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Academy for Peace and Development
Akaademiga Nabadda iyo Horumarka
Hargeisa, Somaliland

PILLARS OF PEACE

Somali Programme

Confronting the Future of Somaliland's Democracy:
Lessons from a Decade of Multi-Partyism and the Way Forward

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Acknowledgements

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List of Acronyms and Abbreviations

APD　　　Academy for Peace and Development

ASAD　　Alliance for Salvation and Democracy

DANIDA Danish International Development Agency

ERIS　　Electoral Reform International Services

IRI　　　International Republican Institute

MOI　　Ministry of Interior

MOU　　Memorandum of Understanding

NEC　　National Electoral Commission

NGO　　Non-Governmental Organization

PoP　　Pillars of Peace

PR　　　Proportional Representation

RAC　　Registration and Approval Committee

SNM　　Somali National Movement

ToT　　Trainer of Trainers

UCID　　Ururka Caddaalada iyo Daryeelka (Justice and Welfare Party)

UDUB　　Ururka Dimuqraadiga Ummadda Bahawday (United Peoples' Democratic Party)

UN　　　United Nations

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Executive Summary

Somaliland's Democratic Transition

Somaliland's unilaterally withdrawal from the union with Somalia in 1991 was followed by a decade-long peace- and state-building process led by traditional clan elders. Somaliland resolved internal disputes, merged militias into police and military forces, and built governance institutions and practices based on a system that blended tradition and modernity. These were formally codified with the ratification by popular referendum of a new constitution in 2001. However, Somaliland remains internationally unrecognised.

From 2002-2005, Somaliland held its first electoral cycle, including its first local council elections (2002), presidential election (2003), and parliamentary election (2005). In advance of the 2002 elections, Somaliland allowed for the formation of political associations. The three associations whose candidates won the most votes (UDUB, Kulmiye, and UCID) became Somaliland's official political parties, and enjoyed exclusive legitimacy for ten years. This system was designed to pre-empt the proliferation of a large number of clan-based entities, which threatened to politically fragment Somaliland.

All three elections in Somaliland's first cycle were deemed peaceful and credible by domestic and international observers. However, worrying political, legal, technical, and cultural hurdles appeared during Somaliland's first electoral cycle that were to cause headaches in the years to come. First, the political process was vulnerable to manipulation by traditional structures, as well as individuals and interest groups. Second, the political parties did not clearly articulate doctrines or visions and revolved around strong individual leaders who did not tolerate dissent. They also reflected a highly politicized clannist ideology and mentality.

Somaliland's second electoral cycle, which remains incomplete, was beset by repeated delays due to technical hurdles, legal loopholes, and political machinations. The second presidential

election, due in April 2008, was not held until June 2010, but resulted in a peaceful transfer of power from incumbent President Dahir Rayale Kahin to opposition leader Ahmed Mohamed Mahamoud (Silanyo). The second local council elections, scheduled for December 2007, were delayed even further, to November 2012. The second parliamentary election, due in 2010, has still not been held.

The 2012 local council elections

The 2012 local council vote brought new challenges. First, it used an open list voting system, in which parties and associations had little control over the nomination process. Second, while only three parties had contested the preceding three elections, the 2012 field included two existing parties and five new associations. Third, there was no voter register, as Parliament discarded in 2011 the register used in the 2010 presidential election.

Voter registration became a serious issue in 2008, when Somaliland launched its first registration exercise. Somaliland used the new register in the 2010 election, but Parliament nullified it in 2011 due to concerns about fraudulent and duplicate registrations. This negatively impacted the 2012 elections, in which substantive multiple voting occurred.

Serious problems have also emerged in Somaliland's political party system. Laws stipulating that the 2002 elections would determine Somaliland's three official parties were unclear on whether these would be permanent, or if new associations could form in the future. This ambiguity led to political conflict in 2007, when the new Qaran political association formed without government permission. President Rayale ordered Qaran's leaders imprisoned and declared the association unconstitutional. However, the Qaran leaders insisted that Somaliland's freedom of association allowed the formation of new associations.

This dispute was settled through an elder-led mediation process, but the issues it raised remained unresolved until 2011, when the Academy for Peace and Development (APD) organized a public stakeholder forum on contentious issues. After public consultations, Parliament passed an amendment to the Political Associations and Parties Law and created a Registration and Approval Committee (RAC) to regulate the number of political associations competing in 2012. Additionally, an important new legal decision forbade further Qaran-intrusions after these elections determined the three new legitimate parties.

The 2012 elections' adoption of an open-list voting system was a response to public complaints that the closed-list

system had caused disconnect between local leaders and their constituents. The open-list system sought to give local constituencies more say in the nomination process, and to improve the competence, transparency, and accountability of local governance. However, it later became clear that the open-list system also helped open considerable space for clannism and corruption to enter the political process.

The 2012 elections were also beset by technical challenges, including an excessively large and complicated ballot, the lack of a census or civil register to help determine the placement of polling stations, the lack of an urban zoning system, the lack of demarcation lines between districts, and the lack of an effective mechanism for resolving electoral disputes.

Electoral Institutions

Somaliland's central electoral institutions are all facing challenges. **Parliament's** imperfect legal drafting process has produced ambiguous, contradictory, and incoherent laws. Electoral laws have not been comprehensive, necessitating amendment and revision.

The **NEC** has never been fully institutionalized nor equipped with financial independence and standing technical capacity.

Somaliland's **political parties** operate without sufficient financial resources and lack professional and technical experience. They have also become highly personalized, without internal democratic practices, clear ideological or programmatic orientations, or effective dispute management mechanisms. Clans also have a great deal of ownership over the parties.

The **judicial system** has failed to take the lead in resolving political disputes and interpreting ambiguous legal provisions. There are widespread doubts about the courts' impartiality. Complaints about election results are not often sent to the courts due to the fear that the judicial system is vulnerable to manipulation.

The **security forces** are deployed on Election Day to uphold law and order have been subject to questions about their neutrality, and they are seen by opposition parties as guaranteeing pro-government outcomes. The police have limited capacity to secure polling stations, prevent election-related offences, and respond to violations of electoral laws.

APD's Engagement: Building Sustainable Peace

APD has played a critical role in the democratization process since 1999. APD has used its 'political space management' approach to promote

dialogue, bring change, and support the electoral process. APD has undertaken a detailed review of the principal electoral instruments and established networks of experts and social contacts. The role of APD in resolving various problems was instrumental throughout the 2012 electoral process.

Ahead of the 2012 elections, APD addressed important challenges surrounding the open-list system, the formation of new political associations, the clarification of laws, and the drafting of codes of conduct for political parties and the media. APD led an inclusive reform process that helped Parliament address deficiencies in the electoral legal framework, including amendments to laws on political parties and local council elections. APD also reviewed and assessed the voter education programme used in the 2010 presidential election and conducted other election-related activities, including training agents of the political parties and associations to scrutinize and monitor election-day activities.

Election Results: Complications and Achievements

Election Day took place relatively peacefully. The opposition Kulmiye party won in most districts, with the new Waddani association coming in second and the existing UCID party in third. These three would qualify as

Somaliland's legitimate political parties for the next ten years. Very few women ran for office and fewer were elected, due largely to clan politics.

The election revealed troubling shortcomings in electoral institutionalization:

- Multiple voting occurred throughout Somaliland, challenging the elections' credibility.
- The open-list system required very large ballots, causing ballot boxes to fill quickly and officials to store ballots in non-secure receptacles, threatening ballot integrity.
- Vote-rigging was reported in several locations, though not confirmed with concrete evidence or subjected to legal consequences, due to a weak regulatory framework.
- Vote counting was difficult, time-consuming, and likely error-prone, due primarily to the technically complex open list voting system.

After the winning parties were determined, clans refocused their attention on council leaderships, stressing clan cohesion rather than on party loyalty, positions, or principles. The aftermath of the 2012 elections also exposed the fragility of the balance of power in mixed-clan areas, including Seylac, where two major clans engaged in a particularly intense (and still unresolved) post-election quarrel over

the top positions in the local government. The Xaqsoor association, which did not gain enough votes to become a party, insisted that the government had manipulated the electoral process. Xaqsoor supporters engaged in clashes with police, leading to a number of civilian deaths. The Supreme Court declined to adjudicate the case, and an agreement was reached through informal mechanisms.

Despite these disputes, peace and stability were maintained, and most conflicts were contained. However, the electoral process needs to be institutionalized to prevent conflict.

Lessons Learned

The "culture of dialogue" is indispensable to resolving electoral disputes. Somaliland's traditional system of dispute resolution has exerted a powerfully positive influence on Somaliland's democratization process. APD has facilitated this inclusive dialogue process as an independent, neutral, impartial body trusted by political stakeholders.

Greater institutionalization of electoral processes is needed. Current electoral processes are unsustainable, unstable, under institutionalised, under funded, and unstructured. The government's lack of financial and technical capacity to support elections without significant donor support has created loopholes for political actors to delay elections.

Somaliland must pursue a credible voter registry. Without a voter list, multiple voting was a widespread problem in 2012. The lack of voter registration hampers elections' credibility and impairs voters' trust in the process.

The periodic formation of new political associations is necessary but potentially destabilizing. In 2012, this process brought out inter-clan hostilities and weakened community-based trust. Opening the playing field to new associations is necessary to legitimise the democratization process, but without a strong regulatory framework it can exacerbate parties' individualization and clan domination.

Somaliland must find a constructive role for the judiciary in electoral disputes. Somaliland's courts do not resolve election disputes effectively. They are seen as lacking impartiality and independence from the executive. As a result, disputes are mostly resolved through tradition-based consensual approaches. Enhancing the courts' independence and role in resolving disputes is critical to the institutionalization of democratic systems.

The open list voting system has notable drawbacks. Its candidate-

centred nature led to clan-based nomination processes, in which political parties and associations had no influence, accentuating clan-based social divisions.

The future of Somaliland's elections

Strengthening political leadership. Without institutionalized processes, elections depend upon the political will of key leaders. Electoral processes must be transparent and free. Political power must not be exploited to unbalance the playing field.

Preparing a credible voter register. Somaliland's completion of an accurate, transparent, effective, trusted, and accepted voter registration is instrumental to representative, credible, and peaceful elections. Successful voter registration will help maintain peace, stability, and social harmony.

Reforming electoral laws. Somaliland's legal framework is weak, incomplete, and incoherent. Parliament should conduct a legal reform process to review and revise electoral laws and draft new laws to regulate the NEC, local council elections, presidential elections, and parliamentary elections, and to address criminal and civil liabilities for electoral fraud.

Reforming key institutions. Institutional reform of the NEC is greatly needed, focusing on the recruitment of permanent staff, the formalization of institutional structures, and the development of regulatory frameworks.

Reforming political parties. Somaliland's political parties lack institutionalized structures, decision-making is highly centralized, and internal party regulation is incomplete, causing frequent unresolved internal disputes, weakening intra-party cohesion.

Establishing seat allocation, constituency demarcation, and electoral formulas. Somaliland still uses the seat allocation formula from the 1960 parliamentary election, an ad hoc, short-term solution, and constituency demarcation remains unresolved. The major political actors must find a solution to this problem before the parliamentary election.

Moving donors from event-based to procedural support. Much international donor support has been event-driven, focused almost entirely on elections and giving insufficient attention to building electoral institutions and creating an enabling environment for peaceful elections. Long-term, strategic, process-oriented support by international donors is essential for free, credible, and peaceful elections in the future.

Enhancing the role of civil society and traditional leaders. Traditional leaders must act responsibly in supporting and

assisting electoral institutions, resolve political disputes, and avoid stoking post-election violence. They need to better understand the importance of letting candidates devise political programmes instead of relying on clan allegiances for their election. Somaliland's civil society has helped to strengthen fragile institutions, facilitate consensus-based political dialogue to resolve disputes, and organized many successful awareness-raising campaigns. It should continue to play an active role in the next elections.

1. Introduction

It is an extraordinary achievement to hold peaceful and credible elections in a post-conflict context where institutions are fragile. Somaliland, which withdrew from its union with Somalia in 1991 after a long civil war, successfully held five elections in the decade from 2002 to 2012. International and local election observers considered these elections, which took place without any major outbreaks of violence, to be credible and representative.

Rather than pausing to celebrate this remarkable achievement, Somaliland policy makers must now reflect upon the areas in which the democratization process has fallen short, and the serious challenges Somaliland faces as it prepares for new electoral contests.

The December 2012 local council elections were a troubling point in Somaliland's electoral history for a number of reasons. Formidable political, legal, technical, and cultural hurdles emerged during these elections, many of which Somaliland has not yet fully addressed.

This report examines the process through which the 2012 elections were held. It highlights challenges that faced major stakeholders, and reflects upon the Academy for Peace and

Development's (APD) sustained efforts to analyse these challenges and help devise mechanisms to overcome them. Finally, the report identifies a number of lessons that Somaliland must learn from these elections, not just for the sake of the democratization process but also for Somaliland's long-term political health.

This report is part of APD's 'Pillars of Peace' (PoP) programme. Launched in 2009, this programme is an APD-implemented, Interpeace-funded initiative that aims to consolidate the achievements of the preceding 'Dialogue for Peace.' PoP's vision is to help Somaliland consolidate more than a decade's experiences of peace-making and institution-building in order to create new space for sustainable socio-political harmony and progress. It is premised on the view that Somaliland has successfully

emerged from the state of emergency that prevailed in the 1990s and the early years of the twenty-first century, and that Somaliland must now strengthen the foundations of peace, security, and stability through consensus-oriented, integrated approaches to governance.

1.1 Origins of democracy in Somaliland

In 1991, the people of Somaliland declared the birth (or, more precisely, the re-birth) of a sovereign state that was no longer part of Somalia.[1] A former British protectorate that had united with the former Italian colony of Somalia in 1960 to constitute the Somali Republic, Somaliland's re-establishment emerged from an entirely indigenous, bottom-up, and community-driven peace-making initiative.

Somaliland's declaration of independence marked its definitive conclusion of a grinding civil war that had hit its people hard for many years. Somaliland's combined peace- and state-building efforts endeavoured to heal the wounds inflicted on Somalilanders during this war and the decades-long reign of Siad Barre's military regime that preceded it.[2] For this healing process to succeed, it was essential for all of Somaliland's

communities to make peace, including those that had fought on the side of the old regime.

The process was led primarily by clan elders, who secured peace among their clans and helped demobilize the militias (such as the Somali National Movement, or SNM) that had fought the civil war, persuading most to join the new state's police or military forces. Somaliland's founders envisioned a new state built upon a unique hybrid system that would blend tradition and modernity.

At the first Grand National Reconciliation Conference held in Borama in 1993, delegates adopted the National Charter, which laid the foundations for Somaliland's stability and statehood. Somaliland convened two other grand conferences in the mid-1990s to resolve outstanding post-war disputes and to consolidate the achievements of the first conference.

In the early years of the new century, Somaliland introduced democratic measures to augment and deepen the clan-based power-sharing arrangements that the three conferences had established. It began putting in place a range of new institutions and practices, including:

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1   Cabdirahman Jimcaale (2002), *Consolidation and Decentralization of Government Institutions* (Hargeysa: APD).

2   Jhazbhay, M Iqbal D (2007), *Somaliland: Post-War Nation-Building and International Relations* 1991–2006, unpublished thesis (Johannesburg: University of the Witwatersrand).

- A central government with three branches (executive, legislative, and judicial) that would check and balance one another
- A devolution of powers from the centre to regional and district levels
- Multiple political parties
- Regular presidential, parliamentary, and local council elections leading to peaceful transfers of political power
- Protection of citizens' human and civil rights, with special consideration for the most vulnerable segments of society
- An independent press.

The democratization initiative launched by clan elders, independent intellectuals, and emerging political leaders infused Somaliland society with a new spirit of optimism and hope, a new sense of purpose, and a renewed belief that diplomatic recognition of Somaliland as a sovereign state was inevitable.

