



Preparing for local elections in Somaliland

Plans, challenges and progress

Steve Kibble, Progressio and Somaliland Focus (UK)

Michael Walls, Development Planning Unit (DPU) of University College London (UCL)
and Somaliland Focus (UK)

Contents

Preface including key findings	3
Introduction	4
Timing of local elections	4
Progressio, DPU and Somaliland	4
Previous election observation	5
2012 local elections	6
Objectives of the pre-election assessment	6
Findings and subsequent events in brief	6
Complexity of the task	8
Donors	9
Electoral challenges	10
1. Open list system and government response so far	10
2. Voter registration	12
3. Political parties/associations	13
4. RAC	14
5. Gender concerns	14
6. Voter education	15
7. Civil society and youth	15
8. Media	16
Areas for consideration including by donors	17
Preliminary recommendations	18
To NEC/RAC	18
To civil society	18
To political parties and associations	18
To the international community	18
To the government of Somaliland	19
Notes	20

PROGRESSIO

© Progressio August 2012

ISBN 978-1-85287-340-0

Progressio

Units 9-12, The Stableyard
Broomgrove Road, London SW9 9TL

Registered charity number 294329

Progressio is an international charity with Catholic roots that works in 11 developing countries

www.progressio.org.uk

Cover photo: Women campaigning during the 2010 parliamentary elections (photo © Claudia Simoes/Progressio)

Preface

In February/March 2012 Progressio's Steve Kibble undertook a pre-election assessment visit to Hargeisa with the aim of analysing Somaliland's readiness to hold the local elections scheduled for later in the year. The specific focus was on the provision of an international election observation mission, and ways in which that might aid the electoral process. The mission was funded by the British Embassy in Addis Ababa, and a preliminary report was submitted to the Embassy. This briefing is an update on the original report, incorporating subsequent events, including a later trip by the DPU's Michael Walls in July 2012. The publication of this briefing is also funded by the Addis Embassy.

Key findings

The local elections, originally scheduled for April 2012, are (at the time of writing) expected to take place in November 2012.

Free and fair local elections are possible in 2012, but not without considerable preparatory work. External support could assist here.

Obstacles to credible elections include a high level of complexity in the planned process, and recent challenges to press freedom.

This briefing highlights these concerns and makes recommendations and suggestions for possible improvements by a number of key players. Given the delay in holding the elections, these improvements could be put in place before the elections if the political will is there to do so (and of course to some extent the funding).

Introduction

Our initial proposal to the British Embassy in Addis Ababa was for Progressio to undertake a pre-election assessment visit to Somaliland to look at progress towards the local elections originally scheduled for April 2012.

The assessment visit was undertaken by Dr Steve Kibble of Progressio from 25 February to 6 March 2012. Dr Kibble visited Hargeisa and, with Progressio's country representative in Hargeisa, Ms Suad Abdi, undertook a series of meetings with key stakeholders. Thanks are due to the Somaliland National Electoral Commission (NEC), the Minister for the Presidency, Somaliland Non-State Actors Forum (SONSAF), not least for their stakeholders conference, Interpeace, Somaliland Research and Development Institute (SORADI), Academy for Peace and Development (APD), Registration and Approval Committee (RAC), Somaliland National Youth Organisation (SONYO), International Republican Institute (IRI), NAGAAD, Somaliland Journalists Association (SOLJA), several political parties and associations, individual MPs and members of civil society, the Nairobi UK Department for International Development (DFID) Governance Advisor for Somaliland and the head of the Somalia team, European Union (EU) staff in both Nairobi and Hargeisa, and of course the British Embassy in Addis for their funding.

Timing of local elections

Many stakeholders in country anticipated that local elections would not take place until the end of 2012, although at the time of the earlier assessment visit, the Minister for the Presidency was still calling for elections in late June/July in his talks with the electoral and registration committees (NEC and RAC). The NEC has been working on election preparations, especially in relation to Law no 20¹ on presidential and local elections. This original bill had provision for a closed list system, but with agreement from stakeholders this was changed to an open list system.² President Silanyo sent the text developed by the NEC unchanged to Parliament requesting that it give it high priority. The adoption of an open list creates a number of significant logistical challenges which are discussed at greater length below. These disputes inevitably ended up pushing the election date back.

Few interviewed appeared surprised or much worried by the slippage in dates. Most felt that it is better to get the process right than to stick tightly to a schedule. President Silanyo has promised that the elections will be held this year, and the Speaker of the House of Representatives considered that the public wanted them this year. At the time of writing, the elections are expected to take place in November 2012.

Even though these date expectations mean that the initial pre-election assessment trip took place considerably earlier than would have been ideal, there was much to report on. Conversations with a wide range of stakeholders in Hargeisa and Nairobi led to our assessment that conditions for free and fair elections are possible, but not without considerable preparatory work and possibly some rethinking of some of the problems currently faced. A follow-up trip in July by the second international election observer coordinator was useful in updating on progress.

Progressio, DPU and Somaliland

Progressio is a UK charity (number 294329) which, as well as undertaking international advocacy, works by placing skilled development workers with national NGO partners. Current projects in Somaliland support work on HIV and AIDS, youth and women's participation, and environmental sustainability.

Through a number of different initiatives, Progressio has been instrumental in helping Somaliland along the road to democratisation, including capacity building with partner organisations, election observation (for example for the 2005 parliamentary and 2010 presidential elections), and coordinating, facilitating and helping in accreditation of international observers. It has also worked on preparing and delivering conference and briefing papers, books and periodical articles, especially in collaboration with the Development Planning Unit (DPU) of University College London (UCL), and carried out advocacy work, particularly in collaboration with Somaliland Focus (UK) (SFUK) and the DPU.

