prioritising local needs. Furthermore it is recognised that the central administration's commitment to devolution of powers to local authorities with adequate financial and other resources has not yet materialised.

Municipal Service Delivery and tax collection

Local authorities in Puntland are primarily responsible for the provision of services such as health, primary education, security, refuse collection, water and sanitation, etc. within their areas of jurisdiction. However, the information gathered during the consultations showed evidences of a number of pressing challenges for local governments relating to social service provisions due to the lack of capacity (both human and financial) and institutional inabilities.

²⁵⁴ Consultative Meeting, Gardo, 18/19 October 2009.

Local municipality's revenue base is embodied in local government law that provides them the opportunity to generate income from: fees and levies on markets, land and property, as well as fees collected for services delivered. The volume of income generated from these sources and the capacity of utilization vary from one region to another (as well as from one district to the other)²⁵⁵.

Bosaso municipality, which collects the greatest amount of local revenues, complained of inadequate funds for delivering the basic services. An interview with Bosaso's Mayor²⁵⁶ confirmed that only 30% of the planned local revenue collection is undertaken due to poor access and lack of technical and conceptual capacity. As a result, Bosaso local government has not managed to provide any services other than sanitation. In general, sources of revenue for all municipal districts are underutilized.

The Mapping Exercise also underlined that the social services most frequently provided by local governments are security and sanitation whereas housing and public transportation are the least provided. Local municipalities of major towns like Bosaso, Garowe, Galkayo and Gardo, have some sanitation facilities, even though the convenience and the sustainability of these facilities could be questioned due to constant financial constraints or mismanagement of local revenues. In remote districts where most of the local governments of rank C prevail, no mentionable local revenue is collected let alone service provided.

The reasons given for the non-effective tax collection in most of the districts are various. Local tax collection is made more difficult in the absence of a government-owned publisher, where the councils cannot cover the cost of duplicating documents for tax collection. The deputy Mayor of Gardo elaborated on this saying: *"Money breeds money, collecting tax is not easy job as local people do not all obey rules when it comes to paying due tax. Some of them pay them regularly through the right procedure while others have accustomed to circumvent the law by not paying the tax or doing it through illegal ways."*²⁵⁷ Consequently, the local government loses a lot of its planned local revenues while the Puntland government does little to support the local authorities in the provision of local services. In the business capital of Puntland, Bosaso, the mayor and his councilors also confirmed that much of the planned local revenues remain in the pockets of the local tax payers especially some of the big trading companies²⁵⁸. A Bosaso local councilors mentioned an event like this stating that, *"while Bosaso municipality attempting to collect due tax from a well-known trading company in Puntland as usual, the company threatened them with weapons and refused to pay tax*

²⁵⁷ Burhan Abdirahman, Interview, Gardo, Karkaar region, 13 July 2009.

²⁵⁸ Abdirasaq Hareed (Mayor), Interview, Bosaso, Bari region, 8 January 2010.

²⁵⁵ Ministry of Planning and International Cooperation, Puntland Five-Year Development Plan (2007-2011), p.23.

²⁵⁶ Abdirasaq Hareed, Interview, Bosaso, Bari region, 8 January 2010.

- *Challenges to the devolution of power to local authorities*

from its business centers. In respond to this, we contacted Bosaso police chief asking him for help but unfortunately he refused to send his policemen or to take legal actions against the company.”²⁵⁹

The technical and financial support from the Puntland government is indispensable to local revenues at this inception stage. It is the local governments which are obliged to generate income from their areas to perform service deliveries.

The state government also collects tax from customs and duties in some districts in place of the district administration and allocates a portion of it as ‘supporting fund’ with some conditions as depicted by a member of the Parliamentary local government commission during the Puntland Stakeholders’ Meeting: *“the Puntland government is dedicated to support local administrations. It has been allocated 2.5 % from the state budget on monthly basis which is equivalent to 1bn So. Sh. for supporting fund to local governments; (a fund) provided on the condition that they submit their annual budgets which they failed to do.”²⁶⁰*

This poor collaboration between local or state authorities has not only exacerbated the supervision and monitoring mechanisms on local revenue collections and its uses but also has standardised misuse of public fund and increased the likelihood of corruption within local offices. However, the current Puntland government has shown the desire at both the state and local levels to fight corruption, which is a positive sign for the future.