Somaliland's democratization began with the drafting of a constitution in 2001 and its ratification by referendum. This was intended to achieve the following objectives:

1. To finalize Somaliland's separation from Somalia and emergence as a legitimate sovereign state through direct expression of the people's will
2. To install a legal foundation and regulatory framework for Somaliland's governance structures
3. To open the political arena to multiple parties, as the primary institutional embodiments of democratic politics.

The constitution's approval by a huge majority (97 percent) suggested that all three objectives had been realized.

This ratification paved the way for the 2002 local council elections, Somaliland's first multiparty polls since independence. In preparation for these elections, the first political associations formed. Six associations contested the elections, but because the constitution stipulates that only three political parties can exist in Somaliland at any one time, the election also served as a winnowing mechanism. The three associations that won the largest numbers of local council seats became Somaliland's official political parties, and enjoyed exclusive legitimacy for the next ten years.

2. Somaliland's Democratic Transition

2.1 Somaliland's electoral history

The first of Somaliland's post-independence elections was a test case for the fledgling democracy. Prior to the elections, 'local government' consisted only of a mayor and a secretary, both of whom the Minister of the Interior appointed on the basis of the president's recommendations. The 2002 local council elections aimed to establish robust, popularly-elected local governments that were directly responsible to local constituencies and obliged to respond more urgently to their service delivery needs. A credible election had to be held in order for Somalilanders to prove, as much to themselves as to their neighbours and to the international community, that they were capable of creating governance structures that transcended the clan-based power-sharing arrangement of the 1990s.[3]

Election preparations included the formation of Somaliland's first political associations. Altogether, six such associations – UDUB, Kulmiye, Sahan, UCID, Hormood, and ASAD – participated in the elections. This competition determined the top three winners, which became Somaliland's first legitimate political parties since independence.

The rationale behind the restriction of constitutional legitimacy to just three political parties was that such an arrangement would pre-empt the proliferation of a large number of clan-based entities crowding the political arena. It was clear to a broad spectrum of stakeholders that such a development could lead to Somaliland's fragmentation.

The clan structure has deep roots in Somali society and has endured for centuries in part because it has a stabilizing, peace-enhancing aspect. In fact, it is likely that without the active involvement of

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3   Academy for Peace and Development (2006), *Local Solutions: Creating an Enabling Environment for Decentralisation in Somaliland* (Hargeysa: APD and Interpeace).

traditional clan leaders, the grand peace-making conferences of 1993 in Borama would have been impossible. This aspect of the clan structure was to become an essential component of Somaliland's hybrid political vision, which integrated tradition and modernity. Somaliland sought to avoid the fortification and institutionalization of a 'clan ideology' within the political party system, which would risk subverting the creation and gradual strengthening of sustainable state institutions.

2.1.1 Results and implications of the first local council elections

In Somaliland's first local council elections, held on 15 December 2002, the three top vote-getting political associations were:

- UDUB, led at the time by former President Mohamed Ibrahim Egal
- Kulmiye, headed by Ahmed Mohamed Mahamoud (Silanyo)
- UCID, led by Faisal Ali Warabe.[4]

These parties were destined to contest three of the four elections held in subsequent years, and two (Kulmiye and UCID) also participated in the most recent elections in 2012.[5] The constitution and the original electoral laws did not specify the term for which the three wining political associations would be recognized as political parties. However, a later amendment clarified that the term of recognition would be 10 years.

The following two tables summarize the results of the 2002 elections.

Table 1: Regional distribution of votes for Somaliland's political associations, 2002

Political association	Maroodi-jeex	%	Awdal	%	Saaxil	%	Togdheer	%	Sool	%	Sanaag	%
UDUB	70,989	38	58,939	58	13,502	50	18,330	28	1,055	17	16,574	31
Kulmiye	29,923	16	13,679	14	5,309	19	17,476	26	3,070	49	13,701	26
UCID	30,676	16	7,422	7	2,900	11	4,821	7	224	4	3,401	6
Sahan	14,748	8	4,499	4	2,054	8	15,234	23	51	1	11,356	21
Hormood	29,104	16	7,229	8	1,188	4	1,454	2	154	2	1,409	3
ASAD	10,943	6	8,727	9	2,281	8	9,283	14	1,707	27	6,655	13
Total	186,383		100,495		27,234		66,598		6,261		53,096	

4   Simkin, Paul and Paul Crook for the European Union (2002), 'Report on the Somaliland Local Elections held on 15 December 2002', Delegation of the European Commission in the Republic of Kenya, available at <http://www.somalilandlaw.com/EU_Report_on_Somaliland_Local_Elections_2002.pdf>, accessed 23 December 2013.
5   As provided under Article 9 of the Somaliland Constitution, only three political parties are allowed to contest elections.

Table 2: Distribution of votes for Somaliland's political associations, 2002.

Political association	Votes cast	%
UDUB	179,389	40.8
Kulmiye	83,158	18.9
UCID	49,444	11.2
Sahan	47,942	10.9
Hormood	40,538	9.2
ASAD	39,596	9.0
Total	440,067	100.0

In the wake of the elections, a number of important ideas established themselves within Somaliland's socio-political culture. Some of these indicated progress, while others were clearly symptomatic of problems to come.

On the positive side, the practice of democracy gained currency within the public consciousness. Expectations arose that:

- Mature individuals would have the right to vote
- Eligible voters would have the freedom to cast their votes for political candidates of their choice
- There would be a contract between government and the governed based on consent rather than coercion
- Dialogue and debate at various levels and between various agencies and segments of society would be employed to help establish an inclusive, fully representative government.

Somalilanders created and embraced these and similar expectations. These elections' establishment of formal, democratically ratified local governance structures was an achievement of enormous significance.

On the other hand, worrying political, legal, technical, and cultural hurdles appeared that were to cause headaches in the years to come. First, it became clear that the political process was vulnerable to manipulation by traditional structures, as well as specific interest groups and individuals.

Furthermore, the three officially recognized political parties were guided less by clearly articulated political platforms or visions than by a range of localized issues. They were also built around strong individual leaders who rarely brooked dissent.

Most seriously, the established political parties were often conduits for the

clannist ideology that they were meant to combat in the first place. It was virtually impossible for individual voters, whom democracy had presumptively empowered, to break free from the strictures of a highly politicized clan mentality.

Over the course of four more elections, these problems combined to render volatile the delicate blend of tradition and modernity in Somaliland's electoral processes.

2.1.2 The first presidential and parliamentary elections

In the years immediately following 2002's initial local council elections, Somaliland accomplished two more 'firsts': its first presidential election in 2003 and its first parliamentary vote in 2005.

Prior to the 2003 election, the presidency had twice been filled through consensual appointment. After Somaliland declared independence in 1991, a gathering composed mostly of SNM leaders named Abdirahman Ahmed Ali (Toor) the first interim president. Two years later, at the first Grand National Reconciliation Conference in Borama, Toor was replaced by Mohamed Ibrahim Egal, who won the support of the majority of clan

elders, intellectuals, and political leaders present. In 1997, Egal once again won the endorsement of the delegates at another grand conference in Hargeysa.

In 2002, Egal died unexpectedly in office and in 2003, Somaliland held its first direct presidential election. UDUB, the ruling party at the time, won by a narrow margin of just eighty votes against Kulmiye, the main opposition party; UCID lagged far behind both. UDUB leader Dahir Rayale Kahin, the former vice president who entered the top post after Egal's death, was confirmed as Somaliland's first directly-elected president.[6]

At the same time, Somaliland's legislative branch was also taking shape. The Guurti (House of Elders or Upper House), gradually formed over the course of the three grand conferences. Mainly consisting of clan leaders turned peacemakers turned political figures, its members were first selected from among the attendees of the 1993 Borama conference. In 1997, another conference re-affirmed the Guurti as an important peace- and state-building body and increased its membership, again through selection. The chamber has since settled into place, acquiring in the process the features of a quasi-hereditary institution.[7]

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6   As per Article 89 of the Somaliland constitution

7   The largely self-endowed, apparently open-ended mandate of the House of Elders is a cause of anxiety among a growing number of Somalilanders, who increasingly see it as an anomaly – and a powerful one at that – that does not easily fit into a truly democratic system of government. For more on the Guurti, particularly the issue of mandate extension, see Academy for Peace and Development (2012), *A Vote for Peace II: A Report on the 2010 Somaliland Presidential Election Process* (Hargeysa: APD and Interpeace).

Meanwhile, a lower house also formed. At first, specific clans chose delegates to constitute the membership of the House of Representatives. These delegates took on functions that complemented those of the Guurti.

The House of Representatives was parallel but clearly not equal to the House of Elders. Although in principle it enjoyed the traditional parliamentary role of drafting legislation, its incumbent members did not have the self-perpetuating capacity that those in the Guurti claimed. At one point or another, their tenure was bound to end. The first direct parliamentary election of 2005 would replace clan-selected representatives with popularly elected parliamentarians. These individuals, having undergone the rigorous test of a highly charged, multiparty contest, would enjoy stronger democratic credentials and a more formalized institutional foundation.

This ended the first cycle of elections in Somaliland. It is important to stress that all three electoral events – the local, presidential, and parliamentary elections – took place peacefully, a fact to which Somalilanders point with pride.

2.1.3 The second presidential election

In the mid-2000s, a second electoral cycle began, presenting a new challenge to Somaliland: that of peacefully and democratically transferring power to new leaders. However, it became clear that Somaliland's electoral system was unprepared for the new cycle: neither the second local council vote, which was supposed to take place in December 2007, nor the second presidential vote, scheduled for April 2008, was held on time. Technical hurdles, legal loopholes, and political machinations pushed the polls back again and again.[8]

Three critical issues were responsible for these postponements. The first was the delayed formation of a new National Electoral Commission (NEC) after the mandate of the first expired on 21 January 2007. An institution established to oversee the electoral process, NEC has responsibility for technical election management (setting dates, preparing ballot papers, assigning voting stations, counting and collating ballots after the election, etc.), and ensuring that voting takes place in a fair and credible manner. When the first NEC's mandate

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8   For a detailed discussion of these challenges, see APD (2012), *op. cit.*

expired, key stakeholders were unable to reach a consensus-based agreement over the exact composition of the next commission. Proposed members were vetoed by one political party or another. This stalemate lasted more than seven months and was resolved only three months before the local government election was scheduled to take place. By then, it was clear that a delay was inevitable.[9]

The second issue was the need for a reliable voter register. Given Somaliland's porous borders and the nomadic lifestyle of most of its citizens, the question of who has the right to vote is vital, and finding an answer satisfactory to all stakeholders is not easy.[10]

The third critical issue was more directly political, primarily relating to matters of turf and prerogative. The president (working closely with the Guurti) was not in any great hurry to see a presidential election take place, whereas the opposition parties insisted that it should take place as soon as possible.

All three issues led to contentious discussions as the election days for both the local councils and the presidency were repeatedly delayed.

Three days before the original tenure of the incumbent local councillors was to expire, the Guurti extended the councils' mandate to 1 July 2008, the date that the new NEC and the three political parties had chosen as the polling day. However, Somaliland also missed that deadline. In terms of importance, the issue of local elections gradually shifted to the back burner, as disputes over the delay of the presidential election captured political attention.

For a politically and economically fragile young state that had barely recovered from the effects of an enormously destructive civil war, instituting a democratic form of governance was never going to be easy. Some of the challenges facing democratization in Somaliland were primarily legal – for example, the ill-defined relationship between the different branches of government and the relatively untested nature of the newly adopted constitution, which is now recognized as being shot through with ambiguities, loose ends and lacunae. These shortcomings in turn created political problems.

In the years following the 2005 parliamentary election, both the Guurti and the incumbent president, Dahir

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9   APD (2012), *op. cit.*

10 See Section 2.1 about the original registration of potential voters in the lead-up to the second presidential election and the nullification of the resulting register after that vote

Rayale Kahin, extended each other's terms in office.[11] The opportunistic and collusive manner of these extensions frustrated opposition leaders and many independent actors, and the second presidential election did not take place in April 2008 as originally planned. The period from 2007 to 2009 was marked by uncertainty and apprehension about where Somaliland was headed. Significantly, the presumptively independent judiciary did not intervene in the extension row, even though it was an important legal matter.

Ultimately, the will of the citizenry to consolidate its political gains and to continue the democratization process, coupled with intense international pressure (and conditional funding), led to a series of last-minute deals, culminating in the holding of a presidential election. The six-point agreement brokered by the international community facilitated discussion and agreement over this much-delayed and contentious second presidential election.[12]

On 26 June 2010, the people of Somaliland went to the polls to elect a president for the second time since independence. Dahir Rayale Kahin lost to the main opposition candidate, Ahmed Mohamed Mahamoud (Silanyo), the leader of Kulmiye and the former SNM chairman, in an election that both local and international observers considered credible.[13] The election was followed by a peaceful transfer of power.

2.2 The 2012 local council elections

At the conclusion of the second presidential election, attention shifted back to the much-delayed local council elections. The tenure of the local councillors, which had already been extended once by the Guurti to July 2008, was extended yet again, this time until September 2011. During this period the local councillors had no legal mandate to manage local affairs, and conducted official business within a legal limbo.[14]

Other serious problems were associated with Somaliland's first group of democratically-elected government officials. As early as 2003 and 2004, it had already become clear that the local governments were not performing as well as had been hoped. Waste and inertia in service delivery, rather than effectiveness

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11   The president extended the Guurti's mandate by two years; shortly afterwards, the Guurti returned the favour. President Rayale claimed that a delay was necessary for security reasons, following armed clashes between Somaliland and Puntland in the border areas, and that an election campaign would be an expensive distraction.

12   APD (2012), *op. cit.*

13   APD (2012), *op. cit.*

14   APD (2012), *op. cit.*

and efficiency, had become their hallmarks. Various explanations were offered for these failings, ranging from corruption and bureaucratic bungling to a lack of prior experience and proper educational qualifications. Consequently, concerns were voiced with increasing frequency and urgency in the intervening years.

After almost exactly ten years, Somalilanders went to the polls again on 28 November 2012 to elect their local councils, in what was at the time billed as a whole new cycle of elections. At long last, citizens had the opportunity to rectify the mistakes of 2002. Equipped with hindsight, they voted into office a new crop of local government officials. Somalilanders hoped that the newcomers would be an improvement upon their predecessors.

The elections were generally peaceful, like the four that had preceded them. Seven political parties and associations fielded 2,368 candidates to contest 379 local council seats in nineteen of Somaliland's twenty-three electoral districts.[15] Like the 2002 vote, this electoral event was aimed at determining the top three vote-winners amongst the contesting political parties and associations, which would be

recognized as the only legitimate political parties in Somaliland for the next ten years.[16]

The 2012 local government vote brought new challenges. First, it utilized an open list electoral system, meaning that even though candidates ran under the umbrellas and emblems of their political organizations, the parties and associations had little control over the selection process. Rather, the local communities (largely-clan-based) to which candidates belonged authorized and supervised the selection of candidates and were chiefly responsible for running campaigns. This meant that, theoretically, anyone could run, rather than only a closed list of candidates handpicked by the leadership of a specific party or association.

The open-list option had been used in the 2005 parliamentary election, but the field of local council candidates in 2012 was exceptionally large. Each of the seven political associations and parties nominated candidates for each of the nineteen electoral districts, where the size of local councils ranged from thirteen seats to twenty-one. Hargeysa, the capital, has twenty-five seats, meaning that almost 200 candidates would contest the election.[17]

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15   The election was held in full capacity in seventeen districts but only in parts of two other districts. Polling did not take place in three districts in the east for security reasons.

16   As will become clearer in Section 4.2, these were determined by way of a complex ranking system that was agreed ahead of Election Day by all the parties and associations.

17   As discussed in Section 2.3, the process of candidate selection was clan-based: the parties played a limited role, and awaited the decision of the clan leaders.

Second, unlike the preceding three electoral events, which had been contested by only three political parties, the 2012 election field was comprised of seven political associations: two of the three existing parties and the five new associations that had survived a rigorous selection process.