The DPU is an inter-disciplinary unit operating within UCL. The DPU offers taught postgraduate courses and research programmes, and undertakes consultancy work in international development. The DPU's mission is to build the capacity of professionals and institutions to design and implement innovative, sustainable and inclusive strategies at the local, national and global levels, that enable those people who are generally excluded from decision-making by poverty or by their social and cultural identity, to play a full and rewarding role in their own development. In recent years, DPU staff, and most particularly Dr Michael Walls, have maintained a strong involvement in development-related interventions in the Horn of Africa, and most particularly in the Somali areas.

Neither Progressio nor the DPU take a position on the international recognition of Somaliland, as we regard this issue as beyond our mandate. At the same time, we welcome the increased stability, security, and accountability to citizens which has in part been supported by the development of democratic institutions in Somaliland. Democracy is about more than just elections – but elections are still vital.

Previous election observation

We have observed Somaliland's various local, parliamentary and presidential elections since 2002 (largely funded by the British government) and produced reports on their freeness and fairness.³ Progressio has for those elections liaised closely with a number of local civil society organisations and networks. For the 2005 parliamentary and 2010 presidential elections Progressio, the DPU and SFUK were invited by the NEC to facilitate, organise and get credentials for most of the international election observers and to report on what they found in relation to free, fair and peaceful elections. Reports are available from the Progressio website (www.progressio.org.uk).

At the last presidential election in 2010 we had 59 observers from four continents and 16 different countries. 40% were from the diaspora and there was a good gender balance. We covered 33% of the stations in all six regions. We found the elections to be free and fair and reported that to a crowded press conference in Hargeisa after the election.

We were, as ever, impressed by the enthusiasm of Somalilanders voting in 2010; for young women in particular, campaigning and voting perhaps removed some of the normal constraints as they seemed the most exuberant. We looked at security and at media coverage, political party campaigning (the three parties stuck to the allotted days for campaigning which was impressive), and how the polling process worked inside and outside the polling and counting stations. We noted how the code of conduct between parties worked, and noted the mobilisation of youth to help in the process, the electoral mediation process that highlighted some of the problems (not least the use by the incumbent of state resources), and the role of the diaspora in enthusing and helping relatives and friends to vote. We liaised closely with domestic observers. We noted that after some major problems the voters' register had in fact worked well and thought it premature that it was abandoned – although we recognise this is entirely a decision for Somaliland and that additional work to remove deceased people from the register, and add youth now eligible to vote, would be required.

We reported that in Borama there were sustained attempts at multiple voting, although we thought it unlikely that this affected the general ballot. We noted with regret that incidents of violence in the east led to the death of a polling official and that there were some attempts to steal ballot boxes. Further reflections were that there seemed an increased awareness that women were a national resource and that power structures should reflect this through quota systems etc.

We thought that the donors' role had been positive, not least in helping bring to an end the impasse in September 2009 when it looked as though the electoral process was in critical danger of collapse.

We saw the peaceful transfer of power and welcomed it. We subsequently applauded the abolition of security committees,⁴ but remained concerned about media harassment and freedom.

We noted some problems and made some recommendations to the NEC and others, outlined in the report *Somaliland: Change and continuity*.

2012 local elections

Objectives of the pre-election assessment

In February/March 2012 we undertook a pre-election assessment before the planned local elections, in line with our commitment to observe them. Our objectives were to:

- Assess the pre-conditions for a free and fair credible local election process.
- Engage in dialogue with key stakeholders on the process – the NEC, the EU, political parties/associations, civil society – as part of an assessment of progress towards the elections.
- Assess women's likely participation in the electoral and democratic process and the possibility of establishing a baseline to measure changing participation rates in successive elections.
- Assess capacity building already being undertaken with local civil society organisations/NGOs/umbrella groups in order for them to observe the elections, including public awareness and voter education programmes.
- Assess how the entry of new political parties, an open party list, lowering candidate age and dispensing with the previous voters' register would affect the electoral and democratisation processes.
- Hold discussions in Nairobi with the EU office, DFID and other interested parties.
- Assess opportunities for Progressio in association with others such as the DPU to facilitate and organise international election observers, if funds permit.
- Assess the current media situation.
- Assess security in the light of Puntland/Somaliland (Khatumo) border instability.
- Raise issues with interlocutors which go beyond the immediate election period in order to contribute to peacebuilding and democratic change, especially in the light of the heightened sense of expectation that followed the London Conference on Somalia in February 2012.

Findings and subsequent events in brief

We noted that there were again likely to be delays, with somewhat of a blame game as to why delays continue. Local elections are now not expected until late November at the earliest, and we cannot rule out 2013. Somaliland has a long history of delays in holding elections on a due date, but there is a certain sanguine feeling sometimes that it is better to get things right than to meet the timetable; although donors would prefer it otherwise, they have perhaps learnt to live with it, as happened in 2010 when elections were supposed initially to have been held in 2008. Donors, such as those working through the Democratisation Steering Committee (DSC), are beginning to identify areas for funding such as voter education and funding for international observers, as well as sorting out how to simplify different lines of funding, for example, reducing the number of stakeholders and getting them to sub-contract work. At present it appears donors are waiting for the government to make the first move by putting up its own money. President Silanyo issued a decree for the Minister of Finance to release the government contribution for the election – some US\$2 million – which has now been transferred. Donors are expected to contribute approximately US\$4 million. Although a shortfall of several hundred thousand had been identified, donors assured us that this would be covered in due course, and that the release of donor funds will take place in plenty of time. At present no specific internal or external funding has been allocated for voter education, although there are discussions on who will cover this and who has funds to cover it.

A number of stakeholders, including the NEC, indicated that a delay in the transmission of donor funds was delaying the announcement of an election date. Donors, conversely, pointed out that the date can be announced without all funds having been transferred. They further assured us that the funds would be forthcoming and should not affect the NEC's ability to set a date or proceed with organisation.

In our opinion, free and fair elections are possible but they still require considerable preparatory work and, recently, there appears to have been a certain amount of stasis. Obstacles to credible elections include the high level of complexity introduced by the combination of an open list and the poll on future political parties. Recent and continuing challenges to press freedom also pose a barrier to legitimate elections.