Many of the badly needed local services are currently being provided by private institutions or international/ local NGOs in a more efficient and effective manner than local governments, reducing the burden on local institutions to improve the livelihood of its local people. In contrast, Gardo district has shown some improvement in its capacity to decentralize work through service provisions. During the Pillar Mapping Exercise, Gardo district was the only local council visited with satisfactory performances in terms of revenue collection, management of its finance resources, and provision of some social services.

Overall, the current local governments in Puntland have failed to provide adequate social services due to mostly the shortages of professional staff, equipment, insufficient financial management (both collection and allocation), mismanagement, and institutional challenges (including lack of enforcement when people refuse to pay taxes or license fees).

²⁵⁹ Mohamed Artan, Focus Group Discussion, Bosaso, Bari region, 21 July 2009.

²⁶⁰ Sheyba Sheikh Mohamoud, Puntland Stakeholders’ Meeting, Garowe, 25 May 2010.

Poor collaboration between NGOs and Local Governments

Even though the involvement of local NGOs is often seen as positive by the population, it sometimes engenders conflict between the NGOs and the local government as the local government feels its authority is being jeopardized.

The particular problem here is that local governments demand permissions from the local NGOs before implementing any projects on the ground, since the local governments are semi-autonomous legal entities with administrative and legal powers delegated by the central government in local developments. In the light of that, they often want to be involved in local implementing projects especially when it comes in prioritizing, planning or sometimes having the final ownership or control of the outcome of a given project implemented in their locality or having to be linked to the role played by the authorities. In respect of this, an executive councilor of Garowe local council admitted that the relationship they have with many international NGOs is not that good as these organizations handle functions that come under the area of jurisdiction of local government and sometimes empower the local NGOs in fulfilling community development projects in a way that creates conflict, particularly when it comes to the authorization for implementation, prioritizing and monitoring the on-going projects on the ground.²⁶¹ The conflict often rises due to tensions between the district authorities who require to be fully involved in any project being implemented in their locality and the local NGO officers who want to have as much flexibility and freedom as possible in the planning and implementation of their tendered projects.

²⁶¹ Abdirahman Khaliif, Focus Group Discussion, Garowe, Nugaal region, 24 November 2009.

Case study example

Notable achievements by Gardo local government during its four year mandate

Gardo constitutes a former district in Bari region, now the capital of the 7th newly formed region in Puntland, 'Karkaar region', which is bordered with 4 different regions namely Bari, East Sanaag, Sool and Nugaal regions. The local government in Gardo, established at the end of 2005 with a four-year mandate, counts as the only district which has overcome the many challenges encountered by local governments. During the Pillar Mapping Exercise, close observation and comparison of the specificities of the Gardo local council and the 14 other visited municipal district councils were carried out.

Specificities of Gardo local government:

- During the four mandated year of existence, no mentionable internal conflict in Gardo district council has been reported.
- A *fair selection* of council members among the different clans took place.
- The local councilors' selection process started from the grassroots.
- The selection criterion for local council membership stipulated in the law was almost met. Almost all local councilors went to secondary school and do not have wicked habits (such as chewing kat) which are generally seen as a work performance spoiler. The absence of this habit has led to better management and performance in the municipal district functions of Gardo.
- Among the factors that brought the conflict down in the local council is the transparency of its local revenue as well as the expenditures through legal financial documents and daily reporting and administrative approaches.
- Strong public participation: Unlike other district councils, Gardo's local government has created a good relation with both its citizens and the Puntland government. The level of community participation in local decisions is quite high compared to the other districts; so far the district council has held several public gatherings particularly focusing on security issues and sanitation awareness in the district.

However, the case of Gardo appears to be an exception as many of the current local governments have failed to gain both the public trust of paying taxes and credibility from the state government to provide loan or grants due to corruption and un-transparency in local revenues management. Gardo local government which showed some commitment and honesty in borrowing and paying back debts has several times received loan from the central bank as to meet the growing public demands.