The third challenge was the absence of a voter register. The old list, which had been used during the 2010 presidential election, was rendered useless after the law that had brought it into being was struck down by Parliament in 2011.

It was clear long before Election Day that technical and political complications might cast doubt on these elections' credibility. These challenges will be examined in detail in the following chapters.

3. Electoral Challenges

The political, legal and technical difficulties encountered in the 2012 local council elections tested Somaliland's capacity to hold free and fair elections. Some of these difficulties took months to work through, while others remain unresolved and continue to cast a long shadow over Somaliland's electoral process, with implications for Somaliland's political health. This chapter provides a detailed overview of these challenges, with a particular focus on election management and the role of Somaliland's political and judicial institutions.

3.1 Suspension of the voter register

The registration of Somaliland's voting-age citizens first became a serious issue in the run-up to the second presidential election, when key stakeholders decided that a list of eligible voters should be compiled. In 2008, the NEC recommended a registration process and international donors made funding available. It was clear that this would be a complex undertaking within Somaliland's complicated, rough-and-tumble political context. The absence of a ready-to-hand census or civil register was a significant drawback, threatening to hamper the effectiveness and transparency of voter registration, or even lead to abuse.

As the registration process got underway, another serious problem appeared: the pervasive presence of clannist ideology in Somaliland politics and the realization that certain clans had a greater chance of benefiting from the registration exercise than others by virtue of their geographic distribution and their manipulation of political elites. The Voter Registration Law passed in early 2007 stipulated that every person should vote in the place where he or she was originally registered.[18] This requirement imposed a severe limitation upon the nomadic communities, as their migration patterns often prevented them from being in the same place on Election Day as on the day of their original registration. Inhabitants of the western regions, predominantly agro-

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18   APD (2012), *op. cit.*

pastoralists, tended to be in favour of voter registration, while those in the largely nomadic east were disinclined to support it.[19] These regional differences, manifested as diverging perspectives of the clans living in the respective areas, had a profoundly negative impact on the legitimacy of the voter registration project. It became a major bone of contention and a tinderbox for future electoral disputes.

Debate about the registration process raged throughout 2008 and 2009, but the preparation of the final voter list nevertheless continued apace. In 2009, serious problems were identified with the biometric data collected for voter cards, and fresh controversy ensued. A completely new set of electoral commissioners, installed in October 2009, hired Electoral Reform International Services (ERIS) to undertake a full review. The findings of the ERIS report confirmed that:[20]

> The voter register had a high percentage of fraudulent and duplicate entries which the biometric filters had been unable to identify and remove. …the original problem arose because the biometric data collected during the registration was not good enough to allow the biometric filters to detect the duplicates, leaving a large number [of these duplicates] on the register.

In spite of these deficiencies, the political parties and the NEC agreed that this voter register should be used for the 2010 presidential election.[21] However, in November 2011, the House of Representatives voted overwhelmingly to nullify the 2008 Voter Registration Law and throw out the voter list. [22] This action

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19   Academy for Peace and Development (2012), A Vote for Peace II: *A Report on the 2010 Somaliland Presidential Election Process* (Hargeysa: APD and Interpeace).

20   Mathieson, David and Robin Wager (2010), 'Somaliland National Election Commission: Report on the Preparation of the Voter Register, January to June, 2010' (London: ERIS), p. 1.

21   APD (2012*), op. cit.*

22   *Somaliland Times* (2012), 'Somaliland Parliament Wants Election Without Registration', 12 November, available at < http://www.somalilandtimes.net/sl/2011/511/3.shtml>, accessed 23 December 2013.

negatively impacted the 2012 elections, in which multiple voting is believed to have occurred on a massive scale. Without a voter register, the credibility and legitimacy of future Somaliland elections remains in question.

3.2 Formation of new political associations

Somaliland's constitution states that laws will determine the manner through which the three legitimate political parties are formed. The 2000 Law for Political Associations and Parties (Law No. 14) was the first law formulated to establish registration procedures for political associations and requirements for the three officially sanctioned political parties.

Neither the constitution nor Law No. 14 clarified whether the three parties would be permanent, or whether new political associations could be formed in the future. This ambiguity led to political conflict. In 2007, a new political association known as Qaran was formed without permission from the government. The incumbent president, Dahir Rayale Kahin, objected vigorously and Qaran's founders, Mohamed Abdi Gaboose and Mohamed Hashi Elmi, were imprisoned. President Rayale declared that the formation of Qaran violated the constitution, noting that Article 9(2) restricts the number of

political parties to three. The president argued that "Everyone has the right to participate in the political affairs of Somaliland in accordance with the laws in place. Anyone who violates the laws will be held accountable and punished accordingly."[23]

The founders of Qaran disagreed. The chairman of the organization argued that he and his colleagues were acting within the law of the land and their constitutional rights. He asserted that Article 23(3) of the constitution provides that "All citizens have the right to form, in accordance with the law, political, cultural, educational, social, and occupational or employees' associations." In addition, Article 22(1) stipulates that "Every citizen shall have the right to participate in political affairs in accordance with the laws and the constitution."

These conflicting interpretations of the constitution and the law generated a great deal of confusion at the time. The dispute was settled by elder-led mediation efforts, but the broader issue of new political associations threatened to remain unresolved.

An initiative in 2011 by the Academy for Peace and Development (APD) broke the deadlock. By organizing a public forum to examine the challenges of the

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23   Somaliland.org (2007), 'President Rayaale statement on the issue of formation of the new political association', 20 December. Translation by author.

upcoming local council elections, the Academy facilitated open discussion between key stakeholders in the democratization process, including the political parties, the government, civil society, intellectuals, religious leaders, the NEC, women's advocacy organizations, youth groups, and minority clans. Several factors, including the formation of new political associations and the registration of voters, were identified as issues that could hinder democratization.[24] The forum was broadcast via television and covered in newspaper reports. As a result, the new administration of President Ahmed Mohamed Mahamoud (Silanyo) was obliged to look carefully into the matter of new political associations and their legality.

In September 2011, the president formed a National Consultative Committee and tasked it with conducting a survey to explore public opinion towards the formation of new political associations ahead of the local council elections, at that time scheduled for April 2012. In addition, he asked the committee to examine the feasibility and possible consequences of new political associations, taking into account Somaliland's current political, security, and socio-economic state.[25]

On 7 June 2011, the committee submitted its findings to the president. Of 1,769 individuals interviewed during the course of the survey, 57 percent stated that the formation of new political organizations should be allowed, while 42 percent disagreed.[26] The president formally accepted the committee's findings and supported the formation of new political associations through a proposed amendment to the Political Associations and Parties Law (Law No. 14/2000) that he submitted to Parliament for approval.

Although this solved the issue of allowing new political associations to form, other electoral problems soon arose. In the months leading up to the election, Somaliland registered fifteen political associations. An act of Parliament created the Registration and Approval Committee (RAC) to reduce these associations to a manageable number through a rigorous winnowing process involving stringent eligibility criteria. Only six associations (Waddani, Dalsan, Umadda, Xaqsoor,

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24   Academy for Peace and Development (2011), 'Forum Activity Report'.

25   The committee members, with the support of the president, approached the Academy for support in carrying out these activities. Specifically, they requested from APD financial and technical facilitation for workshops to be held in all six regions, and APD obliged. The support was part of an enduring Interpeace/APD commitment to the enhancement of state and independent institutions through a prioritized, action-oriented initiative, whose focus in this case was the formation of new political associations ahead of the local council elections.

26   Somaliland National Consultative Committee for Political Organizations (2011), Press Release, 7 June.

Nasiye, and Rays) passed this test. Nasiye later bowed out due to financial difficulties, leaving five associations. Among the three existing parties, only Kulmiye and UCID contested these elections. UDUB, which was the ruling party from 2003 to 2010, disintegrated as a result of internal leadership disputes.

The technical challenges facing the relevant stakeholders were enormous. Foremost amongst these were the newly adopted open-list electoral system and the complicated ranking arrangement used to determine the three winning parties after the election.[27] An important new legal decision was that there would be no further Qaran-like intrusions into the political landscape. The three associations that came out on top in the local council elections would be the *only* legitimate political parties for the next ten years, after which the arena would be opened once again.

3.3 The open-list system

The 2002 local council elections employed a closed-list proportional representation electoral system. In the years following these elections, communities across Somaliland voiced concern about their elected local governments' poor performance, particularly in light of the repeated extension of their tenures. In 2012, APD undertook a joint consultation with the Democratization Pillar Steering Committee (DSC) across Somaliland's six regions, engaging with local communities to gain a better understanding of their local governance experiences and to collate suggestions for improvement.[28]

Participants in the consultative meetings, including representatives of local governments and local communities, identified a wide array of local governance problems, including poor service delivery, incompetent elected officials, a weak relationship between the public and the elected councils, and an absence of transparency and accountability.

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27 As required by Article 9(3) of the Somaliland Constitution, the Law for the Political Associations and Parties (Law No. 14/2000/2011) sets out the process by which the three political parties are to be registered and approved. Article 6 of Law No. 14 is supposed to provide the criteria against which the three winners are determined, but it is ambiguous and contradictory, without explicit details on the relevant conditions or qualifications. Moreover, a number of interpretations of the intent of the article emerged. In 2012, the ambiguity of the law generated intense debates about the selection process of the three parties. The key stakeholders, primarily the political parties, but also the NEC, the RAC, and the government, were not on the same page about how to choose the final winners, creating a major challenge to the electoral process.

28 The democratization pillar is one of the Academy's 'pillars of peace,' representing a major strand of research. The steering committee was composed of ten members, who were recruited according to the criteria validated by key stakeholders at the National Program Group Meeting in October 2010: availability, commitment, knowledge of the issue/context (professional or academic experience), and inclusiveness (representatives of regions/clans, youth, women and minorities, etc). The steering committee was an 'action-oriented entity' mandated to not only validate and refine recommendations from the research pillars, but also to drive the processes of change pursued within the 'participatory action research'/ implementation phase of the PoP program.

Various explanations were offered for these deficiencies. The most common complaint referred to the weak relationship between councillors and their constituents, which stemmed in large part from a lack of familiarity and mutual understanding. Many people said that they just did not *know* their representatives well enough. The main reason offered for this disconnect was the closed-list electoral system. Many people felt that political association leaders had selected candidates without consulting local constituencies. As terms of office were repeatedly extended, elected officials became increasingly alienated from the electorate.

In response to these findings, parliamentarians and government officials launched an initiative in 2011 to replace the closed-list electoral system with an open-list system, arguing that this would give local constituencies a greater say in the candidate selection process. Even though the selected candidates would officially fly the banners of their parties or associations, focus group participants felt that an open system would streamline, fine-tune, and make more effective the criteria for candidate selection. The assumption was that this pre-election vetting and screening would result in the election of stronger,

more responsible, and more responsive councillors. It would improve local governance in terms of competence, transparency, accountability, and relations with constituents.[29]

After this period of consultation and public discussion, in December 2011 Parliament amended Article 22 of the Presidential and Local Council Elections Law (Law No. 20/2001), changing the closed-list system to an open-list one.[30]

3.3.1 Logistical and legal hurdles

Following this change to the law, all the technical elements of the electoral system also had to be adapted. Later it would become clear that the most far-reaching impact of the new open-list system was political in nature: in conjunction with the nullification of the voter register, it helped open a huge space for clannism and corruption to enter the political process. But in the months before the 2012 elections, the major source of anxiety for the political parties and associations, as well as NEC and RAC, was the potential for technical bottlenecks. Amongst other considerations, there was a good deal of worry that the cumbersome, oversized ballot papers required to accommodate

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29   Focus Group Discussion, Burao, 13 May 2012.

30   The third amendment's addendum included two provisions: first, to introduce open lists under a new Article 22; and second, to amend the minimum age for local district council candidates to 25 years under Article 33(4). Presidential decree No. 0182/122011 was signed on 13 December 2011. The amended law is available at <http://www.somalilandlaw.com/electoral_laws.html>, accessed 18 December 2013.

the large number of candidates might slow down of the logistics of voting. Consequently, a relatively large number of voters might not be able to vote.

There were six major areas of logistical concern:
- Ballot paper structure and size
- Number and size of ballot boxes
- Polling station capacities
- Storage, distribution, and retrieval of sensitive materials
- Voting time
- Ballot paper counting, timing, and transparency.

Many in government circles were reluctant to confront the potential problems of the open-list system. Having just authorized the open-list option, the parliament was not in a great hurry to tinker with the law again, especially given that Election Day was fast approaching. Also, in the middle months of 2012, legislators were in recess. For its part, the incumbent administration and ruling party seemed satisfied with the status quo, of which they were well placed to take full advantage.

Consequently, it fell to APD to undertake a catalytic initiative. The DSC conducted the first-ever mock election to examine in a practical manner the possible implications of the open-list system and to reveal the practical challenges. In April 2012, more than two hundred

people from different segments of society participated in the event, which was held at APD's Hargeysa premises. The vote suggested that the worries about technical problems were justified. One key finding was that the ballot paper was hard to read as there were too many candidates on it. This consumed time and as a result, queues were too long to control. APD informed the NEC of the results of the 'vote' and it too organized a mock election experiment on 16 May 2012, in collaboration with civil society representatives and APD.

The existence of legal and jurisdictional grey areas magnified the potential hazards of the open-list system. Confusion and controversy existed about voting venues and seat allocations, for several reasons:
- There was neither a census nor a civil register for the Somaliland population
- Urban centres lacked a zoning system to identify constituencies in a clear-cut manner
- Precise demarcation lines between districts did not exist.

Most observers expected that the three winning political associations would take the lion's share of local council seats and other parties would win few or no seats. But disputes were possible, and there was no effective adjudicative arrangement in place. These problems were identified in the course of five public

meetings that APD's Democratization Pillar team and Steering Committee held in the latter half of 2012, as election preparations were underway.

3.4   Electoral institutions

Since the beginning of its democratization process, Somaliland has struggled with recurrent political disputes, electoral conflicts, and internal political party crises, resulting in instability that could have been resolved by strong, impartial, and competent institutions. This section considers the strengths and weaknesses of Somaliland's central electoral institutions.

3.4.1   Parliament

Somaliland's two houses of Parliament have the constitutional power to draft and approve laws. Since Parliament's establishment, the legislative process has exhibited gaps and deficiencies. Both Parliament and the government can draft bills, but this process is imperfect, leading to ambiguous, contradictory, and incoherent laws. The legislature is crucial in providing the legal electoral framework. But electoral laws have for the most part not been comprehensive, necessitating amendment and revision. For instance, Law No. 12, which regulates presidential and local elections, has been amended

five times by Parliament.[31] The electoral regulatory framework, which is the foundation of free, credible, and peaceful elections, is very weak and requires close examination.

3.4.2   National Electoral Commission

Electoral management models are indispensable to electoral stability, and can be a means to prevent conflict. Somaliland has an independent commission model, which is more transparent, accountable, efficient, trusted, and impartial than government and mixed models.[32] Nevertheless, the NEC has faced persistent political pressure from the government. The NEC has never been fully institutionalized nor equipped with financial independence and standing technical capacity, including a competent permanent secretariat. The NEC's institutional sustainability is the basis for credible future elections and electoral institutionalization. Without it, Somaliland's electoral success hangs in the balance.

3.4.3   Political parties

Following the adoption of the constitution in 2001, Somaliland began to gradually move away from a clan-based power sharing system to a hybrid reality

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31   In addition to providing an electoral framework for the presidential and local council elections, this law provides for an independent electoral body (the National Electoral Commission) to administer the electoral process.

32   Article 14 of the Presidential and Local Election Law, 2001.

embedded in multiparty politics. The three political parties that arose from the 2002 local council elections participated in four elections, and accepted the results in a peaceful manner despite extremely difficult and politicized circumstances. These parties operated without sufficient financial resources and lacked professional and technical experience. They also became highly personalized, without internal democratic practices. The lack of comprehensive party regulations and rules was the source of internal party crises. It is clear that in the context of Somaliland, politics is highly influenced by clan even in a multiparty environment.