It is now clear that the election *will* proceed with an open list, despite problems related to its unwieldy nature and difficulties in identifying candidates (especially for the illiterate). This open list might be the wrong answer to the right question on getting efficient councillors, but the way to become a candidate might prove to be good clan politicking, rather than proven competence. It looks, however, as though we have to live with this decision. We had discussions on how to operate the open system with perhaps having primary elections or a referendum on the most popular three parties, although these no longer appear options. How the voter registration process works is still uncertain in terms of ensuring those eligible can vote and vice versa.

We noted some tensions, still in place seemingly, between the NEC and the RAC. The RAC held considerable responsibility for looking at the validity of the then 15 political associations⁵ applying to be part of the electoral process. This relationship between the two organisations was described by one insider as "no working relationship at all – neither negative or positive", although the source assumed that there would be a working relationship as soon as the legal framework was settled.

In terms of political associations, on 20 April, the RAC ruled out nine of the original applicants, announcing a list of six political associations which are now registered to contest local elections alongside three political parties. There was initially considerable dissatisfaction regarding the basis for the RAC's decisions. Immediately after the press statement in which the successful six were named, RAC members removed themselves from contact and declined to respond to questions. This happened before they had released any reasons for their decisions, and gave rise to considerable conjecture as to why some were permitted while others were excluded.

On 3 May, some two weeks after the announcement of successful political associations, the RAC Chair issued a list of brief reasons for each of the nine disqualifications. In all instances, the RAC claimed that the applicant association had failed both to open an office in each region, and to provide evidence of 1,000 members in each region.

It seemed initially that the Supreme Court would get involved in challenges to RAC decisions, and a number of unsuccessful associations attempted to get these decisions overturned by lobbying the RAC (which has no legal powers to overturn decisions). In the end, we understand that only one of the unsuccessful associations actually filed an appeal with the Supreme Court, which has yet to make a decision. Some demonstrations against the RAC decisions appear to have been met by over-enthusiastic policing, but public dissatisfaction with the result seems largely to have been muted.

Nevertheless, there are what seem to us to be legitimate concerns. Firstly, the reasons for rejection are brief in the extreme, and it seems remarkable that every one of the nine unsuccessful political associations failed so significantly to meet established and publicly advertised criteria. Secondly, disquiet has been expressed at the fact that one of the successful political associations in particular has such strong links with the governing party. We feel that concern is warranted at the possibility that both the governing party and the newly-registered affiliate might be successful in securing sufficient votes to register as one of the three constitutionally-mandated political parties. In that eventuality, two-thirds of the party base would be tied to a representative of a very narrow Somaliland constituency.

Suggestions that rejected associations should join/merge with successful ones have not been met with great enthusiasm, apart from Badbaado, a religiously-inclined organisation which has joined Wadani (see page 13 below for information on the latter). It does appear, however, that members of failed associations are now individually joining successful ones. The RAC will continue to have a role in the electoral process but many are uncertain what that will be. At the moment the RAC is invisible "because of the ambiguity of their decisions", according to a source.

There have also been some notable defections amongst the established political parties – none more so than the shift from the United Democratic People's Party (UDUB) to 'new' UCID (Justice and Welfare Party) by young financier Jamal Ali Hussein, who assumes the party candidacy for president. Rumours abound that Jamal paid a substantial sum for that position, although he and UCID's established leaders deny that story. Jamal took a large number of disaffected UDUB members with him.

Complexity of the task

A number of challenges exist, perhaps best exemplified by the sheer number of candidates who are likely to contest the local elections. By way of comparison, the parliamentary elections in 2005 saw 246 candidates contesting 82 seats. The final number of district seats is likely to be close to the 379 contested in 2002, with the potential for six political associations to join the three existing political parties to contest the elections, and for each of those nine parties/associations to stand a candidate in every seat.

The voting system must serve both to elect individual party-affiliated candidates, as well as to select three parties out of the nine parties and associations contesting the election. Those three will then be the only parties entitled to contest presidential and parliamentary elections for a period of 10 years. This double requirement adds a level of complexity. Some winning candidates may not belong to the three winning parties and it is not clear what the status of the winning candidate would be under such circumstances.

One of the consequences of the sheer number of candidates has been a vigorous debate as to how each ballot paper should be designed in order to facilitate speedy but informed voting. Once the open list had been confirmed, the NEC was keen to use a numerical system, with each candidate allocated a unique number for identification. An NEC bill was passed by the House of Representatives that opted for this system. However, it was rejected by the Guurti (House of Elders) on the basis that illiterate/innumerate voters would find numbers difficult to understand. They therefore sent the bill back to the House of Representatives who changed the relevant provisions to require the use of a unique symbol against each candidate's entry. At the time of writing, the NEC was considering a proposal to use a combination of a small symbol and a number. They were also concerned at the additional cost this would add to the budget.

Some interviewees asked the authors for their concerns to be placed before the international community, in the hope that representations to Hargeisa for changes/improvements could be made. We would hope that any such representations from the international community are combined with internal advocacy.

One matter that seems to be a major problem for this administration (as for the previous government) is that of press freedom and the seeming inability to distinguish between critical political commentary (even if often of a personal nature) and state security. Despite the existence of a Media Act and a Memorandum of Understanding on its Implementation, signed by both sides, this does not appear to be applied; the relationship between the press and the administration is characterised by personal interventions by ministers against the press and the beating and arrest of journalists. This obviously has both general and electoral implications.

The forthcoming local elections present the opportunity to demonstrate the importance of decentralisation for local accountability. How far the local election process can fit in with the proposed decentralisation process remains to be seen. Sub-clan concerns are still expected to dominate.