In view of these positive specificities, PDRC chose to host a consultative meeting of 34 participants that included the Ministry of Interior, Local Government & Rural Development and the director of local government department, officials from the Ministry of Women Affairs, Mayors, Vice-mayors, Secretaries, Councilors, and Representatives from Civil Society Organizations including elders, youth and women groups from all regions of Puntland. One of the aims of this gathering in Gardo was to give the other district local councilors an opportunity to interact with each other and have the opportunity to further learn from the particularities and success stories of Gardo local council. The distinct positive performances were somehow justified by the participants on the following major grounds:

- The homogeneity of clan lineage residing in Gardo in comparison to other regional capitals: The process of selection and sharing of the highest disputed local council members among local sub-clans has not created any dispute and a generally accepted local government has been formed.
- Rise of the new "Karkaar" region and the nomination of Gardo as its capital region: The district local community, especially elders, have strived to form a functioning local administration by utilizing the new era to gain the support from both the community and the Puntland government.

4.7 *Ineffective local-state relationship*

The relationship between the state government and the local governments is one of master and agency, with local authorities 'enjoying' semi-autonomy. Policies and regulations formulated at the top level of the administration come through the Ministry of Interior and Local Governments down to local administrations. As for the local governments, they are legal entities that have the power and responsibility to exercise as long as it does not contradict the Constitution and other legislations set for by the State²⁶². Nonetheless, local governments can pursue by-laws not contradicting the national policies.

The question that remains is how far the local councils can exercise these powers and fulfil their responsibilities?

Among the many hindrances identified by the different stakeholders consulted during the Pillar Mapping Exercise, the one highlighted was a lack of commitment from the state administration in fully devolving the power with equivalent responsibilities to local authorities. Some of the local authorities argued a real decentralisation process has not been engaged yet since some ministries still control and manage some local functions, such as the education and health. Despite the fact that the Puntland government has shown its firm commitment to the decentralisation process in its five-year development plan and in its local government action plan, its practical commitment to fully meeting its commitment is still ineffective.

Furthermore, a contradicting argument has exacerbated the weak relationship between state-local authorities. The local authorities and many of the local people met during the Mapping Exercise denounced the continuous poor performances and non-functionality among local governments to the lack of economic and political support from state government while on the other side, the Puntland government, particularly the line-ministry²⁶³ believes that local governments have their own means of generating economy to serve for local people.

The Puntland government determines the sources of revenues to be collected by the local governments and the rates to be charged as indicated in the Law No.12 legalizing and balancing the amount of local tax charges on the revenues to be collected by the all municipal district councils²⁶⁴. The current local governments in Puntland work under severe financial constraints. In respect to revenue collection, local governments face challenges to collect revenue. The concern is the poor involvement of state government in the matters of vital interest to local governments especially with regard to the ability of local municipal staff to provide social services.

²⁶² *Ibid*, Puntland Five-Year Plan (2007-2011), p.23.

²⁶³ Ministry of Interior, Local Government and Rural Development.

²⁶⁴ Puntland Government, Law No.12, May 2009, Article 18.

- *Challenges to the devolution of power to local authorities*

There have not been regular political or technical involvements by the state government agencies in revenue collection by councils nor have the local councils themselves been effective in organising equitable or efficient collections. This is an example of the poor collaboration between the central and local governments in boosting local revenue collections especially when local tax payers are reluctant to pay due tax.

The absence of corrective actions and supervision in administrative or operational pitfalls or local government functions by the Puntland government has prolonged the internal conflict among many established district councils. This has triggered the collapse of many district councils as well as undermined the role of the state government in developing local institutions. As a former member of a dissolved council in Dangoroyo district deplored: *“the central government has not taken enough corrective actions but has instead just dissolved the council.”*²⁶⁵

Similarly, a member of Galkayo’s council elaborating on the problem solving approach applied by the state government warned that *“the council is on the verge of doing nothing, fearing that their internal existing problems be solved by a decree from the state government instead of the application of local council laws.”*²⁶⁶

Most of the districts in category A are among those in the list of dissolved districts for various reasons. Some people attribute this to the top–down approach of dissolving districts that generate some local resources, involving both political and economic factors. In the case of Bosaso, a council with the greatest local revenue potential, it has been dissolved two or three times while in Garowe district the mayors have been replaced.

Effective local government depends on interest and attention to local issues by the state government to actively undertake its economic and political role with regard to local issues and fulfils its commitment to fully devolve power to local institutions.

²⁶⁵ Abdirashid Mohamed Jama, Focus Group Discussion, Dongoroyo, Nugaal region, 27 July 2009.