Three important challenges persist. First, the formation and functioning of the parties is highly influenced by a clan mentality. The founding members of each party draw their supporters, candidates, and funds from the clan system. In this sense, the clan leaders own the parties. There is an absence of programmatic orientation and a focus on clan politics. Second, the institutional structure of the political parties is very weak. They lack comprehensive internal regulatory frameworks, which are important to internal party democracy and dispute management. For this reason, internal party disputes often go unresolved, leading to party fragmentation and

dissolution (such as in the case of UDUB). Third, political parties do not have adequate funding for their activities such as lobbying and campaigning. Fundraising is therefore conducted through clan channels, compounding the problem of clan ownership.

3.4.4 Supreme Court

A well-functioning democracy requires an independent and impartial judiciary to peacefully resolve constitutional disputes that may arise.[33] Specifically, a supreme court or constitutional court takes the lead in resolving such disputes, and has the legal mandate to interpret legal provisions that may be ambiguous. In Somaliland, these functions have not been fully utilized due to stakeholders' lack of trust in the Supreme Court, which is rooted in doubts about the Court's impartiality and its lack of structural or practical independence.

In the 2012 local council elections, complaints about the results by the political parties and associations were not sent to the courts due to the fear that the judicial system was vulnerable to government manipulation. The Supreme Court's lack of institutional independence remains a potential risk to future electoral stability.

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33   Mohamed Farah (2010), 'An Analysis of the Somaliland Constitutional Court' (Hargeysa, SORADI).

3.5 Security

In Somaliland, the security forces are an integral part of the electoral process. They are deployed on Election Day to uphold law and order, and to ensure a stable environment for voting and counting. In stable parts of Somaliland, the security forces remain impartial. But in other regions, the opposition parties have questioned their neutrality. Particularly in the conflict-affected areas of Sool, Sanaag, and Togdheer, the security forces have been reported as influential in guaranteeing pro-government election outcomes. In 2012, some political associations accused the government of using the military to facilitate a majority for the ruling party in several districts, including Xudan and Lascanood.

More generally, the police have limited capacity to ensure the security of polling stations. In remote areas with insufficient numbers of police, law enforcement agencies have limited capacity to prevent election-related offences and hold to account voters that violate electoral laws. In 2012, fraudulent activities such as multiple voting went unpunished. The police's lack of capacity to arrest offenders had a negative impact on the credibility of the elections.

Another factor in election security is the eastern border. The territorial dispute between the Republic of Somaliland and the semi-autonomous Somali region of Puntland negatively impacted polling in several electoral districts in eastern Sanaag (such as Badhan and Dhahar), and in Sool. In addition, the emergence of a militia-run authority known as Khaatumo in the Sool region prevented voting for local councillors in most of Buhoodle, Xudun, and Taleex.

4. APD's engagement: building sustainable peace

The political, legal and technical difficulties encountered in the 2012 local council elections tested Somaliland's capacity to hold free and fair elections. Some of these difficulties took months to work through, while others remain unresolved and continue to cast a long shadow over Somaliland's electoral process, with implications for Somaliland's political health. This chapter provides a detailed overview of these challenges, with a particular focus on election management and the role of Somaliland's political and judicial institutions.

Since its establishment in 1999, APD has played a critical role in Somaliland's democratization process. Over the years, APD has played a crucial role in facilitating the electoral process. Its long-term involvement with these issues and its relationships with electoral stakeholders make it well placed to engage key actors and help them strengthen the democratization process.

Advancing the electoral process is a focus of APD's 'Pillars of Peace' programme.[34] APD has used its 'political space management' approach to promote dialogue, bring change, and support the electoral process. Building on its neutrality and impartiality, APD has developed relations with the NEC, political parties, government, Parliament, and other stakeholders. It has put in place written working agreements with the NEC and Parliament.

APD's political space management approach has been successful in bringing society together and creating sustainable peace in a politically charged

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34   The specific objectives of the Pillars of Peace are: a) concrete contribution to peace and state building; b) transfer of peace-building capacity (institutions); c) transfer of peace-building capacity (civic leadership); and d) transfer of peace-building capacity (women, youth, and the diaspora). The expected outcomes include: a) public engagement in policy debates on focus issues related to the acceleration and implementation of recovery, and to state-formation processes that strengthen efforts to consolidate peace; b) enhancement of community participation in public policy debates; c) action-oriented outcomes of initiatives established during the process and supported by public dialogue and input. For more information, see Academy for Peace and Development (2010), *Democracy in Somaliland: Challenges and Opportunities* (Hargeysa: APD and Interpeace).

atmosphere. Before APD engages in a process through which a problem is solved, it examines and researches the issue. It seeks to understand the causes of the problem and develops solutions that are then proposed to the important actors. Without this understanding of the key issues, genuine dialogue cannot take place. APD benefits from an experienced cadre of researchers that has undertaken a detailed review of the principal electoral instruments. In addition, APD has established networks of experts and social contacts spanning the full spectrum of Somaliland society.

Ahead of the 2012 local council elections, APD sought to apply its research expertise and dialogue approach to address important challenges surrounding the adoption of the open-list system, the formation of new political associations, and the lack of clarity in Article 6 of Law No. 14 about the selection criteria for the three political parties. In addition, APD helped the NEC to draft and process codes of conduct.

APD's initiatives, which will be described in greater detail below, made it possible for key stakeholders in the electoral process to resolve pressing issues before the election.

4.1 Reforming the electoral legal framework

A series of electoral laws were enacted after the 2001 referendum on the Somaliland constitution. These laws included:

- The Regulation of Political Associations and Parties Law (2000)
- The Presidential and Local Council Elections Law (2001)
- The Parliamentary Election Law (2005)
- The Voter Registration Law (2007).

These laws were aimed at enabling Somaliland to transition from a clan-based governance system to that of a modern representative democracy. But these laws were unstructured, ambiguous, and limited in scope, negatively impacting Somaliland's democratization efforts. Election-related disputes among key stakeholders– including political parties, the government, and the NEC– broke out as a result of these gaps and contradictions.

The lack of clarity in Law No. 14/2000 (the Regulation of Political Associations and Parties Law) precipitated a major political and constitutional crisis in 2007 when

the founders of the Qaran association came into direct confrontation with the government. This crisis, which had the potential to do devastating damage to the political system, was defused through traditional Somali conflict-resolution mechanisms, including the legendary "under-the-tree" negotiations conducted by elders. The APD-led reform process aimed at rectifying the dangers engendered by these types of weaknesses in the electoral law.

APD formed a steering committee on electoral law, which helped Parliament to address some of the deficiencies, gaps, contradictions, and ambiguities of the electoral legal framework. It was imperative for Somaliland to enact comprehensive, properly structured electoral laws that would not be susceptible to misinterpretation. In keeping with APD's participatory action research methodology, the electoral law reform process was participatory and inclusive. Public inputs were incorporated into the proposed draft bills without adulteration before they were submitted to Parliament for approval.

Parliament passed amendments to the Regulation of Political Associations and Parties Law (Law No. 14) and the Presidential and Local Council Elections Law (Law No. 20) in 2011 and the president signed them. Despite these amendments, the electoral legal

framework remains far from perfect. There is still a need to revise these laws and formulate a comprehensive legal framework for Somaliland's electoral process. For instance, the presidential and local election law has been amended more than five times, and it needs to be harmonized with other electoral laws.

4.2 Clarifying the selection criteria of the three parties

APD is first and foremost a research institute, and in 2011 it conducted an in-house exercise to examine the potential risks of the electoral process. A principal focus of this research was Article 6 of the Regulation of Political Associations and Parties Law (Law No. 14/2000).

Law No. 14 did not adequately specify the criteria for selecting the top three parties or associations in the aftermath of the election. Article 6 reads:

1. The three parties/associations which gain 20 percent of all the votes cast in every region shall be recognized as national political parties and shall be issued certificates of recognition as national parties.
2. If only one party/association succeeds in gaining 20 percent of the votes cast in every region, the [Registration and Approval]

Committee shall recognize as national political parties that party/association and the other two parties/associations which come next in the total percentages of votes cast for them in every region.

3. If the percentage of votes cast in every region for two or more associations/parties becomes equal, the total number of national votes for each association shall be counted.

4. If no political association/party gains 20 percent, the Committee shall recognize as national political parties the three parties which gain the highest percentage of the votes cast in the elections in the regions of the country.

The first clause was unproblematic, and all the political parties and associations interpreted it identically. It demanded that each party have representatives in every region, winning at least 20 percent of the votes. This was designed to promote the social cohesion of Somaliland's political system, in which clannism is much stronger than political parties' programmes and platforms. This clause was consistent with Article 9(3) of the Somaliland constitution, which prohibits political parties based on regionalism and clannism.

The second clause posed a serious dilemma, however, since the parties

and associations interpreted it differently. Some of the political parties and associations, such as UCID, Kulmiye, Dalsan, and Xaqsoor, argued that, in addition to the single party with 20 percent of the vote, the two other parties with the largest number of *overall* votes should be officially recognized. On the other hand, Waddani, Umadda, and Rays argued that the regional balance of votes should be observed. These groups supported the idea that each region had equal weight and, as a result, had to be calculated separately, rather than subsumed into the total.

As a neutral research institution with more than a decade of experience in organizing political dialogue, APD facilitated several consultative meetings with key stakeholders to deliberate on this matter and resolve the ambiguity. The RAC had the legal mandate to clarify the article through a code of conduct, but it was reluctant to review the issue prior to the election. Through sustained dialogue across several meetings, members of the RAC finally came to the conclusion that the article needed to be clarified to provide clear criteria for the selection of the three parties in the event of only one clear winner. With APD's technical assistance, the RAC issued guidance on Article 6 in the form of a code of conduct.

Regarding clause 1, the RAC confirmed that the intent of the law was cross-

regional representation, and that parties needed to have 20 percent of the votes cast in every region. For instance, association A, which secured 20 percent of the votes cast in all six regions and a total vote of 50,000, would be issued a certificate as an official political party. By contrast, association B, with a total vote of 100,000 and 40 percent of the votes cast in only three regions, would not be registered as a political party on the grounds that it was not well represented in all regions.

On the matter of clause 2, the RAC sided with the interpretation of Waddani, Umadda, and Rays as outlined above. In its view, aggregate percentages did not capture the intent of the law. The RAC concluded that the votes of each region should be converted into percentages separately, and the result calculated using a ranking system drawn from a region-by-region comparison of the positions occupied by the associations. Depending on the percentage of the vote received, each association would be given a number of points equal to its rank (e.g. the top vote-getter would be assigned one point, the second-ranking association would receive two points, and so on). The total points earned by each association would be added up to derive an aggregate value. The association with the lowest aggregate value would be ranked first. For instance, if association A had the highest percentage of the vote in Maroodi-jeex, then that association would be designated the leader in the ranking table, as illustrated by Table 3. In the event that no one party or association received over 20 percent of the vote in every region (clause 4), the RAC agreed to adopt this ranking system, thus promoting regional balance.

Table 3: Calculation of winning parties using the RAC ranking method.

Regions	Parties/Associations						
	A	**B**	**C**	**D**	**E**	**F**	**G**
Awdal	3	6	5	4	2	7	1
Maoodi-jeex	1	7	5	4	3	6	2
Saaxil	3	1	2	5	4	7	6
Togdheer	2	5	6	1	7	3	4
Sool	4	1	5	6	2	7	3
Sanaag	4	1	5	6	2	7	3
Total	16	21	25	24	23	37	22
Winners	1st	2rd	-	-	-	-	3rd

Source: Electoral code of conduct for the political parties and RAC on party selection criteria, 9 October 2012.

APD and the Centre for Humanitarian Dialogue held consultative meetings with political party and association leaders to highlight potential problems that could arise before and after the election. In October 2012, APD facilitated a consultative meeting between RAC and the political parties and associations on the proposed interpretation of Article 6. RAC explained its proposal to use the ranking system, and its addition of the following language to clause 2: 'The method of calculation will be based on ranking instead of added percentages."

The new sentence had terminological problems and the political parties and associations had difficulty grasping its meaning. RAC explained that a mathematical interpretation of the clause called for a ranking system by which parties would be graded 1 for the highest percentage of votes through 7 for the lowest percentage, and those with the three lowest scores would be the official parties. The parties and associations argued over the proposed interpretation, with some groups, such as UCID, insisting that the ranking system would undermine parties that received large percentages in the big cities. Notwithstanding this objection, the RAC was convinced that ranking was the best option for determining the three official parties without changing the intent of the law. The political parties and associations

accepted the resulting code of conduct on 9 October 2012.[35]

4.3 Preparing non-legislative instruments

Non-legislative instruments, or codes of conduct, have been used for some time to complement the electoral regulatory framework in Somaliland. Because of gaps, ambiguities, and contradictions in the electoral laws, codes of conduct are critical in establishing a working environment for elections. In collaboration with the NEC and other concerned institutions such as the RAC, APD has drafted and facilitated the approval of several codes of conduct since 2002.

For the 2012 local council elections, APD, in collaboration with the NEC, reviewed previously used codes of conduct for the political parties. The NEC revised most of the text of these agreements and produced new versions. In its research role, APD provided critical comments to the new versions. Crucially, APD brought together stakeholders to review and sign these non-legislative instruments, a key example being the RAC code of conduct discussed above. Although some minor changes were made, it was a testimony to APD's experience with political dialogue that the political parties and associations agreed to the code. After the parties signed the code in October, the NEC formed a supervisory

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35   A copy of the code of conduct (in Somali) is available at <http://www.somalilandlaw.com/Xeer_Hoosaadka_Ururada-Xisbiyada_91012.pdf>, accessed 18 December 2013.

body known as the Electoral Monitoring Committee (EMC) to oversee compliance with the political party code.

APD and the NEC also drafted a media code of conduct for the local council elections on 30 October 2012. APD held two important meetings to facilitate this. It brought together the NEC, members of media organizations and outlets, and the Ministry of Information at a workshop in Hargeysa on election reporting and professional media rules. APD also held a key stakeholders meeting for the leadership of Somaliland's media organizations at which participants agreed upon the content and importance of the media code of conduct. After the code was approved, a media-monitoring group was established in early November 2012, with a mandate to document violations and instances of non-compliance with the code by members of the media.

Such codes of conduct are extremely helpful to the electoral process. They provide a comprehensive regulatory framework for the electoral environment, defuse electoral conflict, and prevent potential risks to the electoral process. APD's facilitation was crucial to the entire process, building on its decade-long experience of political space management.

4.4 Supporting other election-related activities

In addition to the expert advice and facilitation roles described above, APD provided training and supervision of other essential election activities. In the weeks preceding the 2012 local council elections, APD, in collaboration with the International Republican Institute (IRI), implemented a project to train agents of the seven political parties and associations. These agents were mandated to scrutinize and monitor election-day activities at various voting stations across Somaliland. The project was intended to cover basic skills enabling agents to ensure that the voting process was free from irregularities that might jeopardize the credibility of the election.

IRI held a 'training of trainers' (ToT) workshop on 11 November 2012 for a twelve-person APD team. These APD staff members were then assigned the responsibility of training 170 further trainers in central locations in the six regions. These trainers were in turn sent to more remote locations to pass on their skills to the party agents themselves. APD was also responsible for the overall project execution, including the dispatch

of transport and logistical coordination, as well as supervision of the training enacted by the ToT's. A total of 9,373 party agents were trained in all twenty-one electoral districts, with a 77 percent male, 23 percent female breakdown (as outlined in Table 4).

4.4.1 The voter education programme

The second supervisory role that APD played in the 2012 local council elections was the review of the voter education programme. For the 2010 presidential election, APD worked with the NEC on the implementation and monitoring of voter education, and thereby amassed considerable experience in this field. In 2012, the Academy conducted a monitoring and evaluation exercise to examine the achievements and failures of the local organizations implementing the voter education programme in Awdal, Saaxil, and Maroodi-jeex.