Donors

The UK government is committed to a general increase in funding for Somaliland electoral development, and is funding the IRI and Oxfam respectively as their chief contractors to work with political parties/associations (new and old), as well as the RAC to some extent, and to integrate pastoralists more fully into the electoral process. The UK Nairobi High Commission plans to give some assistance to the RAC, at least in part to overcome reported NEC/RAC friction. They expect to sub-contract international observation work to Progressio/DPU and SFUK. There is also funding through Saferworld to work with the Somaliland NGO umbrella SONSAF, with expected funding for Interpeace to capacity-build with the NEC. Interpeace have been holding workshops with the NEC largely on technical logistics including on an open party list system. There seems to be the possibility of DFID funding Interpeace to train polling station workers with terms of reference being written up at the time of writing. Swiss and Swedish funding appears likely with perhaps the Danish International Development Agency (DANIDA) also being involved.

The EU office at present does not have the local elections as a high priority although the Nairobi political officer was very committed. Other EU officials thought their position was similar to the British one. They were not so hung up on the timing of an election but more concerned to gain consensus on how to move on. They expressed a certain resignation that there were again delays. The Somaliland government was felt to have been preoccupied with the London conference and the fighting at Buuhoodle, and to have taken its eye off the ball with regard to election preparations.⁶ Donors would be pleased to see a proposal from Interpeace on how to deal with the voter registration process. "After all, all we can offer is advice on a range of options that we could fund and they choose," was a typical remark.

It was thought that the Nairobi-based DSC (grouping major donors and Interpeace) could take a decision on what they would fund regarding open or closed lists and other alternatives on the basis of costings. There was some discussion on what would happen to the approximately US\$40,550 that political associations had to provide if they were then rejected by the RAC. In fact this money does not go to the latter's running costs (which would imply a certain conflict of interest), but back to central government funds. In terms of further questions on how the three new political parties are decided, the formula/law is clear that it is on the highest percentage of votes. According to one source: "It is unclear exactly what is being funded outside the DSC but it appears DFID is funding Progressio, Oxfam, IRI, Saferworld and the Centre for Humanitarian Dialogue (CHD) from what we were told. It is clear that the level of coordination will need to be ratcheted up as more organisations get involved..." Relevant groups, working with the NEC, can "bring all sides together in July, but it is not likely this will gain traction until post-Ramadan".

We also discussed the EU view that there was now a somewhat improved political situation given the "terrible start to 2012", plus the need for the media law to be enacted, better journalist training, and equal access of all parties/associations to airtime on state media.

Donors remain concerned regarding the Khatumo and Sool/Sanaag instabilities. Following the London conference of February 2012, followed by the Istanbul conference of May and June 2012, the UK government and others, such as the Turkish government, have long-term plans to open diplomatic missions in both Hargeisa and Mogadishu.

Electoral challenges

1. Open list system and government response so far

The parliamentary vote for an open party list system, while on the face of it a welcome move to increase openness in the political system, is causing some concern amongst interviewees. It has major implications in terms of what kind of ballot papers to use, the size and number of polling and counting stations, likely fatigue of election staff, storage facilities, and delays in voting. These practical challenges to the resources and capacity of election officials could lead to weaknesses in the management of the poll, undermining the credibility of the election, and increasing the likelihood of instability on the day.

Equally it raises gender questions, with women's quotas a still unresolved debate. From the viewpoint of the NEC, which has had problems with the open list, the cost of voting over a few days would be high. They expect to see problems with time delays and logistics on election day (perhaps pre-empting donor criticism on this issue).

The NEC has warned the government of this several times and has been in communication with the latter since March 2012. The established parties and some of the new associations have been conveying a message that the NEC should just get on with it and not get involved in 'political stuff'. The NEC hoped that with the London conference on Somalia finished and with the fighting in Buuhoodle having died down the government might listen to their concerns (and by implication donor concerns), but they now appear to have abandoned that attempt. The large number of possible candidates also raises the spectre of clannism with concern expressed that people, including women, would vote along sub-clan lines, despite an open list in a patriarchal clan society meaning the marginalisation of women candidates.

Discussions with prominent politicians suggested at the time there was little chance of the closed list being reinstated as it was passed after a tough debate, according to the Speaker of the House of Representatives, and as it was the 'popular will'. This has turned out to be the case. At the time of interviews, however, the NEC expected that without agreed (and external) funding, polling would adhere to its normal pattern of one day of voting with polling stations closing at 5 or 6 pm (with those already in the queue being allowed to vote). At the SONSAF 'Inauguration of the Pre-Election Consultative Study' on 26 February the head of the Supreme Court said that there was the possibility of voting over a two-day period, although the NEC view was that this would cost twice as much and that donors would be unlikely to support such a proposal. Using the open party list system, they ran a pilot model on 26 February ("pulling people off the streets") and the average time it took one person to vote was four minutes (someone else at the meeting timed it at five, and, perhaps significantly, an illiterate watchman took 10). They foresaw long queues still at the end of the day's voting, thereby disenfranchising large numbers of would-be voters as evening approached. Polling stations are normally supposed by law to cater for a maximum number of 750 voters. With the open list they could only service 300-400 (one MP thought the figure more likely to be 165). Lack of electricity and speculation and rumour as to what is happening could all lead to violence and suspicion, as could a two-day 24-hour voting period, with increased possibilities for attempted multiple voting given the lack of a single voter registration process. The NEC commented: "Whoever loses will complain."

As noted above, the ballot will use symbols to identify each candidate (possibly in tandem with numbers). Given that there will be up to 225 candidates in Hargeisa District alone, this will result in some very long ballot papers, with much work yet to be done on how symbols can be selected and represented in intelligible form. The separate election for parties was shot down, "rightfully," according to one source, "as it would have become an election not based on merit but only empty promises":

The combination of councillors and parties ensures each party needs to show its face through the candidates it puts forth... while if it were purely parties, the leader of each party would have been what people were voting for. One of the key concerns, although election discourse is still quite muted due to other things like the talks between Somaliland and the Transitional Federal Government of Somalia, is the criteria for candidates. We had hoped that civil society, which was demanding an open list system to

ensure better individual accountability, among other reasons, would get more outspoken on this issue and ensure it got into the amended law, but that did not happen. However, our sense is that the issue of criteria will continue to be an issue and hopefully can make its way into the code of conduct.