²⁶⁶ Ahmed Muse Nor, Puntland stakeholders’ Meeting, Nugaal region, 25 May, 2010

The discussions around the decentralisation process that took place throughout Puntland as part of the Pillar Mapping Exercise highlighted a set of lingering areas around which divergences remain and thus require further particular attention:

WHAT ARE THE PROSPECTS?

1. Inappropriate local council's selection process

The most critical factor in the decentralisation process identified by the stakeholders consulted was the clan-based selection process of local council members; a selection process that does not respect the criteria set in the local council law.

How could the adverse effects of the clan-based formula be addressed while selecting local councillors?

What mechanisms could ensure greater competence in the people selected/elected councillors?

How can women take a more active, decision-making role in local councils?

2. Negligible public participation

In most local councils (whether of category A, B or C), the degree of public participation and people's involvement in decisions that affect their daily lives is either very low or totally absent. Women, youth, and minority clans are underrepresented and do not actively participate in local government's affairs.

How can public participation in local affairs be strengthened?

What mechanisms could enable women, youth and minority clans to directly and actively participate in local decision-making?

3. Puntland's institutional challenges

The poor or non-existent physical facilities (including offices and equipment), the absence of accountability and transparency of local revenues to both tax-payers and the Puntland government, as well as the internal disputes among local councillors negatively impact the well-functioning of local councils.

How can the capacity of local government institutions be enhanced to effectively deliver basic needs to their communities?

How can more transparent, effective and accountable local government institutions be developed and supported?

4. Low capacity of local councils

Empirical evidence suggests that local councils are unable to access adequate financial resources for the provision of social services due to the lack of financial management and basic skills of both municipal councillors and other staff.

How can the capacity of local councils be improved?

What mechanisms are needed to ensure effective management and administration of the local council institutions?



5. Ineffective central-local relationship

Good relationship between local councils and the Puntland government is an important component of a functioning system of decentralised government. However, the devolution of power to local administrations requires shared responsibility as well as financial and technical support, monitoring and follow-up.

How could the relationship between the local and central governments be strengthened while ensuring adequate oversight from the central government?

What should be the respective functions, roles and responsibilities of the central and local government?

Conclusion

The Pillar Mapping Exercise carried throughout six regions and fifteen districts of Puntland offered a space for dialogue on challenges to security and rule of law, the devolution of power to local authorities (the decentralization process) and the democratization process to over 700 Puntland stakeholders' representatives.

After intensive consultations, accompanied with thorough desk research, the draft Puntland Note: Mapping the Foundations of Peace was presented to representatives of Puntland's society, including among others ministers, director-generals and civil servants, the chairs of all 11 parliamentary committees, leading civil society actors, traditional elders, and representatives of youth, women groups, IDPs, minorities groups, the business sector, professionals, and NGOs, etc.

Once the draft Puntland Note was validated, the participants at the Puntland Stakeholders Meeting were asked to prioritize the challenges in the three Pillars that require further action research to identify solutions adapted to the Puntland context and the necessary support to implement these. The participants voted on the prioritization of the challenges for the Security and Rule of Law Pillar, the Decentralisation Pillar and Democratisation Pillar presented in order of their priority below.

SECURITY AND RULE OF LAW PILLAR

From the Puntland stakeholders' secret ballot vote, the challenge that will be addressed in priority for the Security and Rule of Law Pillar is:

1. Weak peace and security

The creation in Puntland of an effective system of Security and Rule of Law within a framework of democratic governance is essential. However, currently the Puntland government lacks the necessary capacity in this sector. Policies and strategies that engage all actors and ensure accountability are not adequately established.

- ❖ How can a comprehensive state policy be developed for the security sector?
- ❖ What are the best approaches for substantially enhancing public awareness and public engagement in managing security, for example through community-based approaches?
- ❖ How can effective civic and parliamentary oversight of the security sector be established?
- ❖ How could the current security sector of Puntland be strengthened to create a more conducive environment for development?

2. Inadequate rule of law

3. Puntland institutional challenges

4. Proliferation of weapons

5. Recurrent clan based conflict

DEMOCRATISATION PILLAR

From the Puntland stakeholders' secret ballot vote, the challenge that will be addressed in priority for the Democratisation Pillar is:

1. Public perceptions and understanding of democracy

Although there seems to be general support for democracy, the public is not familiar with what it comprises. The people consulted expressed their miscomprehension of the way it works and what the benefits associated with it might be. For democracy to take roots and thrive in Puntland, a common understanding and acceptance by the people is needed.