The team visited all three regions and interviewed more than 120 people in each region about whether the voter education programme had been implemented as planned. APD assessed that programme implementation had not been completely effective or efficient. The NEC voter education team had not appeared to demonstrate good regional reach, as the APD monitoring team visited areas that NEC had not. The numbers of posters were also too few in many places considering the size of the local population. Awdal was the exception. The implementing organization, Somaliland National Youth Organization (SONYO), distributed pamphlets, posters, and stickers to several towns and districts. Their mobile unit provided regional awareness about the voter education programme. Overall, however, APD found that the implementing organizations faced a tight timeline, insufficient funds, and a lack of proper implementation programme design.

In the 2012 elections, APD worked with NEC, political parties, the government, the RAC, Parliament, and civil society to ensure credible and peaceful elections. It provided political space management and resolved various problems through a consensus-oriented approach. The role of APD was instrumental throughout the electoral process and APD will continue to support Somaliland's democratization. As the next elections approach, APD is preparing to bring stakeholders in the electoral process together to prevent electoral disputes.

Table 4: APD/IRI party agent training programme, 2012.

Party Name	Agents Trained			Percentage of Agents Trained (%)		
	Male	**Female**	**Total**	**Male**	**Female**	**Total**
Kulmiye	1003	259	1262	79	21	100
Waddani	1109	242	1351	82	18	100
UCID	1102	367	1469	75	25	100
Dalsan	975	310	1285	76	24	100
Umadda	1171	381	1552	75	25	100
Xaqsoor	1159	425	1584	73	27	100
Rays	703	168	871	81	19	100
TOTAL	**7222**	**2152**	**9374**	**77**	**23**	**100**

President of the Republic of Somaliland Ahmed Silanyo casting his vote during Election Day.

Female police officer assisting a voter.

NEC officer giving a ballot paper to a voter.
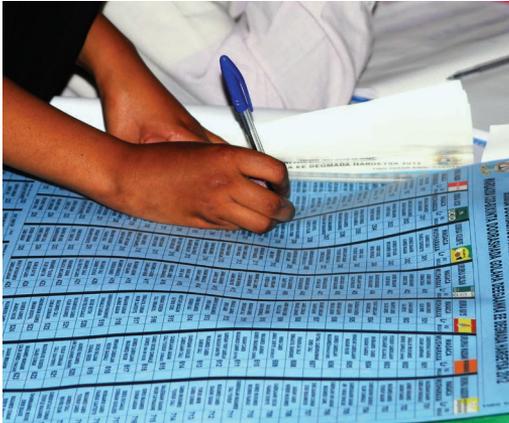
NEC officer assisting an illiterate voter to identify her candidate of choice.

Political party agents observing voting procedures on Election Day.

National Election Commission (NEC) Polling Staff registering voters.

NEC officers counting the votes.
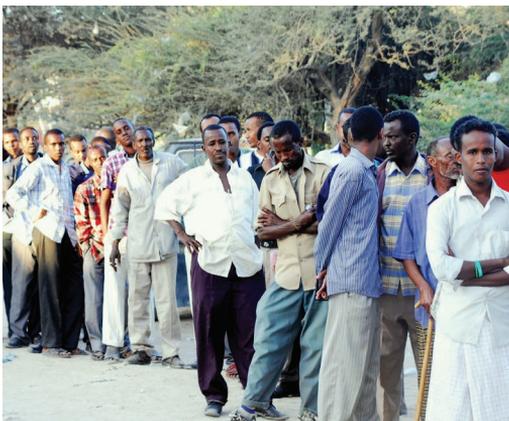
Male voters queuing to vote on Election Day.

Supporters of the Waddani political association gather at Freedom Park in Hargeisa during the 2012 election campaign.

5. Election results: complications and achievements

On 28 November 2012, the people of Somaliland went to the polls to elect the second generation of local councillors and to determine which three political organizations would be officially approved as political parties. This was the fifth electoral event to take place in Somaliland since its declaration of independence in 1991. Two of the three existing parties, Kulmiye and UCID, contested the election (the third, UDUB, had ceased to exist as an effective political force earlier in the year), as did five newly registered political associations. Voting took place throughout seventeen of Somaliland's twenty-three electoral districts, but only in parts of two other districts (Xudun and Buhoodle). Voting was not carried out in four eastern districts (Taleex, Las-Qoray, Badhan, and Dhahar) for security reasons. The election took place relatively peacefully, although clan politics loomed large, a problematic development from the point of view of democratic governance.

5.1 Election Day

On Election Day, the NEC distributed ballot boxes and sent staff to the field to manage the election. The government dispatched security forces to ensure that voting proceeded peacefully. That it did was a great achievement for Somalilanders, exhibiting that a vibrant democratic culture had taken root. On the other hand, Election Day also revealed troubling shortcomings in electoral institutionalization.

Most notably, multiple voting was a visible phenomenon throughout Somaliland, challenging the credibility of the elections' outcomes. This phenomenon was largely a result of the absence of a credible voter register. Lacking this register, Somaliland relied primarily on finger-inking to prevent multiple voting. However, international observers noted that voters were able to remove the ink with relative ease.[36] Furthermore, underage voting was observed throughout Somaliland, despite legal prohibitions on this practice.

36   Steve Kibble and Michael Wallis, *Swerves in the Road: Report by International Election Observers on the 2012 Local Elections in Somaliland* (London: Progressio, 2013), pg. 24-25.

The complexity of the open-list voting system required very large ballots, which caused problems in some areas as ballot boxes filled quickly and election officials had to resort to storing ballots in non-secure receptacles such as envelopes and plastic bags, threatening ballot integrity. In some polling stations, electoral officials were observed breaking the seal on ballot boxes to compress ballot papers and make space for more.[37]

Electoral fraud, including vote-rigging, was reported in several locations, though these reports were not confirmed with concrete evidence. Some candidates and political associations alleged that the government and the ruling Kulmiye party committed electoral fraud. However, there were no legal consequences for these allegations, largely due to the failure of Somaliland's electoral laws to provide a comprehensive regulatory framework for electoral crimes and their prosecution.

Vote counting was a difficult and time-consuming task for election management personnel, due primarily to the technically complex open list voting system. Some results were miscalculated during the management of this process, most likely causing some candidates to lose and others to win.

5.2 The outcome of the local council elections

A close examination of the results of the local council elections shows that Kulmiye was the biggest winner in all districts across Somaliland with the exception of three (Balli-Gubadle, Oodweyne, and Garadag) that were dominated by three new political associations: Xaqsoor, Umadda, and Rays. Waddani came second in most districts. The third largest vote-winner was the existing UCID party. A full breakdown of votes can be found in Table 5, whilst Table 6 shows the council seats won by each party in each district.

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37 Steve Kibble and Michael Wallis, *Swerves in the Road: Report by International Election Observers on the 2012 Local Elections in Somaliland* (London: Progressio, 2013), pg. 21.

Table 5: Votes for each political party/association by district and rank, 2012

Region	Umadda			UCID			Kulmiye			Dalsan		
	Votes	% Votes	Rank	Votes	% Votes	Rank	Votes	% Votes	Rank	Votes	% Votes	Rank
Awdal	12,477	10.90%	4	14,101	12.32%	3	39,803	34.77%	1	8,795	7.68%	7
Marood-Jeex	28,544	9.07%	5	55,185	17.54%	3	84,834	26.96%	1	24,578	7.81%	7
Saaxil	2,362	4.13%	6	14,562	25.44%	2	21,859	38.18%	1	1,426	2.49%	4
Togdheer	29,144	18.16%	3	9,541	5.95%	5	47,228	29.43%	1	3,185	1.98%	4
Sool	5,241	10.61%	5	3,876	7.85%	6	16,740	33.90%	1	2,092	4.24%	3
Sanaag	16,921	14.76%	4	7,840	6.84%	5	34,331	29.95%	1	4,604	4.02%	3
Total	**94,689**	**11.68%**	**27**	**105,105**	**12.96%**	**24**	**244,795**	**30.19%**		**44,680**	**5.51%**	**28**

Region	Rays			Waddani			Xaqsoor			Total Valid Votes
	Votes	% Votes	Rank	Votes	% Votes	Rank	Votes	% Votes	Rank	
Awdal	6,465	5.65%	5	24,239	21.18%	2	8,579	7.50%	6	**114,459**
Marood-Jeex	19,053	6.06%	6	56,109	17.83%	2	46,360	14.73%	4	**314,663**
Saaxil	4,026	7.03%	7	10,306	18.00%	3	2,710	4.73%	5	**57,251**
Togdheer	27,097	16.89%	7	38,624	24.07%	2	5,641	3.52%	6	**160,460**
Sool	7,039	14.25%	7	8,907	18.04%	2	5,488	11.11%	4	**49,383**
Sanaag	19,916	17.37%	7	25,604	22.33%	2	5,426	4.73%	6	**114,642**
Total	**83,596**	**10.31%**	**39**	**163,789**	**20.20%**	**13**	**74,204**	**9.15%**	**31**	**810,858**

Table 6: Seats won by each political party/association by district, 2012.

	POLITICAL ASSOCIATION							
DISTRICT	Umadda	UCID	Kulmiye	Dalsan	Rays	Waddani	Xaqsoor	Total
Baki	2	0	5	2	-	3	1	13
Boorame	3	3	7	1	2	4	1	21
Lughaya	0	2	6	0	-	2	3	13
Saylac	1	3	6	1	-	4	2	17
AWDAL	6	8	24	4	2	13	7	64
Balli-Gudadle	0	1	2	1	0	2	7	13
Gabiley	1	4	7	2	2	4	1	21
Hargeysa	3	4	7	2	1	4	4	25
Salaxley	0	5	3	0	1	2	2	13
MAROODI-JEEX	4	14	19	5	4	12	14	72
Berbera	1	5	9	0	2	3	1	21
Sheekh	0	3	4	1	0	4	1	13
SAAXIL	1	8	13	1	2	7	2	34
Burco	3	1	7	0	4	5	1	21
Buuhodle*	3	2	7	-	3	2	0	17
Oodweyne	7	1	1	1	0	6	1	17
TOGDHEER	13	4	15	1	7	13	2	55
Caynabo	1	0	6	0	4	2	0	13
LasCaanood	2	3	6	1	0	4	5	21
Xuddun	5	0	0	2	-	6	0	13
SOOL	8	3	12	3	4	12	5	47
Ceel-Afweyn	1	1	8	1	3	3	0	17
Ceerigabo	4	2	5	1	2	6	1	21
Gar'adag	0	0	3	0	8	2	0	13
Badhan	-	-	-	-	-	-	-	-
Dhahar	-	-	-	-	-	-	-	-
SANAAG	5	3	16	2	13	11	1	51
Total	**37**	**40**	**99**	**16**	**32**	**68**	**31**	**323**

* Buhoodle had ten closed seats and Xuddun had eight closed seats.

Almost immediately after Election Day, but before the NEC officially announced the results, speculation began about the composition of the elected councils in terms of party/association and clan identification. It became clear early on that Kulmiye, UCID, and Waddani were the largest vote-winners, and would hence qualify as Somaliland's legitimate political parties for the next ten years.

In the absence of strong party principles or doctrines, clan identity emerged as the primary political ideology. From the outset of election season in mid-2012, clan-based motivations had surged through the preparations for the elections. Now that the three winners were known, the clans started to refocus their attention on the contest for council leadership. The clans, led by traditional elders-turned-politicians and parliamentarians, used the parties as props to manoeuvre themselves into position in order to capitalize on the number of seats they had won. Theoretically the parties and associations had fielded the candidates and cobbled together political platforms pertinent to issues of concern in local governance. In practical terms, however, the clan replaced the political party/association as the primary object of allegiance and exerted a great deal of pressure on the electoral process. As such it became a repository of actual power and authority. Hence, as the shape of the new local governments emerged,

clan competition for top leadership positions remained intense.

5.2.1 Women's Participation

Of the 2,368 candidates that contested the local elections in 2012, only 172 (7.6 percent) were women. Out of these, only ten were elected. This might be considered an achievement compared to the 2002 elections, in which only one woman was elected. However, cultural norms, constraints, and challenges mean that women's participation in local politics continues to be very weak.

Clan politics is perceived as one of the main challenges. Because of the clan-based political structure, in 2012 political parties selected candidates who might bring more votes so that their party could be registered as one of the national parties. Because of this reason, most political parties took the strategy for securing votes instead of promoting representation. It was clear to the political parties that women would not be able to get more votes because of their inherited political disadvantages within the clan-based political system, which does not provide enough space to women and minority groups.

In addition, women face an identity crisis in this clan-driven political system, as they cannot represent either their clan of origin or the clan of their children and husband.

This identity crisis has had a very negative impact on women and their chances of being elected as public officials. In the absence of ideologically-driven political parties and well-educated communities, clan allegiance becomes the main basis of support. Somaliland's transition to a multiparty system in which candidates and parties are elected because of their political platforms and ideological beliefs is far from complete.

The open-list proportional representation system also imposed challenges on women candidates. The system is candidate-centred (voters chose candidates, not parties) and so the parties' success depended on the strength of their individual candidates. In a society where women candidates are less likely to garner votes as individuals, the parties avoided enlisting them as candidates. By contrast, closed list voting systems tend to be friendlier to women candidates, because parties are more willing to place women on their lists when voters approve the list as a whole rather than voting for individuals within the list.

Table 7: Gender distribution of local council candidates by district, 2012.[38]

District	Male	Female	Total
Seylac	99	3	102
Lughaya	78	0	78
Baki	75	0	78
Borama	135	12	147
Gabiley	141	6	147
Hargeysa	166	9	175
Salaxlay	87	4	91
Baligubadle	90	1	91
Berbera	139	8	147
Sheekh	82	9	91
Burao	138	9	147
Oodwayne	104	15	119
Laascanood	130	17	147
Caynabo	84	7	91
Xudun	29	1	91
Garadag	88	3	91
Ceel-afwayn	109	10	19
Ceerigaabo	132	15	147
Badhan	83	19	102
Dhahar	59	19	78
Buhoodle	40	2	42
TOTAL	2088	172	2260

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38   The data analysis was compiled by Elizabeth McCann and Saeed Ahmed Mohamoud of Interpeace.

Table 8: Gender distribution of local council candidates by party/association, 2012.

Party/Association	male	Percentage (%)	Female	Percentage (%)	Total
Umadda	305	91.0	30	9.0	335
UCID	307	91.6	28	8.4	335
Kulmiye	317	94.6	18	5.4	335
Dalsan	304	92.7	24	7.3	328
Raye	240	93.4	17	6.6	257
Waddani	313	93.4	22	6.6	335
Xaqsoor	302	90.1	33	9.9	335

5.3 Shortcuts in council leadership nominations

Article 62 of Law No. 23 on Regions and Districts (Self-Administration) stipulates that the mayors and deputy mayors of Somaliland's towns are to be elected by the local councillors at an inaugural council meeting within fifteen days of the announcement of the local council election results. The Minister of the Interior is required to announce the date of the first meeting of the elected councils. If the minister fails to do so, every council shall meet of its own accord within the first ten days after these fifteen days have elapsed (i.e. no more than twenty-five days after the announcement of results).

After the announcement of the 2012 election results, some district councils sought to elect mayors and deputy mayors without consulting all of the new councillors. Elected councillors belonging to the same clan (but sometimes representing different parties) claimed that the quorum was filled and held meetings to nominate the council leadership. In these cases, the Ministry of the Interior stepped in immediately, declaring the decisions null and void.

Despite capturing about one-third of the council seats (see Table 6), Kulmiye did poorly in its attempt to gain leadership positions in the emerging local governments: it won only five of the seventeen mayoral positions. The other two parties, Waddani and UCID, had an even slimmer chance of winning leadership positions unchallenged. They organized clandestine sessions with Kulmiye councillors to decide which party would get which position in specific localities across Somaliland. That these arrangements took place

without the approval of Kulmiye attests to the power of the clan mindset. Stress was almost invariably placed on clan cohesion (top positions being occupied by individuals from the same clan) rather than on party loyalty, political positions, or clearly articulated principles. The shortcuts taken in the election of council leaderships shows how clannism permeates Somaliland's political culture.