According to another source, however, “the reduction of the number of political associations from 15 to six offers little relief as far as logistical challenges are concerned”. Recently, the NEC conducted a mock election in which they tested a new method of elections. Instead of logos and names, a number is given to each candidate and people voted for the number. This reduced the ballot paper size and also made it possible for an illiterate person to easily pick the number of his/her choice of candidate if assistance was offered. Otherwise the fear is of an increased number of invalid votes (judging by the Iraq experience of 2005-2008). In one scenario, even with a reduced number of candidates/associations, there could be around 3,000 candidates nationally. Given that the winning margin with such a large number of candidates and parties would be around 6% this will put extra strain on counters and those tallying. Nine party agents verifying votes is a nightmare given the speed at which they move, or in fact do not. However, in the presidential elections of 2010, not all parties could provide sufficient agents for training by the IRI, so it is unlikely that all parties would have a full complement of trained agents. Polling/counting stations are already small in size and likely to be overcrowded if all parties were to send an observer, to add to the domestic and international observers (and fatigued staff), which could total nine people.

One intriguing possibility (rejected by the NEC when we raised it, but which has created some interest) is electronic voting via mobile/cell phones – given that everyone has one, the system is trusted, and there are failsafe systems when they are used for money transfers. Possibly this might be one for analysis for future elections.

Various ideas have been put forward as to why Parliament (and civil society at least initially) wanted an open list. One source saw the reasons as a combination of factors. Firstly, many people are in favour because an open list is more democratic, and this has been a rallying call in the past. Parties also like it because it places more pressure on individual candidates to commit time and resources to serious campaigning – a point endorsed by the Speaker. Lastly, those who seek to disrupt the electoral process know that the open system is difficult to implement – as can be seen with the recent elections for the 25-member City Council of Hargeisa – and hope that this will cause delays to the parliamentary election.

It certainly appears more democratic that people have the right to choose whomsoever they wish from whatever party. Some of those in favour of open lists were those who thought themselves popular with the public (or clan) but not necessarily with their own party. There are also suggestions of inter-party talks (possibly on a clan basis) to swing behind certain candidates, although that is also possible with a closed list system.

Interpeace thought that the open list system had been put forward due to concerns over the performance and visibility of councillors, a view that journalists endorsed. (Many would add concerns over the existing three national political parties.) Having the choice of candidate, but one still chosen by the party, might seem the wrong response to the right problem. Activists applauded the wish to see educated and able councillors, but thought it more likely that given political associations seem largely based on sub-clans and coalitions of sub-clans, candidates would secure election on the basis of good sub-clan politicking rather than competence.

An MP argued to us that the process has been marked by illogical thinking, and in his view an open list has no benefits that outweigh the disadvantages. The election of local councillors is still based on candidates chosen by the parties, not independents. The three winning parties will exist for 10 years so it is important that people choose parties that look like they can deliver good local services. Somaliland is supposed in his view “to be moving to a multiparty democratic system but this puts us back under clan control.” The result of this is likely to be that the (sub) clan “will give power to those with money or who represent bigger clans. Both invite corruption. Voting will go with clan. Parliament did not really

examine the options and obstacles when it put forward this open list system and should rethink, given that there is now time to convince the government it would not work as the NEC has reiterated.” It was illogical for the parties in Parliament to have voted for it as it did not actually help their interests as stable, sustainable parties. This point was accepted by the Speaker, but he reiterated that it was the popular will.

There is also the issue that if criteria for candidates (which the NEC is looking at) might include educational attainment, literacy, or being (self) employed, who then speaks for the poor and marginalised?

All parties/associations know that there will be eventually three parties as ‘winners’. Judging from past experience, those who might not win but who do get a good share of the vote will use their electoral mandate to lobby for powerful positions.

There is little political/policy difference between the different political associations – similar to a lack of major difference on policy between the existing parties, though obviously there are differences of approach and emphasis. Somaliland politics still often looks to the ‘charismatic’ individual and the extent to which sub-clan support can be garnered, with subsequent loyalty in office due to the sub-clan rather than to the electorate as a whole. Sadly the only female-headed party was rejected as a valid association by the RAC. Its female head had argued that female-organised politics would be different.

Without some hard decisions on these issues and the other problems mentioned below, we could, in the eyes of Somalilanders, see intra-party as well as inter-party discord. The NEC believed that there was popular confusion between ‘one man [sic] one vote’ and the open list. It is possible that a good voter education programme could sort this out, but such programmes have not really started yet (although political association campaigning appears to have).

2. Voter registration

There were uncertainties too in relation to the equally swift parliamentary suspension of the voter registration, and the supposed compilation of a civil registration process. According to the RAC speaker at the SONSAF meeting of 26 February the civil registration process will need proof of identity in a number of possible ways. An ID card, driving licence, or signed paper from the local aqil (traditional leader) were all mentioned, as was swearing on the Koran before elders.

The first three certainly present problems. Around 20% of the population have one or other, or both, of the former two forms of documentation (and these people are mostly urban dwellers and/or educated) and the third is even more problematic given what happened in 2008/9 with clans attempting to gain unfair advantage in the registration system. All clans/sub-clans have a simultaneous interest in suggesting that their numbers are high while keeping evidence of actual numbers secret from others so as not to find themselves unexpectedly trumped by some other group. The opportunity for what is essentially corruption is very high. Again, multiple voting is easier.

It is unclear why the IDs issued with the abandoned voter registration cards are not being used, apart from wanting to include youth now of an eligible age to vote. One MP interviewed did not see why the voter register and ID cards had been abandoned and implied that this abandonment went through Parliament almost unopposed because a committee recommended it and there was no discussion. As he pointed out, once the voter registration system was cleaned up, it functioned well “for the most sensitive election Somaliland has had”; the NEC were well-regarded (although not now at their high point of popularity); and there was time to improve rather than abandon the system. He thought it was the “political establishment” that wanted rid of it – although it was not clear why that should be so. The Speaker pointed out, though, that of five elections, only one had been held with a voter registration system. Interpeace also appeared sanguine on this point, saying that non-Somalilanders were easily recognised and that age (or lack of) might be a more destabilising problem. The new system (of no system, essentially) does at least bring in youth who were not in the former voter registration system. There will be a new registration system but not until the parliamentary elections.