- ❖ How can public awareness and a common understanding of the principles of democracy be promoted?
- ❖ How can a political and cultural environment for democracy be promoted?

2. Negative propaganda around the concept of democracy

3. Clan system and clan politics versus democracy

4. Impact of the Somali conflict

5. Puntland institutional challenges

DECENTRALISATION PILLAR

From the Puntland stakeholders' secret ballot vote, the challenge that will be addressed in priority for the Decentralisation Pillar is:

1. Negligible public participation

In most local councils (whether of category A, B or C), the degree of public participation and people's involvement in decisions that affect their daily lives is either very low or totally absent. Women, youth, and minority clans are underrepresented and do not actively participate in local government's affairs.

- ❖ How can public participation in local affairs be strengthened?
- ❖ What mechanisms could enable women, youth and minority clans to directly and actively participate in local decision-making?

2. Inappropriate local council's selection process

3. Puntland's institutional challenges

4. Low capacity of local councils

5. Ineffective central-local relationship

The Meeting was concluded by the Puntland Stakeholders giving the mandate to PDRC to set up action oriented steering committees that will identify, analyse solutions as well as support efforts to bring those solutions to action/ change. The selection criteria for the steering committee members were validated by the stakeholders.

The role of PDRC during this process will be limited to providing means and facilitations services as well as technical support to the steering committees.

ANNEXES

Annex 1: Comments on the Puntland Note from the Chief of Cabinet - Puntland Government – 16 January 2011 (scanned version)

Amendments based on the following comments were made to the Puntland Note when applicable.

PDRC Note: Mapping the Foundation of Peace

(Challenges to Security and Rule of Law, Democratization Process and Devolution of Power to Local Authorities)

Major Flaws of the report:

1. On Page 13, Paragraph 6, the report stated that “the consultation aimed to gather evidence and representative views of the Puntland people” *(the question is, can the handpicked focus group members provide evidence about the information they are giving or represent the views of Puntland people).* The report continued in the same paragraph, that resource persons were selected for their familiarity with the local context and people. *(the report said this resource persons include local authority.)*
2. On page 14, paragraph 1, the report claimed that separate focus groups were organized for especial categories of people, such as women, minorities, youth and marginalized groups.

(Why so, and who are the marginalized groups and minorities, PDRC should have holistic view towards the society. Divisions and separate treatment for different categories of the community would further delineate unequal tendency).

3. On Page 14, paragraph 3, wrote that 728 persons were consulted, data was analyzed by experts and audiovisual is an integral part of the research.

(Who are those 728 persons consulted and experts analyzed the data without the knowledge of the government as main stakeholder).

4. On Page 16, paragraph 3, Bullet 1, the report stated that the lack of sufficient resources and proper financial management of what is available, to effectively engage the law enforcement institutions (Police, Judiciary, Prisons and Attorney general’s office as well as the absence of policy and legislation on security and rule of law.

(The report disregards all government endeavors to reform and restructure all institutions mentioned above, particularly public finance sector).



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5. On Page 16, paragraph 4, Bullet 1, the report wrote that deteriorating security situation and growth of criminal networks involved in highly lucrative activities including kidnapping of aid agencies, foreign staff member....

(Kidnapping of aid workers has not happened in Puntland during this administration. The report should explicitly mention that this activity was common before this administration, 2007/2008).

6. On Page 16, paragraph 4, Bullet 6, the report mentioned that weak level of Public engagement, awareness and community participation in security sector...

(The writers wrote their imaginations they cannot verify that there is weak engagement. The report should state there is room for improvement).

7. On Page 18, paragraph 3, the report stated..... hostage taking in main urban centers and attacks on international aid agencies resulted partial withdrawal of international staff.

(Hostage taking in urban centers and attacks on international aid workers has not happened in Puntland at least during this administration. The report should clearly state that there is no kidnapping and attack of aid workers during this administration. It is remarkable security improvement).

8. On page 20, last paragraph under the title “weak peace and security”, the report wrote “Generally, the peace and security situation in Puntland is weak and volatile”. On same page the report continued, “there is no definite strategic security policy”.

(To say security is volatile and there is no definite strategic security policy is erroneous).