5.4   The Seylac test

The 2012 elections and their aftermath exposed multiple fractures within Somaliland society, most notably the fragile balance of power among clans sharing the same constituencies. Areas in which power-sharing disputes occurred included Erigavo, Ceel-Afwayn, Berbera, and Seylac (Zeila). In Seylac, the district's two major clans, Issa and Gadabursi, engaged in a particularly intense post-election quarrel over the top positions in the local government. Despite government-initiated reconciliation efforts, passions still run high.

Seylac is a coastal town in the north-western Awdal region in which the two main clans have lived side by side for centuries, their peaceful co-existence punctuated by occasional fighting. For much of the town's history, these clans enjoyed demographic and political parity. However, two events seem to have shifted the balance in favour of the Gadabursi.

First, neighbouring Djibouti's independence in 1977 created opportunities for Issa in the new state, where their clansmen dominate the political system. The Issa elite left Awdal in large numbers, leaving a leadership vacuum in Seylac, which was filled by the Gadabursi.

Second, Issa people who had participated in the Somali civil war also fled to Djibouti. The Issa had fought against Siad Barre's regime with the Isaaq-dominated Somali National Movement (SNM) in the 1980s. The Gadabursi, on the other hand, had been generally supportive of the regime, and their militias fought alongside its forces. However, in the last stages of the war there was a rapprochement between Siad Barre and the Issa, and the Issa turned against the SNM. After the SNM drove Siad Barre's forces out of Somaliland in 1991, Issa militiamen left for Djibouti. Meanwhile, the Isaaq made peace with the Gadabursi, and were accommodated within the resulting clan-based power-sharing arrangement.

Though many Issa and Gadabursi lived together in relative peace, the Issa felt excluded from the new Somaliland state and engaged in anti-government resistance for a time in the 1990s. This was quickly subdued, but emotions continued to simmer. The Issa were brought back into the political fold during the tenure of President Dahir Rayale

Kahin, a Gadabursi, who ensured that both clans were loyal to his UDUB party, and that the Issa occupied prominent positions in Seylac's local government.

By the time the 2012 elections were held, however, Rayale and his party had passed from the political scene, and the fragile clan alliance that existed under UDUB's leadership had dissolved. Most Gadabursi now belonged either to Kulmiye or the new Waddani political association. The Issa, on the other hand, were loyal to Xaqsoor, another new association that had little support outside several districts in and around Hargeysa and Seylac, in addition to peripheral areas in the east.

Before the elections, Somaliland's government closed the border with Djibouti under the pretext that ethnic Somalis from Djibouti (mostly Issa) were being shuttled in to vote illegally. Kulmiye and Waddani candidates in the region (mostly Gadabursi) benefitted from the border closure. These two parties fared well in the vote totals, whilst Xaqsoor (which Issa members supported) performed poorly. Majorities of local councillors elected in the districts of Seylac (ten out of seventeen) and Lughaya (ten out of thirteen) were Gadabursi.

The Issa cried foul, claiming that large numbers of Gadabursi had been brought

in to vote from other parts of Awdal and areas across the border with Ethiopia. In protest, the Issa councillors resigned en masse. Gadabursi councillors convened the inaugural sessions by themselves, and were able to fill the quorum. They promptly picked the mayors and deputy mayors of Seylac and Lughaya from amongst Gadabursi councillors. This step further enraged the Issa, and militias began to mobilize.

Despite mediation efforts launched by the government to settle the Seylac dispute, it remains unresolved, showing that competition for power among the clans will continue to pose a difficult challenge for Somaliland's democratization process.

5.5 The Xaqsoor challenge

As noted above, the local council elections had two objectives: to elect new councillors in nineteen districts and to select the three constitutionally recognized parties. Two of the existing parties, Kulmiye and UCID, were established in 2002 and maintained their positions in 2012. Waddani, a new political association, became the third official party. The other political associations—Ummada, Xaqsoor, Dalsan, and Rays—were thus not permitted to become parties. Initially, they challenged the management and the results of the election, but three of

them ultimately conceded and merged with the winning parties. Ummada joined Waddani, and Rays and Dalsan joined the ruling Kulmiye party.

Xaqsoor, however, did not unify with any of the legally recognized parties, claiming that the election was not free and fair. Formed by a well-known politician, Hassan Ciise Jama, the political association argued that the election was maladministered and alleged that the government had manipulated the electoral process.[39] In early December 2012, the supporters of Xaqsoor took to the streets in Hargeysa and other cities including Lascanood to demonstrate against the election results. The Somaliland police forces tried to control the situation, but violent clashes occurred and a number of civilians died.

As a result, legal complaints were filed in a UK-based court against the incumbent president Ahmed Silanyo for alleged human rights violations.[40] In addition, the leaders of Xaqsoor submitted a civil action to the Supreme Court of Somaliland, which ruled that it could not adjudicate the case. The Court claimed that Xaqsoor had failed to comply with the complaint procedure enshrined in the electoral laws. Xaqsoor's

leadership argued that the government had influenced the application process.

The government tried to resolve this post-election dispute through informal mechanisms. Both sides nominated members of a negotiating committee in order to find a lasting solution for this prolonged row. The negotiation paved the way for a meeting between the president and the leadership of Xaqsoor, primarily its chairman. A private preliminary agreement was reached, and the president nominated the first and second deputy chairmen of Xaqsoor for ministerial posts. The chairman of Xaqsoor challenged this, declaring that the president had breached the terms of the agreement. He vowed to continue his protest against the validity of the election results.

Despite these highly complicated disputes, peace and stability have been maintained in Somaliland, and the most severe post-election conflicts were contained. This is a clear indication that over the past two decades a culture of peace has taken root among the Somaliland people. It is, however, very important that the electoral process is institutionalized in order to prevent future election-related conflict.

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39   Xaqsoor announcement, Hargeysa, January 2013.

40   At the time of writing, there have been no substantive developments in the case.

5.6 Deficits in the transition to democracy

The 2012 local council elections were meant to showcase Somalilanders' political maturity. Instead, they proved that clannism, which is a serious threat to democracy, is alive and well. Clan-based party politics tend to produce highly personalized council leaderships and a fragmented form of municipal management, which are fundamentally in tension with democratic practice. Rather than improving inter-clan trust and general societal cohesion, the contest for the council leaderships turned out to be one of the most serious sources of tension in these elections, driving wedges between clans in the same constituency. The contest was driven by short-term expediency and clan-endorsed personal profit rather than by a long-term vision of healing and progress. Serious consideration of these issues is now required to address the adverse effects of creeping traditionalism and cynical politics on Somaliland's democratic governance.

6. Lesson Learned

As Somaliland continues its transition from a clan-based system to multiparty democracy, challenges have emerged that complicate the electoral process and sometimes cast doubt over the entire electoral system. Election delays, ambiguous laws, incompetent institutions, and a lack of structured electoral conflict resolution mechanisms have all negatively impacted Somaliland's democratization process. These challenges have been addressed through ad-hoc, culturally rooted, consensual agreements between the concerned stakeholders. However, those solutions were short-term in nature, making it likely that such challenges will return in advance of the upcoming elections. In the absence of a strong electoral framework, dialogue is the only effective response to a disorderly democratization process marked by election-related disputes.

Credible elections can only be realised when structured mechanisms are introduced to prevent electoral fraud. In 2011, the voter roll that Somaliland compiled from 2008 to 2010 was discarded by the legislature, impairing the credibility of the subsequent election. In addition, the formation of new political associations and the adoption of an open-list system posed challenges to the 2012 elections. These electoral developments offer important lessons for Somaliland's democratization process.

6.1 The importance of dialogue in the electoral process

Somaliland's electoral process has been disfigured by recurrent and lingering political disputes, which hold the potential for anxiety and even violence. Most of these political incongruities have involved issues that require compromise among the main political actors. Fortunately, many of the most dangerous disputes have been resolved through the all-

encompassing, consensus-oriented, consultative processes that have long been customary in Somaliland. The incorporation of inclusive consensual dialogue into electoral processes since 2001 has steered the approach and thinking of important stakeholders and has promoted a 'culture of dialogue.'[41]

This culture of political dialogue indicates that Somaliland's traditional system of dispute resolution has exerted a powerfully positive influence on Somaliland's democratization process. In this context, the different parts of Somaliland's hybrid political structure complement each other and create an enabling environment for elections.

Without strong, competent electoral institutions that can manage political, constitutional, and legal disputes, Somaliland will continue to employ this consultative process to manage electoral disputes. It is from this background that over the years, APD has managed, navigated, and facilitated this inclusive dialogue process as an independent, neutral, impartial body trusted by the political stakeholders. The role of the Academy is crucial in creating cultural dialogue and confidence building measures between political stakeholders. However, dialogue and consultation are merely short-term solutions. The electoral

process must be institutionalized to ensure stability and sustainability. This will enable key actors to manage electoral disputes, and will lay a strong foundation for sustainable political order.

6.2 Institutionalization of electoral processes

Despite Somaliland's remarkable democratic achievements in successfully holding five elections in a decade, electoral sustainability and stability remain key challenges to the electoral process. Somaliland's electoral processes as they currently exist are unsustainable, unstable, uninstitutionlised, underfunded, and unstructured.

First, the government of Somaliland lacks the financial capacity to support elections. Therefore, donors have been deeply involved in the funding of the electoral process. Second, the government lacks the technical capacity to hold elections, and critical election management skills are missing in Somaliland. Third, Somaliland's electoral institutions are weak and lack the capacity to sustain and stabilize the electoral process. Finally, this lack of financial capacity, technical knowledge, and strong electoral institutions has created loopholes and provided justification for self-interested political actors to delay elections.

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41   Academy for Peace and Development (2012), *A Vote for Peace II: A Report on the 2010 Somaliland Presidential Election Process* (Hargeysa: APD and Interpeace).

Therefore, the electoral process has been held hostage to the political will of Somaliland's leaders to allow it to continue. Electoral sustainability requires that leaders build a long-term vision of electoral stabilization, including politically oriented electoral reforms.

6.3 The importance of a voter register

The suspension of the Voter Registration Law by Parliament made it imperative to hold the 2012 local council elections without a voter register. But without a voter list, multiple voting was a widespread problem, reportedly taking place in every polling station.[42]

The lack of voter registration negatively impacts the credibility of elections and creates a lack of trust in the electoral process among voters. One of the key lessons learned through the 2012 local elections was that voter registration is absolutely essential for elections to be credible, fair, and peaceful. This lesson has positively influenced political actors to learn and understand the importance of a voter registration process to elections. As a result, stakeholders have initiated a voter registration process in advance of the next elections.

6.4 Revisiting the formation of new political associations

The formation of new political associations in mid-2011 was a major litmus test for Somaliland's still-fragile democratization process. The RAC registered fifteen political associations as potential participants in the elections. After a rigorous screening and winnowing process, only five made it to Election Day. Of the three previously established parties, two (Kulmiye and UCID) took part in the elections, while UDUB ceased to be a viable political force due to internal leadership squabbles.

One of the main reasons justifying the formation of new political associations was the lack of internal party democracy in the three existing parties, which were dominated by influential personalities and lacked overarching political doctrines or long-term visions. Somalilanders hoped that opening up the system might create opportunities for the emergence of reform-minded parties and party leaders. Another reason was the pervasiveness of clannism. Somaliland's politics have always been permeated by this ideology, and it has been particularly difficult to devise a multiparty system that absorbs

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42   Academy for Peace and Development (2012), 'Election Observation Team Report, Hargeysa'.

the more egalitarian elements of the clan system while transforming and transcending its more retrograde and anti-democratic elements.

In the early years of this century, the drafters of the Somaliland constitution tried to build a stable liberal democracy with a cohesive political structure from what had until then been a clan-based power-sharing arrangement. The framers of Somaliland's political system believed that a three-party structure would forestall the proliferation of small, clan-based organizations masquerading as genuine political parties. Instead, the first three recognized parties became highly personalized entities without institutional credibility. In response, the law was reinterpreted to permit the formation of new political associations every ten years. Although former president Dahir Rayale Kahin was adamantly opposed to any change in the official parties, the current administration under President Silanyo has allowed this development. It put in place procedures to test and screen the new political associations to make sure that only those with genuine political appeal throughout Somaliland could earn the right to take part in the local council elections. The election itself allowed the three most popular organizations (Kulmiye, UCID, and Waddani) to emerge and be legitimized. Under the current law, these three parties will be licensed to contest elections until 2022.

On the whole, the formation of new political organizations is regarded as a welcome development and an achievement for democracy. However, in practical terms their emergence was destabilizing to the political process. Their formation was not guided by a long-term political vision, but rather resulted from the lack of internal democracy within the three older parties and the personalization of these parties' leadership. In Somaliland, where institutions were weak and fragile, the political conflict that accompanied the formation and legitimization of new parties brought out inter-clan hostility and competition, and weakened community-based trust. The situation in 2012, whereby one or two clans supported each party, led to conflict between the authorities and the associations when particular organizations failed to be recognized as parties, as was the case with Xaqsoor.

Opening up the playing field to new associations allows new political actors to compete in politics. It can create open, inclusive politics and legitimise the entire democratization process by preventing monopolization of the political system. On the other hand, permitting new associations can also exacerbate the individualization of political parties, rather than encouraging sustainable, well-structured parties. Strong parties are crucial for the continuity of Somaliland's democratization process, making a

regulatory framework for internal party democracy an urgent necessity.

In today's world, more people than ever before are governed by the leaders of their choice, and more countries than ever before choose their leaders through multiparty elections.[43] In post-conflict societies, political parties can be a vehicle for the transformation of political behaviour and the building of democracy. In Somaliland, multiparty politics have become an indispensable vehicle for the transformation and transition of political power. In 2002, three associations were officially registered as political parties and these parties contested five elections in extremely difficult and politicized circumstances. These parties operated without sufficient financial resources and lacked professional and technical experience. They also became highly personalized, without internal democratic practices. The leaders of each party maintained their power by designing regulatory frameworks that favoured their own political ambitions. The lack of comprehensive party rules and regulations has caused internal party crises. These challenges look set to be repeated with the new Waddani political party selected in the 2012 local council election, whose internal shortcomings mirror those of the older parties. Without

transparent, democratic, accountable, and strong political parties, Somaliland's multiparty political system remains in question.

6.5 The role of the judiciary in electoral disputes

The Somaliland constitution, unlike many others, does not describe the functions of the Constitutional Court. For example, Article 101, which establishes the Constitutional Court as part of the Supreme Court, does not explain its distinct functions. These had to be defined later by the 2003 Law on the Organization of the Judiciary, which describes the hierarchy, powers, and functions of all Somaliland's courts (article 15).[44] The role of the Constitutional Court includes:

- Hearing and making decisions on laws that are challenged as contrary to the constitution
- Constitutional interpretation
- Temporarily suspending laws that are not in compliance with the constitution.

The Constitutional Court plays a very important role in the electoral process, as clarified by the electoral laws. The Court is the highest organ of the state that announces the final election results.

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43   Salih, M A Mohamed, and Per Nordlund (2007), *Political Parties in Africa: Challenges for Sustained Multiparty Democracy* (Stockholm: International Institute for Democracy and Electoral Assistance).

44   Law No: 21 of 2003

In addition, it resolves and issues rulings on electoral disputes. This important function of the court has not been utilized effectively.

Opposition parties and others in Somaliland have argued that the Supreme Court, and by extension the Constitutional Court, do not have sufficient independence to determine cases impartially. They argue that the court simply serves the executive, who enjoys the powers to nominate and remove judges. Since the court was formed it has only ruled on three cases, an indication that electoral stakeholders do not have sufficient trust in the court to submit petitions to it.