3. Political parties/associations

There are worries that delays to the local elections would have a knock-on effect on the wider democratic process. It is thought that President Silanyo has no intention of delaying the presidential election slated to follow the local ones, as reports suggest he is tired, and ill. However, other members of the cabinet might find a delay suits them in hanging on to power. That is certainly a popularly expressed view, although what effect this would have on the electorate is unclear.

Certainly the NEC, as previously, blamed the politicians for the delays (and there is some truth in the claim). Financial conditions for political associations are fairly prohibitive. A registration fee of 150 million Somaliland Shillings (SLSh) (around US\$20,000) is required from all political associations, plus a further SLSh 1 million (around US\$140) per candidate for each seat contested. For a party/ political association contesting all seats, using the 2002 number of seats, this represents SLSh 379 million (around US\$54,000). The costs of participating in the election will, of course, be significantly higher, given the requirement for both parties and political associations to set up 31 offices, six regional and two sub-regional district offices, get 1,000 signatures per region, and provide furniture, logistics, rent, salaries etc. They also have to show that they are internally democratic and hold authentic party congresses. Despite this, political associations have opened offices and are campaigning. They also resent that the 'old parties' are getting \$20,000 a year from the government while political associations have to pay their workers. In terms of the funding of parties one association opined that possible funders were waiting to see winners before committing – "there is no support for associations".

There were allegations that some of the funding for these political associations comes from dubious sources, while in theory no outside funding is allowed. The RAC did not have a mandate to investigate these allegations, ensuring that funds were sufficient rather than verifying their provenance. There were at least two political associations which were alleged to be fronts for Islamist groups – which the constitution explicitly forbids. Another association queried whether they would pass the registration checks, but thought in any case, given that clan allegiance "trumps everything", such parties were unlikely to be one of the top three. Other allegations we heard were that some political associations were government-funded in an attempt to create a friendly front.

An international group suggested that the political associations are largely run by former ministers with some experience and plenty of ambition who are unlikely to want to cede or share their status with another grouping. Others thought them more inexperienced one-man parties. There are few ideological differences (indeed no manifestos) so the parties are individual or sub-clan vehicles. Association leaders are also aware that the three political party winners will have tenure for 10 years so why bother with the slow process of building up a party for eventual power or a share of it? However another view from one of the political associations is that mergers/coalitions would be "a natural reduction" with the hurdles that have to be jumped, although this does not appear to have happened to any large extent.

A case in point which has legal and political implications is that of Wadani. It was established as a result of the split within UCID between longstanding leader, Faisal Ali Waraabe, and much of the rest of the party. Faisal's long-term deputy, Abdurahman 'Erro', emerged as leader of the breakaway faction, managing to take the majority of the party with him. A bitter stand-off ended when Faisal succeeded in persuading the Somaliland judiciary that he remained the party leader, so those opposing his leadership left UCID to establish a new party, Wadani. This led to a constitutional problem in that most parliamentary members of UCID joined Wadani. Under the constitution, political parties being limited to three, Wadani was not recognised as a party. This meant that those who had resigned from UCID were thought by some to have questionable legitimacy to continue to operate as parliamentary members. However Parliament passed a provision that few were initially aware of, that allows sitting members of Parliament to join or become a member of another party or political association for a 10-year period. Meanwhile, UCID is now a rump – notwithstanding the 'new' UCID arrangement described above – with Faisal having explicitly played the clan card during the dispute, calling on all his clan to support him – not only divisive, but probably undermining his credibility. However there are those who think this question should be raised in Parliament and that it may be a matter for the NEC or RAC.

The IRI have received DFID funds for working with the RAC as well as the political associations and with parliamentarians on how to relate to legislation, and how to be constructive in relation to public opinion. The IRI suspected that political association training might be thin, very basic training – how to organise, rules for participation, campaigning. They would as in the past train party agents, especially as the NEC had no money for this. The IRI will also get involved in training youth and women, especially in trying to get competent youth candidates.

A political association code of conduct will be important given the localised nature of politics, and the sheer number of groups. The APD has normally facilitated this. There is also the question of separate times for rallies, and media access (if opposition parties get access to state-run media – a common Kulmiye complaint when they were in opposition).

4. RAC

The RAC's job under Law no 14 was to register political associations and monitor their internal processes in order for them to compete alongside the three existing parties in the local/municipal elections. The top three in terms of percentage of vote then function as the sole political parties for the next 10 years and the RAC works with them as a focal point for a period after that, and then after two and half years is disbanded. The RAC initially received no non-government funding which means it has insufficient funding for training, transport, logistics and monitoring to sustain its lifespan. Many said "the government should have thought of that at the time of setting up a separate commission to the NEC". In the light of supposed "legal and institutional ambiguities and the highly political and subjective nature of the RAC's work" (and the appointment to it by the President of people who are not well-known, accompanied by the usual allegations of clan advantage) some suggested that donors may have taken some convincing to fund the RAC as currently set up. It would seem, though, that the counter argument that it was set up by the wish of Parliament and government, and, by extension, the public who wished to see change in the political setup, has attracted some donor support – at least from the UK.