9. On Page 21, Para 1, the report wrote, “Television Network (ETN) in Bosaso reflected the view: “the peace in Puntland is not on firm ground (...) though there is a relative peace. It can vanish quickly”

(ETN cannot be referred In this regard)



PDRC Note: Mapping the Foundation of Peace

(Challenges to Security and Rule of Law, Democratization Process and Devolution of Power to Local Authorities)

Major Flaws of the report:

1. On Page 13, Paragraph 6, the report stated that “the consultation aimed to gather evidence and representative views of the Puntland people” *(the question is, can the handpicked focus group members provide evidence about the information they are giving or represent the views of Puntland people).* The report continued in the same paragraph, that resource persons were selected for their familiarity with the local context and people. *(the report said this resource persons include local authority.)*
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(Who are those 728 persons consulted and experts analyzed the data without the knowledge of the government as main stakeholder).

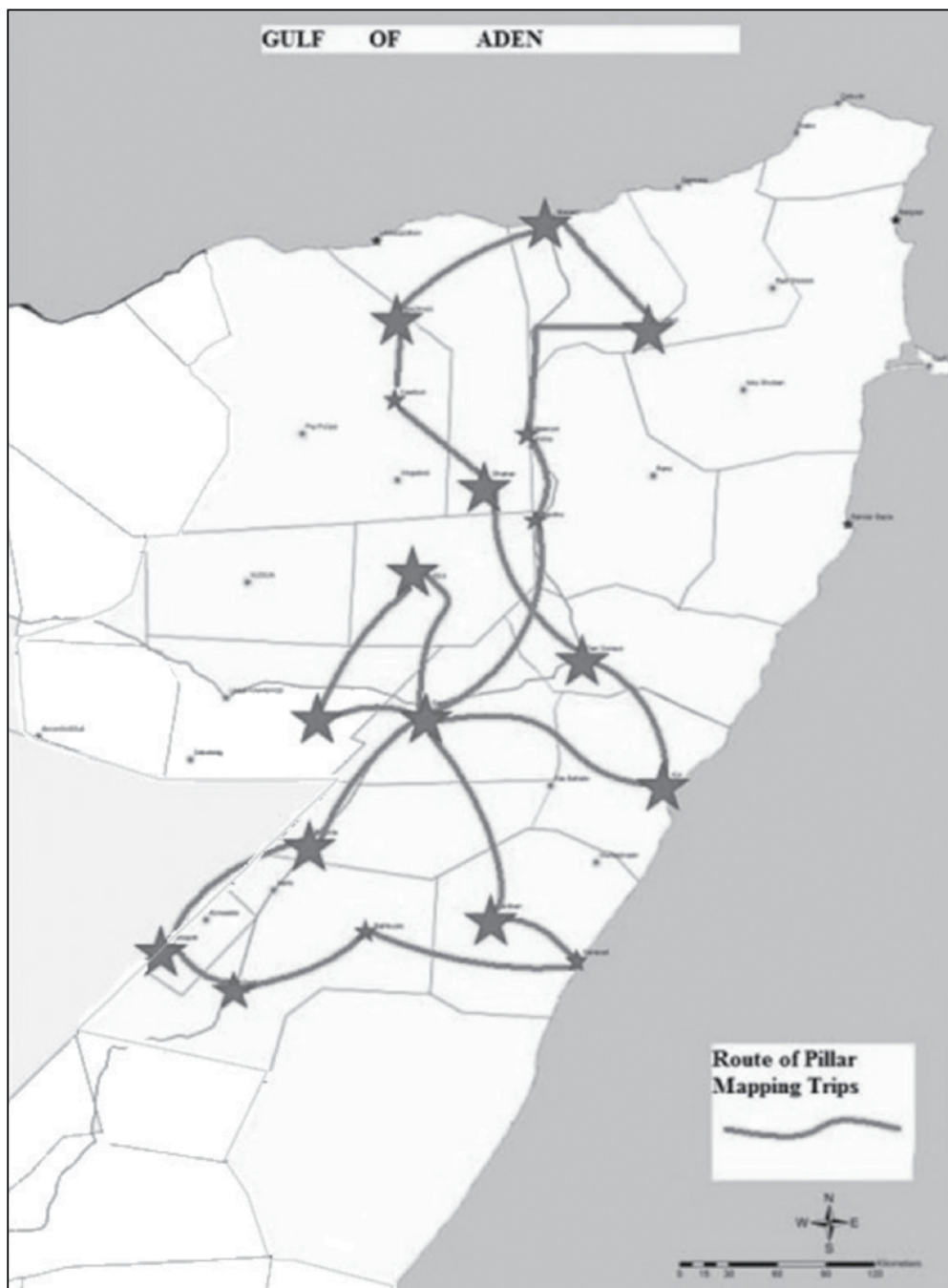
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(The report disregards all government endeavors to reform and restructure all institutions mentioned above, particularly public finance sector).