Various factors impede the independence, neutrality, and impartiality of the Court:

- Constitutional challenges: The constitution gives effective powers of nomination and removal of justices to the president. The president nominates judges and the House of Representatives approves them. However, in reality Parliament's opinion is always underestimated or ignored. The constitution arguably could have afforded justices more independence by giving the power of removal to a Judicial Commission and the House of Representatives, rather than delivering this power into the hands of the president.
- Financial challenges: The court has

no separate budget and is subject to the administration of the Ministry of Justice.

- Retirement and benefits: According to one judge of the Constitutional Court, a lack of provision for retirement and benefits is one source of the lack of independence. It is evident that the lack of such benefits plays a major role in the administration of justice and the Court's independence. It makes judges vulnerable to control by the executive.

The absence of an impartial and independent court effectively means that all electoral disputes are resolved through a tradition-based consensual approach. Enhancement of the court's role is critical to the transformation of Somaliland's political system.

6.6 Effects of the open-list voting system

Since the beginning of Somaliland's democratic transition, policy makers have made notable adjustments to the electoral system to better adapt it to political realities, often with unintended consequences. The December 2002 local council elections, the first elections in Somaliland in more than three decades, adopted a closed-list proportional representation electoral system. In early 2012, parliament adopted Law No. 20/2001 governing

elections, replacing the closed-list system with an open-list one. This new system introduced technical complications to the management of the 2012 local council elections, particularly regarding the size of the ballot paper, the corresponding increase in the size and number of ballot boxes, the duration of voting, and the complexity of the count.

The open-list system in Somaliland faces socio-political challenges. The system is candidate-centred: the candidates themselves campaign, mobilize supporters, and conduct fundraising. The system through which candidates are nominated is largely clan-based; the clans select and submit candidates to the political parties and associations to include on their lists. This process affords political parties and associations no influence over the selection of candidates.

It also pits clans against one another for the leadership of each district. In this way, the open-list system has accentuated clan-based social divisions.

The open-list system also marginalises the representation of women and minority groups. The system is candidate-centred and requires all candidates to campaign and get votes as individuals. Due to cultural, political, and economic constraints, women do not receive many votes in this type of electoral system. They also require the backing of their respective clans, which is difficult in a male-dominated political system. Closed list systems, especially those that require political party leaderships to place female candidates in high positions on their lists, provide a greater chance for female candidates to be elected.

7. The Future of Somaliland's Elections

It is remarkable that Somaliland, after recovering from a protracted civil war, was able to hold five elections in a decade, each of which was assessed as credible and representative by local and international observers.

Nevertheless, it is important to highlight that the administration of these elections has not been free of problems and challenges. As noted in previous sections, Somaliland has struggled to consolidate and institutionalize its electoral processes. The previous five elections were held on an ad-hoc basis, and there has been little focused development of either electoral institutions or a structured electoral framework. The NEC's lack of permanent staff and organization is a serious institutional challenge.

Elections should take place within a comprehensive regulatory framework so that legitimacy can be assured. Somaliland's current electoral laws were not designed in a way that can successfully manage elections. There are gaps, contradictions, and ambiguities within the electoral legal framework. These legal gaps pose a very serious problem to the entire electoral process, and thus this chapter includes recommendations to address them. Electoral instruments and mechanisms such as the voter register, civil register, electoral district delimitation,

and constituency demarcation are also necessary to create an enabling environment for free and fair electoral processes.

This chapter provides a detailed discussion of the choices available to Somaliland's stakeholders for undertaking comprehensive upgrades to improve the sustainability and effectiveness of Somaliland's electoral systems and processes.

7.1 Strengthening political leadership

Elections are complex processes that bring together different stakeholders with different political interests. The implementation of effective electoral processes in Somaliland depends upon the political will of the key stakeholders:

- The president has constitutional powers to nominate electoral commissioners, ratify acts of parliament, and request rulings from the Constitutional Court. In

addition, the president has the mandate to request from the upper house an extension of his own term as well as those of the vice president, Parliament, and the local councils.

- Parliament has the legal mandate to draft and approve electoral laws in a manner that is consistent with constitutional principles.

- The political parties play a critical role in resolving election related problems and building legitimacy in the entire electoral process. Without their participation, credible elections cannot be held.

Due to Somaliland's lack of an institutionalized electoral process, election-related disputes can cast doubt over the entire electoral process. In Somaliland's history, disputes often delayed the holding of elections, and these disputes were not resolved until stakeholders reached consensus through the traditional Somali dispute resolution mechanisms of dialogue and mediation. Such consensus has always relied on political will and mutual understanding amongst concerned stakeholders.

In the 2012 local council elections, the Office of the President, Parliament, and the political parties worked together to hold a credible, representative, and peaceful election. However, observers have asserted that key stakeholders – particularly Parliament – manipulated the

electoral process to benefit their own interests. The speaker of Parliament's formation of a political association ahead of the local elections was instructive in this regard. There were also allegations that the president's Kulmiye party wielded an unfair advantage through its use of public property and civil servants for campaign purposes.

As Somaliland's electoral process remains under-institutionalized, mutual understanding, consensus, and leadership will all be essential to ensure the legitimacy of electoral outcomes. Political leadership requires that political actors, specifically the government, should not manipulate the electoral process. The extensive power of the executive can be used as a stumbling block to electoral process. Political leadership also requires that the electoral process must be transparent and free from government intervention. The political power of the executive must not be exploited to unbalance the playing field to benefit anyone.

7.1.1 The upcoming combined presidential and parliamentary elections: a test case for political leadership

As Somaliland prepares for its next set of elections, effective political leadership will be extremely important, particularly in

terms of deciding how many elections to hold. Since 2002, Somaliland's elections have always been held separately. However, both the presidential and parliamentary terms will soon expire. The most recent parliamentary election was supposed to take place in 2010, but has twice been postponed. The president and the House of the Representatives have proposed combining the upcoming parliamentary and presidential elections, and this merits further discussion. Combining these elections is meant to save time and money, since election years are time-consuming and expensive, taking energy away from Somaliland's development goals. For combined elections to happen, the stakeholders must accept the president's proposal and Parliament must enact a law.

Combined elections face challenges. First, a well-designed regulatory framework is essential, but the laws that govern presidential and parliamentary elections are incomplete. There is a need to formulate a comprehensive legal framework that can regulate both elections.

Second, the two electoral systems are different, with the parliamentary elections using a proportional representation system and the presidential election using a majoritarian system.

Third, the NEC has limited institutional capacity to hold two elections at the same time.

In addition, political parties believe that combined elections require considerable technical preparation, skills training, and testing. They fear that the lack of a voter registry will be used as a pretense for the government to further postpone presidential and parliamentary elections. They have also voiced concerns about the use of state resources in support of incumbent registration interests.

Finally, a combined election faces technical, financial, and political challenges, which need to be addressed before the elections. Diagram 1 outlines the main questions over the combined elections' technical and financial feasibility.

Diagram 1: Challenges of combined elections.
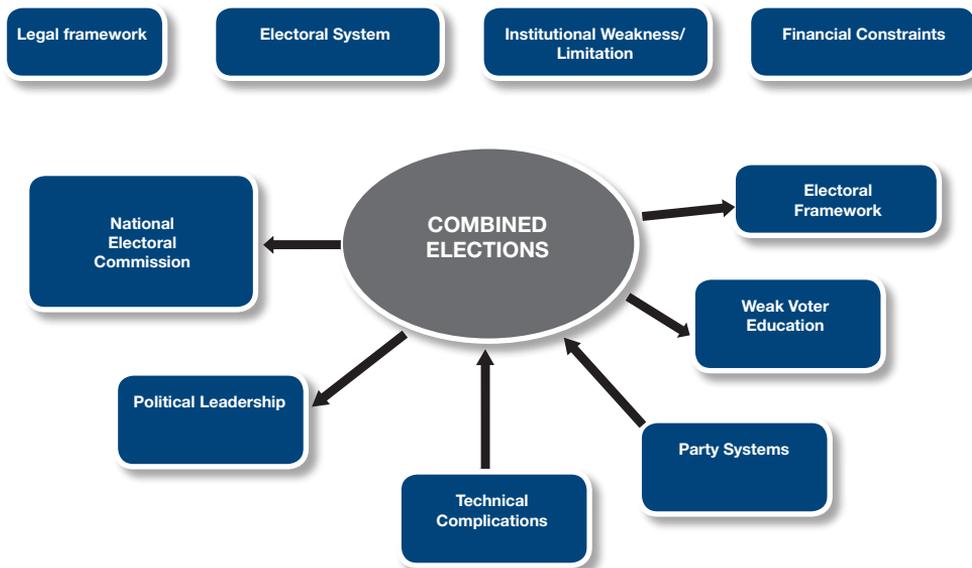
APD plans to engage with key stakeholders to create a dialogue on the issue of combining elections. Using its traditional consensus building approach, APD will bring the stakeholders together to find a solution to this matter.

7.2 Preparation of a credible voter register

Voter registration is critically important for political participation in the democratic context.[45] It ensures that the right to vote is universal, equal, and direct. Voter registration is a highly complex process for financial, technical, and political reasons. It is more than a technical process, and it is influenced by the holistic political context. It is widely agreed among elections experts that accurate, transparent, effective, trusted, and accepted voter registration is instrumental to representative, credible, and peaceful elections.[46]

Voter registration fulfils six functions:

- It provides information to assist with election planning and logistics
- It protects the electoral rights of the public
- It determines eligibility criteria for participation in voting

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45   Pintor, Rafael Lopez and Maria Gratschew, et al (2002), *Voter Registration Turnout Since 1945: A Global Report* (Stockholm: International Institute for Democracy and Electoral Assistance).

46   The registration process should have the following guiding principles and qualities: integrity; inclusiveness; comprehensiveness; accuracy; accessibility; an informed public; transparency; security; information privacy; cost effectiveness; accountability; credibility; stakeholder participation; international assistance; and sustainability (institutional, financial, technical and technological, and political).

- It facilitates the designation of electoral districts
- It prevents election-related fraud
- It augments the transparency of the electoral process.[47]

Voter registration can be conducted with either active or passive participation, and on a continuous or periodic basis. If the system is passive, it requires no input from the voters to produce an electoral roll. Data is retrieved from the civil register and all eligible citizens are automatically listed on the roll, and informed of their inclusion by letter to their residential address. In this model, it is necessary to have an accurate civil register and accessible residential addresses, making it well suited to highly urbanized countries.[48]

In Somaliland, most voters live in rural areas where accessible and permanent addresses are not available, so an active system is needed in which voters must physically visit a registration centre and apply to be registered as a voter.[49] This system was applied by the NEC in the 2008 voter registration exercise. A further choice must be made between periodic registration, used for a single electoral event, or continuous registration, in which the database is constantly updated and

kept accurate. The latter requires financial and technical sustainability, which is difficult for countries like Somaliland to deliver.

7.2.1 Civil and voter registration: combined, separate, or integrated?

Stakeholders have long recognized that Somaliland needs to conduct both civil and voter registration (CVR). Pursuant to that consensus, Somaliland needed to make a choice as to whether CVR should take place as a single process or as two separate initiatives. Both Rwanda and South Africa have combined CVR.[50] Other countries, such as Senegal, have conducted CVR as two separate processes.

In 2011, the MOI and the NEC signed a memorandum of understanding (MOU) to identify the tasks and responsibilities of the two institutions with regard to the implementation of CVR. The MOU also stipulated areas of collaboration between the MOI and the NEC. However, the signatories did not fully comply with the terms agreed upon in the MOU, and there was confusion over the tasks and functions of each institution with regard to the implementation of CVR.

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47   Evrensel, Astrid, ed. (2010), *Voter Registration in Africa: A Comparative Analysis* (Johannesburg: Electoral Institute for the Sustainability of Democracy in Africa).

48   Evrensel (2010), *op. cit.*

49   Evrensel (2010), *op. cit.*

50   Evrensel (2010), *op. cit.*

The MOI argued that it had the legal mandate to undertake comprehensive civil registration in accordance with the Law for the Regions and Districts (Self-Administration) (Law No. 23/2007). On the other hand, the NEC asserted that it had the legal mandate to implement voter registration under Somaliland's electoral laws.

To settle this confusion, the MOI, the NEC, and the three political parties agreed that a combined CVR was the best route, but one was not conducted in time for the 2012 elections. A 2011 feasibility study by Creative Associates concluded that the civil registration process in Somaliland could take years to complete.[51]

After the 2012 elections, stakeholders voiced concerns about whether combined CVR would allow the two registration processes to be resourced to meet their respective statutory obligations in time to provide a credible voter registry for the upcoming presidential and parliamentary elections. On 11 July 2013, the MOI and the NEC signed an agreement providing an implementation framework for a two-track process, in which civil and voter registration would be implemented in separate exercises. The signatories shared this agreement with donors for further engagement.

The donors requested that NEC and MOI conduct a technical assessment to determine the advantages and disadvantages of several options for CVR processes. The intention was to study and examine technically and financially the implications of the selected two-track process. In collaboration with NEC and MOI, the Danish International Development Agency (DANIDA) hired an expert from Creative Associates International (CA) to conduct this assessment from 9 to 15 August 2013.

Based on its assessment, CA presented three options:[52]

1.   Combined CVR. In this approach, Somaliland would first conduct a civil registry process and then extract a voter registry from the data collected.

2.   Separate CVR. In this option, Somaliland would conduct civil and voter registration concurrently on two separate tracks. Completion of the civil registration process would not be a prerequisite for the commencement of voter registration.

3.   Integrated CVR. In this option, Somaliland would conduct civil and voter registration processes together and concurrently. Somaliland would need to establish

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51   Creative Associates International (November 2011), 'Somaliland Civil Registration Plan (Washington DC: Creative).

52   Creative Associates International (2013), 'Somaliland: Civil and Voter Registration Assessment', funded by Danish International Development Agency (Washington DC: Creative).

the infrastructure to conduct both registration processes at registration sites, following the operational model of the 2008 and 2010 registration processes.

7.2.2 Choosing CVR: the consensus approach

The stakeholders used a consensus-based consultative approach to build agreement regarding CVR. APD, using its political space management approach, convened and facilitated more than eight consultative meetings, between April 2012 and November 2013, attended by the leadership of the various stakeholder groups, including the three political parties, the NEC, the MOI, and the Office of the President.

The stakeholders comprising the three political parties, NEC, and MOI formed at the APD a task force to deeply analyse the CA assessment report, examine the advantages and disadvantages of the options it presented, and come up with a viable solution. The taskforce agreed that:

- A trustworthy voter list would encourage all stakeholders' acceptance of election results.
- Holding a fair and credible election on schedule was of paramount importance, and should be a precondition for any acceptable

option. The delay in creating a voter register in 2008–2009 was one of the reasons for the postponement of the local council and presidential elections.

- The preferred option should eliminate fraudulent voters and voting practices, thereby reducing the financial and technical burden of accommodating extra ballots.[53]
- The preferred option should provide an opportunity to use biometric technology to produce a credible voter register that would eliminate past mistakes and lay the foundation for future updating and use of the voter database.

With these conditions in mind, the task force examined all three of the options outlined in the CA assessment.

The task force considered the combined CVR option to have many disadvantages:

- Drawing the voter list from the civil register would make voter registration dependent upon the success and speed of the civil registration process. The taskforce considered that failure to complete the civil register in time to extract a voter list could cause the election to be delayed or conducted without an electoral roll.
- Somaliland lacked tested

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53   Extra ballots are required if the number of voters of a polling station is not fixed – in other words, where there is no voter registration.

physical infrastructure to conduct comprehensive civil registration and a legal framework for its implementation.

- There was a potential for confusion over the mandates of the MOI and the NEC for the management of the two processes.

- Public confidence was lacking about the guarantees for data protection in an MOI-controlled registration process. MOI was not seen as transparent or fully capable of managing the process.

- MOI had not been receptive to the inclusion of the NEC and the political parties in the implementation of both civil and voter registration processes, raising serious concerns about transparency.

- Combined CVR might allow political processes to influence outcomes in ways that were contrary to democratic principles.