Boundaries between the NEC and RAC were a little unclear (though the RAC disputed this) as the former is in charge of elections in general but the RAC determines who is a legitimate player: a situation described as highly political and open to abuse. The NEC and RAC do not have a very healthy relationship, although it is not confrontational, more about turf and a lack of willingness to engage constructively. According to an informed observer: "This is more from the resistance of the RAC who clearly want to establish themselves, but are meeting resistance from all sides, have few resources, and have gained no confidence from the parties or the NEC. The government strongly supports their efforts, however." The RAC has the power to disqualify political associations and obviously has now done so, although in theory there is one appeal allowed to the Supreme Court. Questions on whether the RAC could seriously monitor the genuineness of the 1,000 signatures needed for each region for each political association, make a determination on whether their congresses are legitimate, if offices exist and whether they have internal democratic structures, now seem to have been answered. The striking out of nine political associations suggests that the RAC has fulfilled some of its objectives, although the grounds for deeming political associations not compliant have not been very transparent. The RAC has now finished its allotted task until the elections happen. One of the biggest challenges will be the role of the RAC in the process as currently the law gives them the mandate to ascertain the political association winners; it should also be noted that the current law (no 14) is very convoluted when it comes to assessing which political associations have won.

5. Gender concerns

The work of the Presidential Consultative Council looking at the incorporation of women into the political system through fixing a quota has been more or less invisible since October 2011. President Silanyo apparently initially promised a 25% quota, in line with the campaign demands of the Somaliland women's NGO NAGAAD, but the report from the Presidential Gender Advisor had suggested less (possibly under 10%). Since the President's return from the London conference it looks as though the percentages offered will be 5% for local and 10% for parliamentary elections. We await a response from women's groups and others to this offer that might be considered derisory.

Female political association politicians saw no real reason for delays by the Presidential Committee and suggested that women need a quota system plus whoever gets voted for in the open ballot. Parliament is likely to go for one only of these options although indications are that they will vote for a quota system and “the Guurti is beginning to move”. NAGAAD is thought by some to have been too quiet and to have got too close to the government. NAGAAD had not really had discussions with political associations (bar the one female-headed political association not registered) but it was hoped that they might do this once political associations had sorted out their internal affairs (this might mean getting clan approval for female candidates). This was somewhat in contradiction to one political association representative, who said women had to knock on the door and demand entry. NAGAAD did think there was a coterie of university-educated young women who were looking to enter local politics, but had no specifics. One seasoned observer opined:

With an open list this [a quota system] seems very unlikely as you cannot ensure women when each candidate is voted on independently. There was talk that this has come up in Parliament [since they] have just passed a harmonisation amendment to Law no 20 but ... we are not sure if it got edited in the process of going through the legislative process. If there is no provision, the NEC is likely to push for a commitment from each party/ association to ensure a minimum number of women candidates on each list in the code of conduct [for political parties] but that will have little legal binding.

However one political association – subsequently denied accreditation – had opened up space for women candidates, and other parties would have to make some attempt to attract women voters (who after all make up the majority). According to sources: “Some believe that women should come through nominations and others think that a separate election amongst women candidates is the best [approach].” There was a need, according to many, for a gendered media programme.

6. Voter education

The NEC meeting with the major voter education players on 23 February looked to them re-running voter education programmes. SONSAF, SONYO, NAGAAD, APD, SORADI, the Council of Somaliland NGOs (COSONGO) (the precursor to SONSAF and not now very active), the Forum for Peace and Governance (FOPAG), and Progressio are expected to be involved. SONSAF will hold major awareness programmes across the country involving focus groups and one-to-one meetings with stakeholders.

7. Civil society and youth

SONSAF has published a post-2010 election assessment.⁷ They also undertook a pre-election information-gathering exercise on 27 March with findings being presented to a subsequent meeting. Planning, including advocating to key institutions, will follow. SONSAF will also address public perceptions that the open list is necessarily superior to a party closed list. This will have to be linked to how to overcome problems of inefficient parties/councillors and the concern that with a closed list the rich will pay money to get to the top of the list. Women don’t have money. “We need an open debate on these issues and someone to take the lead. Can SONSAF take that role?” The response was typically guarded in terms of showing the public that the NEC was not the problem. A focus group has been started with the NEC. The Civil Society Election Forum would take forward some of this work at local level; Progressio is on the forum. Given SONSAF represents all the regions they were keen that security/militarisation does not disturb the process, and happy to ask the government to pursue proactive peace and negotiation strategies.

SONYO is an NGO focusing on youth and their view was that electoral problems went beyond legislation to attitudinal concerns leading to the need for change. Youth is well mobilised at the moment and some see them as “fully integrated into the election process. At the moment the parties are very busy in selecting their candidates and surprisingly youth candidates make up the majority in the list. It is a new development across parties.” This appears to have taken people by surprise as SONYO was initially looking for 10% representation of youth in political associations. Taking some lessons from Youth Agenda in Kenya, they wanted, as they said at the time, to avoid endorsing any political association that then might not deliver on promises, so they will not support one particular organisation. For them

key problems for youth were unemployment, the need to avoid criminalisation of and by youth, piracy and radicalisation. They affirmed the need to consolidate their relationship with NAGAAD in order to avoid divide and rule. Their priorities were the need to harmonise and formalise electoral laws in a timely manner, so as to lead to a credible electoral process. Interestingly they saw the need to support greater youth diversity by looking back to some traditional forms of conflict resolution.

8. Media

“It is a tough time for journalists” according to journalists’ association SOLJA, with “space closing down”. One journalist arrested in Borama around the time of the first interviews was beaten into a critical condition. The government is not following the approved Media Act, despite rhetoric promising that it would. The problem appears to be individual ministers, particularly the Minister of the Interior, acting outside due process and ordering police to beat or arrest journalists. The arrest in January 2012 of 25 journalists at once was unprecedented. SOLJA welcomed existing and future international interventions in support of journalists in Somaliland. The case of the 23 journalists was formally raised with the government of Somaliland by SFUK and others at the time, and the new Minister of Information expressed his concern and promised to address the issues raised.

Despite this, journalists thought that the state media bias had decreased with the opposition and public getting the opportunity to get their concerns across. They thought the emergence of new political associations was positive in terms of greater press freedom. Whether this would last during the electoral period they thought less certain.