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Annex 2: Places visited during the Pillar Mapping Exercise



Annex 3: Letter from the Puntland Government authorising PDRC to carry out the Pillar Mapping Exercise throughout Puntland, July 2009

DOWLADDA PUNTLAND EE SOOMAALIYA XAFIISKA K/S MADAXWEYNAHA		PUNTLAND STATE OF SOMALIA OFFICE OF THE ACTING PRESEDENT
Ref: MWK/DPS/153/2009	GAROWE	July 09, 2009

Ku: Wasaaradda Arrimaha Gudaha iyo D/hoose

Ku: Wasaarada Amniga iyo DDR

Ku: Taliska Ciidanka Booliska

Ku: Gudoomiyeyaalka Gobollada

Ku: Duqyaalka Degmooyinka

Ku: Taliyaalka qaybaha iyo Saldhigyada Booliska

Og: Hay'adda PDRC

Ujeeddo: SAFAR CILMI BAARIS GOBOLLADA PUNTLAND

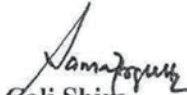
Waxaa lagu wargelinayaa Wasaaradaha ,Madaxda Ciidamada Booliska iyo Mas'uuliyiinta Gobollada iyo Degmooyinka hoos ku qoran in ay gacan buuxda oo wada-shaqayn leh siiyaan Hay'adda PDRC iyagoo ka mas'uul ah sugidda Amniga Shaqaalaha PDRC.

Hawsha Hay'adda PDRC ay qabaynaysaana tahay cilmi baaris hore ay u waday , haddana samaynayso oo ku saabsan Fidinta Maamulka , Amniga iyo Wacyigelinta Gobollada iyo Degmooyinka Puntland.

Gobollada iyo Degmooyinka Cilmi barista laga samaynayaa waa:

- Gobolka Karkaar- Degmooyinka Qardho iyo Rako
- Gobolka Bari- Degmooyinka Boosaaso iyo Ufayn
- Gobolka Sanaag- Baran iyo Dhahar
- Gobolka Nugaal- Eyl, Garowe iyo Burtinle
- Gobolka Sool- Taleex iyo Boocame
- Gobolka Mudug- Jiriiban , Galkacyo iyo Galdogob

Fulin Wacan


Cabdisamad Cali Shire
K/S Madaxweynaha Dawladda Puntland



(Translation from original Somali)

Ref: MWK/CPS/153/2009

Garowe

July 09, 2009

To: Ministry of Interior and Local Governments

To: Ministry of Security and DDR

To: Command of the Police Forces

To: Governors of Regions

To: Mayors of Districts

To: Police Chief Divisions and Stations

Cc: PDRC Organization

Subject: **Research Trip to Puntland Regions**

This is to inform the Ministries, Police Chiefs and the Regional and District Officials enlisted below to fully cooperate and give hand to PDRC organization that are also responsible for the safety and security of PDRC staff.

PDRC is conducting an on-going research programme on Decentralization, Security and Awareness in Puntland regions and districts.

The regions and districts that the research will be conducted are:

Karkaar Region – Gardo and Rako districts

Bari region – Bosaso and Uffayn districts

Sanaag region – Baran and Dhahar

Nugaal Region – Eyl, Garowe and Burtinle

Sool Region – Taleeh and Boo'ame

Mudug region – Jariiban, Galkayo and Galdogob.

Good execution

Abdisamad Ali Shire *(Signature)*

President of Puntland State a.i.

Annex 4: District Categories

At the present time and under the Ministry of Interior, Local Government and Rural Development, 36 districts are officially registered which are divided into three categories (A, B and C) based on Population density, Economic factors and Geographical size.

No Regions	DISTRICT CATEGORIES		
	A	B	C
Nugaal	Garowe	Burtinle, Dangorayo and Eyl	Godob-jiraan
Mudug	Galkacyo	Jariiban and Goldogob	Harfo
Bari	Bosaso	Aluula, Qandala and Isku-shuban	Bargal, Armo, Uffayn and Baldhidin
Karkaar	Gardho	Bander/Bayla	Waiya, Raco and Hafuun
Sanaag	Baran & Ceri-gaabo	Dhahar, las-qoray	Hingalol and Fuqifuliye
Sool	Las-Anod	Hudun and Taleh	Bo'ame and Kalabayr
Eyn	Buhoodle	-	Widh-widh and Horfadhi

Annex 5: List of Stakeholders consulted during the Pillar Mapping Exercise per pillar

LIST OF STAKEHOLDERS		
Democratisation	Decentralisation	Security and Rule of Law
Central and Local Government	Local Councilors	Central Government
Religious Leaders	Central and Local Government	Line Ministries
Elders	Line Ministries	Security Forces (actual and former)
Line Ministries	Businessmen/women	Judicial staff
Media	Elders	Religious Leaders
Minorities	Women	Elders
Women	Youth	Businessmen/women
Somali Diaspora	Minorities	Internally Displaced Persons
International Community	Local NGOs	Media
Professionals	International NGOs/ UN Agencies	Youth
	Somali Diaspora	Women
	Professionals	Minorities
	Media	Local NGOs
	Minorities	Intellectuals
	Intellectuals	Minorities Visiting Somali Diaspora

Annex 6: Location and participants to the Pillar Mapping Consultations

PILLAR MAPPING CONSULTATIONS			
Region	District	Type of Consultation	Date
Kar <i>Kar</i>	Gardo	6 Focus Groups	13-15 July 2009
		9 Interviews	13-15 July 2009
	Waciye	2 Focus Groups	16 July 2009
		2 Interviews	16 July 2009
Bari	Uffein	2 Focus Groups	18 July 2009
		1 Interview	18 July 2009
	Bosaso	3 Focus Groups	21-22 July 2009
		6 Interviews	21-22 July 2009
Sanag Bari	Baran	2 Focus Groups	24 July 2009
		1 interview	24 July 2009
	Dhahar	3 Focus Groups	25 July 2009
		2 Interviews	25 July 2009
Nugal	Dangaorayo	1 Focus Group	27 July 2009
	Garowe	6 Focus Groups	23-30 Nov. 2009
	Eyl	2 Focus Groups	18 Aug. 2009
	Burtinle	2 Focus Groups	12 Aug. 2009
Mudug	Jariban and Gar'ad	2 Focus Groups	03-05 Aug. 2009
		11 Interviews	03-05 Aug. 2009
	Goldogob	3 Focus Groups	11 Aug. 2009
		8 Interviews	10 Aug. 2009
Sool	Bo'ame	1 Focus Group	12 Aug. 2009
		3 Focus Groups	19 Aug. 2009
	Taleh	1 Interview	19 Aug. 2009
		2 Focus Groups	16-17 Aug. 2009
		1 Interview	16-17 Aug. 2009
Average Number of Participants per Focus Group			10

THEMATIC FOCUS GROUPS				
Youth		Garowe (Nugal)	10 Dec. 09	15
		Bosaso (Bari)	7 Nov.09	14
Women		Galkayo (Mudug)	3 Dec. 09	15
		Galkayo (Mudug)	22 Nov. 09	14
Minorities		Bosaso (Bari)	17 Dec. 09	17
		Garowe (Nugal)	21 Jan. 10	15
		Galkayo (Mudug)	24 Nov. 09	12
Internally Displaced Persons (IPDs)		Bosaso (Bari)	6 Dec. 09	14
Former Security Forces		Galkayo (Mudug)	19 Jan. 10	10
TOTAL				126
CONSULTATIVE MEETINGS				
Pillar	Region	District	Date	Number of participants
Security and Rule of Law	Mudug	Galkayo	14 Feb.2010	47
	Nugal	Garowe	10-11 Oct. 2009	34
Democratisation	Nugal	Garowe	14-15 Oct. 2009	38
Decentralisation	Karkar	Gardo	18-19 Oct. 2009	33
	Nugal	Garowe	10-11 Nov. 2009	25
TOTAL NUMBER OF PARTICIPANTS				177
TOTAL NUMBER OF PARTICIPANTS TO THE PILLAR MAPPING EXERCISE				728

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