Areas for consideration including by donors

- Support for women and youth candidates – through forums, workshops etc (some work on this is already in process by national and international NGOs).
- International observation support.
- Support for the NEC so that its relationship to the government truly reflects its autonomous status.
- What options are there to reduce the level of clan control over voter registration processes?
- Training party agents (the IRI thought they might be able to take this on but seemed a little uncertain).
- Need for sufficient training for polling station staff.
- Media freedom and access programmes that go beyond the BBC journalist training course.
- Wider agenda on how to help Somaliland negotiate externally after the London and Istanbul conferences, and indeed internally – Sool, Sanaag, Khatumo? A positive move on the latter would be for negotiations to take place outside Hargeisa, showing the willingness of government to travel to affected/contested areas.
- There were also non-developmental concerns mentioned to us (beyond the scope of this study) about Shabab being pushed by Ethiopian/Kenyan action into the Galgala mountain area, alongside fears of weapons being stored for future use.

Preliminary recommendations

We look forward to the greatest cooperation with all in Somaliland and the diaspora for the forthcoming elections and make the following suggestions.

To NEC/ RAC

The NEC should stress in any public arena that three strong political parties are necessary for democracy and should be involved in discussing the methodology of how to get to that situation.

The NEC should continue to work closely with civil society on issues of women's and youth participation and on how to ensure effective and inclusive systems for voting, counting and announcement of results.

To civil society

Civil society should continue, indeed increase, the level of campaigns and programmes that are currently underway (eg on voter awareness) to the limit of budgets, but starting as funds become available rather than waiting until complete funding is in place.

This should be allied to a greater voter/civic awareness programme on the implications of closed versus open party lists, without the assumption that one is inherently more democratic or will solve the problem of ineffective government at whatever level.

Use the lessons from the 2010 elections that are in the SONSAF assessment booklet.⁸

With the NEC, civil society should undertake the tasks assigned to it using the SONSAF process to enlighten government, Parliament and the public, especially on the thorny questions of clan and party relationships. This could be done on the presumed basis that the politicisation of clans cannot be good for democratisation, in that wider political, social, and welfare considerations need to be taken into account (including electing and monitoring competent councillors and other politicians).

Civil society should liaise with political associations etc on ensuring good quotas for women and youth and making these positive campaign points for the parties to attract greater support. Regular monitoring of this would be useful.

Civil society should express its concern over the harassment and beating of journalists.

To political parties and associations

Existing parliamentarians should ensure a rigorous separation between parties and political associations until registration is finally completed and approved. The process needs to be transparent and constitutional.

Parties and political associations should ensure good quotas for women (we were going to add youth, but this now appears a completed task) and make these positive campaign points which would fit with their rhetoric.

To the international community

International community supporters of a free and fair election should be aware of the current problems outlined in the sections above and seek dialogue with relevant players (especially but not exclusively government) on the issues.

The international community should help address electorally-related security issues by stressing the value of negotiations, not just with the Somalia Transitional Federal Government as stated in Article 6 of the London Communique⁹ but also with Khatumo and in Sool and Sanaag as well as Puntland, and outside Hargeisa.

Provide support for international election observers.

To the government of Somaliland

Ensure the constitutional regularisation of the position of parliamentarians in both political associations and parties to avoid bringing the law and electoral system into disrepute.

Adhere to the provisions of the Media Act, stop illegal harassment of journalists: in particular, individual ministerial unilateral actions.

In terms of general and electoral stability, open negotiations with key internal and regional players thereby building on the successful Somaliland presence at the London conference (and to perhaps a lesser extent the Istanbul one). The subsequent discussions in London in June 2012, which were essentially 'talks about talks', were a useful start and momentum needs to be maintained.

Ensure a secure environment for all those involved in electorally-related work, including party agents, youth helpers, and domestic and international observers, and provide sufficient security.

Notes

- 1 Law no 20 refers to the 2001 'Presidential & Local Elections Law', plus its amendments relating to each subsequent election. A new amendment relates to the forthcoming local election.
- 2 In the Somaliland context, the 'open list' refers to a full list of candidates, with voters required to cast their vote for specific, named individuals. This is contrasted with a 'closed list', in which party officials determine the candidates and their order of priority, with voters simply indicating their party preference.
- 3 See Walls, M and Kibble, S (2011) Somaliland: change and continuity, Progressio, London, <http://www.progressio.org.uk/sites/default/files/Somaliland-elections-2010-report.pdf>, and Abokor, A Y et al (2006) Further steps to democracy, Progressio, London, <http://www.progressio.org.uk/sites/default/files/Further-steps-to-democracy.pdf>
- 4 Security committees were originally established to address urgent security issues after 1991. These committees were permitted to imprison without trial and they lay outside any due judicial process. One of the first acts of the new government in 2010 was to establish a National Security Board to provide the security oversight that had been within the purview of the committees. See Walls, M and Kibble, S (2011) 'Briefing – Somaliland: progress, state and outsiders', *Review of African Political Economy*, 38 (128): 338.
- 5 Within Somaliland electoral law, the term 'political parties' (or xisbi) refers only to those organisations which have succeeded in registering to contest presidential and parliamentary elections. The total number of political parties is constitutionally limited to three. All political organisations established to attempt to win this status and registered as such are termed 'political associations' or urur.
- 6 Eastern Somaliland, and particularly Sool and the corner of Togdheer that is known as Cayn, and centred on the town of Buuhoodle, has seen periodic outbreaks of violence directed at Somaliland. Sool itself is claimed by the Dhulbahante State of Khatuumo, while Buuhoodle is the focal point of the 'Sool, Sanaag and Cayn' (SSC) militia. Both groups object to both Somaliland's and Puntland's claim over the territory they represent. Recent conflicts have centred primarily on Buuhoodle.
- 7 SONSAF Post-Election Statement, July 2010, available online at: http://www.sonsaf.org/Files/somaliland_presidential_observation_mission_report_%281%29.pdf
- 8 See note 7 above.
- 9 The full text of the Communique from the London Conference on Somalia at Lancaster House on 23 February 2012 is available at: <http://www.fco.gov.uk/en/news/latest-news/?id=727627582&view=Press5>