The task force discounted the integrated CVR option on similar grounds. It further considered that integrating civil and voter registration would create a complex set of challenges in terms of coordination and delegation of responsibilities.

On the other hand, the task force perceived numerous advantages to the separate CVR option:

- This approach would allow the two processes to be resourced and timed to meet their respective statutory obligations. There would be no time lag in preparing the voter list: it would be possible to accommodate the the timetable set for the upcoming presidential and parliamentary elections.

- Separate CVR would enable a bifurcation of technology so that the voter registry, as a periodic endeavor, could be conducted with simple technology.

- It bolstered human and procedural controls on multiple voting, voter impersonation, and underage registration.

- The legal framework, NEC mandate, and operational infrastructure (including polling stations and offices) were already in place.

- There was public trust in the NEC's mandate and capacity to manage a separate voter registration process. The NEC had learned lessons from the 2008 voter registration process, gained valuable experience, and identified many of the major challenges.

- This option would depoliticize civil registration by separating the two processes, while also improving the efficiency, effectiveness, and focus of both. The MOI had a clear mandate to conduct the civil registration process, and separating the processes would mean that full local capacity and ownership could be harnessed for each.

- Separating the processes would permit more time for the civil registration process, for which yearly funding could be allocated in the budget.
- By allowing for flexibility, this option would provide opportunities for convergence between the two processes.

For all these reasons, and following intense discussion, the task force unanimously agreed that separate CVR was the most viable option. However, the task force identified several challenges, including the need for timely and separate funding for the two processes, as well as the inefficiencies that could arise from the duplication of crosscutting activities. Nevertheless, the taskforce concluded that the two-track process would maximize the sustainability of Somaliland's democratization process.

A wide range of stakeholders validated the task force's decision at a workshop on 18 September 2013. Those present agreed on the need to develop a roadmap for completing voter registration in time for the upcoming presidential and parliamentary election, and also conducting a timely civil registration. In addition, they agreed to meet with donors to further engage them on the selected option.

The donors again commissioned CA to study options for the technical implementation of voter registration. CA presented another three options to the stakeholders; manual, hybrid, and biometric. The stakeholders agreed that the biometric option would be the most technically credible one.

Some disagreements remained about the sequencing of the civil and voter registration processes. Kulmiye, the current ruling party, supported the idea of conducting civil registration first. However, this sequence was challenged by the two opposition parties and the NEC on the argument that prioritizing voter registration over civil registration would be more likely to deliver a credible and timely voter registry. Furthermore, a voter list extracted from the civil registration implemented by MOI without the NEC's involvement would lack credibility and transparency, thereby compromising its ability to be used in future elections. The opposition parties and the NEC also expressed concern that giving primacy to the civil registration might bias the subsequent voter registration in favour of the ruling party, thereby compromising the integrity of the elections. However, conducting voter registration first would require that a holistic technical approach be put in place to create a system into which civil registry details could later be exported, ensuring the register's sustainability.

The president nominated a civil registration inter-ministerial steering committee and technical committee to design and guide the process of

the implementing civil registration. The objective was to support the MOI's execution of a credible civil registration process. Stakeholders, comprising the three parties, NEC, and MOI signed another MOU indicating that even if civil registration was not held on time, voter registration would not be delayed, and the MOI would collaborate with NEC to carry out a joint CVR process.

With a decision in place on separate civil and voter registration processes, stakeholders turned their attention to the issue of timetables for both processes. Though a completed civil registry was no longer to be a prerequisite for the voter registry, stakeholders recognized that there was room for positive synergy between the two processes. Specifically, the detailed data collected in the civil registry would be extremely useful to the implementation of voter registration. Diagrams 2 and 3 outline the implementation process of the CVR and its foreseeable challenges.

**Diagram 2:** Civil and voter registration process implementation chart.
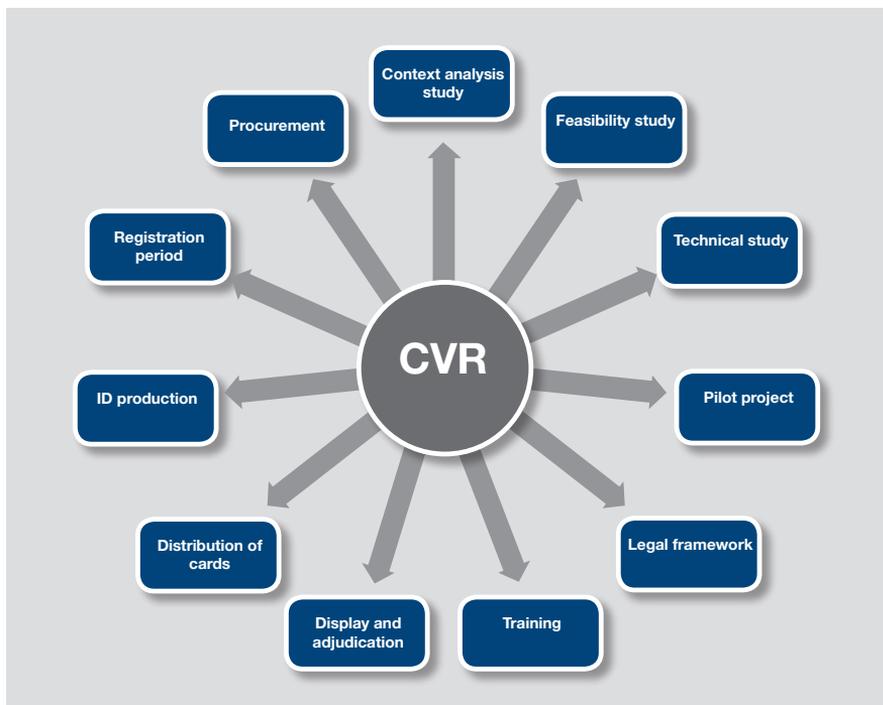
Diagram 3: Civil and voter registration process challenges.
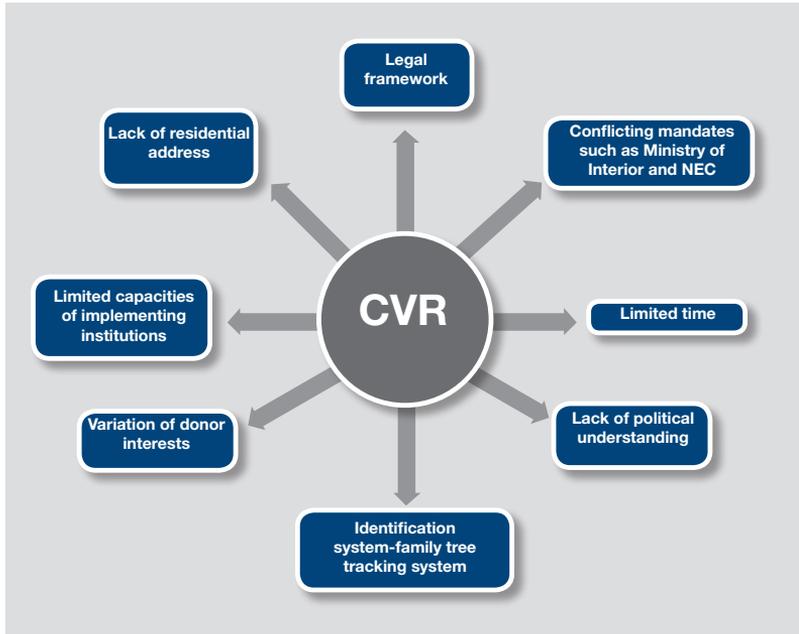
Ideally, the fulfilment of these twin tasks will allow for a sustainable and credible election management system in the near future, and move Somaliland toward the full institutionalization of electoral registration and voting norms over the long term. To be successful, the separate voter registration process must:

- Ensure that the momentum of Somaliland's democratic process is maintained through the timely implementation of elections
- Maintain peace, stability, and social harmony
- Allow for the creation of a foundation of knowledge about Somaliland's population

- Enable a more informed approach to key matters of policy, including healthcare, education, and the long-term development of Somaliland.

7.3 Electoral law reform

Remarkable achievements were made in the 2012 local council elections, but these elections reiterated the need for structural improvements and deeper democratization efforts. Inherent gaps in Somaliland's electoral institutions and some aspects of the democratization process need to be addressed before the already-delayed parliamentary election

is held.[54] In particular, the current legal framework is weak, incomplete, and incoherent. The lack of comprehensive electoral laws hinders sustainable democracy in Somaliland, and a number of aspects need to be addressed.

The scale of needed electoral law reforms is considerable, and it is a difficult task. It will require political will and leadership from the government, the NEC, and Parliament. The key stakeholders in the electoral process must properly coordinate the formulation of these laws in order to ensure that a comprehensive legal framework is in place prior to the next elections. Ideally, the reform process should aim to harmonize, simplify, and stabilize Somaliland's electoral laws, creating a regulatory framework that is free from ambiguity, inconsistency, deficiency, and contradiction. The process through which Somaliland conducts electoral legal reform should be participatory and inclusive in the sense that all the key stakeholders are able to participate in and contribute to it. This goal should be a strong legal framework that will have greater legitimacy and popularity.

APD recommends the following reforms to the current legal framework:

- Existing electoral laws need to be reviewed, revised, and amended.

- Parliament must draft specific new laws that separately regulate the electoral commission, local council elections, presidential elections, and parliamentary elections. This follows the international standard, which holds that combining electoral laws creates confusion and ambiguity.

- Parliament must pass a law on the selection or election of the House of Elders, a version of which has already been before Parliament for some years.

- Parliament must prepare and pass the Demarcation and Delimitation of District Boundaries Law.

- Parliament must pass an Electoral Offences Act to address the criminal and civil liabilities of the electoral process. Although electoral fraud such as multiple voting and multiple registrations is already criminalized under the regulatory framework of the electoral process, electoral laws do not specify how violators are to be punished.

7.4 Institutional reform

In the post-conflict context, developing a culture of democracy is always a 'work in progress.' Effective and efficient electoral institutions are vital to peaceful elections,

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54   Academy for Peace and Development (2010), *Democracy in Somaliland: Challenges and Opportunities* (Hargeysa: APD and Interpeace).

not least the electoral management body. The NEC is facing institutional problems that cast doubt over the entire electoral process. These problems include the lack of a formal institutional structure, accountability, permanent staff, and rules and regulations.

The efficiency of an institution depends largely on the capacity and competence of its staff. The NEC has a number of different personnel– the commissioners, the secretariat, regional and district electoral offices, and the polling staff – but in most cases these are temporary consultants.[55] In December 2012, a post-election lessons-learned workshop held for the NEC staff revealed that one of the most serious institutional challenges facing the commission is the lack of permanent organizational structure and staff.

An ad hoc election management body is a serious threat to peaceful and legitimate elections. Institutional reform of the NEC is greatly needed, focusing on recruiting permanent staff, formalizing the institutional structure, and developing a regulatory framework.

The local council elections of 2012 damaged public confidence in the NEC. Most of the key stakeholders, including the political parties and the government, blamed the commission for maladministration of the election, despite the extensive election-related experience and impressive level of unity exhibited by the NEC members.

A new commission was put in place in December 2014. By that time, the political environment had changed significantly, with a new president and one new political party. According to the electoral laws, the president nominated three commissioners, the two opposition parties each nominated one commissioner, and the Guurti nominated two commissioners. The new opposition party, Waddani, had its first opportunity to nominate a commissioner.

The initial stage of the transition between the two commissions has gone relatively smoothly, and the new commissioners showed themselves to be highly competent and dedicated professionals. However, there is still much to be done in building the capacity of the new commission as it prepares to carry out a voter registration and subsequently the upcoming presidential and parliamentary elections. The ongoing transition must be administered in a careful manner,

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55   The secretariat is based in the head office of the commission in Hargeysa, and is composed of twelve departments or functions: human resources, finance, training, legal and operations, warehouse, security, communications, information technology, procurement, public relations, transportation and internal audit.

sufficient training should be provided to the new members, and attention should be paid to the continuity of the commission as an institution.

Political parties

In Somaliland today, there are three main parties, Kulmiye, which is currently in office, UCID, and Waddani. Political parties in Somaliland generally share similar structures. In theory, the political parties follow democratic procedures and elect people for the various positions available within the party. Intra-party structures include the general congress, executive committee, central committee, regional committees, diaspora committees, and wings for both women and youth.

The central decision-making organ within each party is the general congress. It consists of the party's members of the House of Representatives and House of Elders, delegates from the regions, districts, and the diaspora, and local councilors. The congress is mainly responsible for electing Party leaders and members of the central committee, drafting party platforms, and approving decisions made by both the central and executive committees.

The executive committee is comprised of elected officials, including the chairpersons of the women and youth wings. This committee is mainly responsible for implementing party policies and preparing budgets. Representatives from the women and youth wings are responsible for ensuring that the party properly addresses the needs of these groups.

The central committee consists of both elected and appointed officials. In Somaliland these are usually based on regional balances. Its main responsibilities include approving party budgets prepared by the executive committee, monitoring the overall performance of the executive committee, and ensuring the agenda of the general congress is executed.

However, in Somaliland's current parties, these structures are not institutionalized, and as result the parties confront serious challenges. Decision-making is highly centralized and internal party regulation is incomplete, causing internal disputes to become a common phenomenon. In the absence of strong and accountable intra-party deliberation and decision-making structures, parties are unable to effectively resolve these disputes, which gradually weaken cohesion within the party. Political party institutionalization is one of the key challenges facing Somaliland's democratization process, and a critical weakness hampering Somaliland's political systems.

7.4.1 Seat allocation, constituency demarcation, and electoral formulas

The choice of an electoral system is crucial to political stability and the effectiveness and efficiency of democratic institutions. Somaliland, as an emerging democracy, has adopted a system of proportional representation (PR). PR has the advantage of producing highly representative electoral outcomes due to its seat allocation formula. The main underlying principle is that each political party should be represented in the legislature and the local councils in proportion to its support amongst the electorate.[56]

Seat allocation, constituency demarcation, and electoral formulas are inter-related concepts. Seats cannot be allocated if there are no mathematically determined constituencies and electoral formulas cannot be applied in the absence of the other two. Therefore, it is very important that the determination of seats in each constituency should be guided by a well-designed seat allocation system. However, such a system is not fully in place in Somaliland. In the 2005 parliamentary election, the key stakeholders agreed that the seat allocation formula from the February

1960 parliamentary election (based on the number of seats won per region) would be used. However, this was an ad hoc, short-term solution, and the issue of constituency demarcation remains unresolved.

Some stakeholders are satisfied with the application of the 1960 formula, but others want a new formula based on the number of votes in each region. Both are problematic, and therefore Somaliland must find a sustainable institutionalized solution before the upcoming parliamentary election. It is the responsibility of major political actors including the president, political parties, and Parliament to find a lasting solution to this problem.

7.5 Donors: moving from event-based to procedural electoral support

For the past two decades, international donors have provided emerging democracies in Africa with financial and technical support. The impact of this support has been wide-ranging, and has included the advancement of a culture of democracy. However, much donor support has been event-driven, focused almost entirely on elections. In

56   Van Eck, L, S E Visagle and H C de Kock (2005), 'Fairness of Seat Allocation Methods in Proportional Representation', ORION, Vol. 21, No. 2, pp. 93–110.

most cases, the longer-term tasks of building electoral institutions and creating an enabling environment for peaceful elections are not prominent among donor electoral assistance goals.

The lack of long-term electoral assistance has, in many cases, led to fragmented electoral processes. This issue was one of the principal topics of the 2006 Ottawa Conference on Effective Electoral Assistance, which aimed to formulate global electoral assistance principles and parameters.[57] Although efforts have been made by both recipient countries and international practitioners to put these into practice, the outcomes of this conference do not often appear to be taken into account by international policy-makers.

International donors helped Somaliland to hold three elections between 2005 and 2012. Most of this financial assistance was focused on the elections themselves. Some capacity-building support was given to electoral institutions such as the NEC, the political parties, and Parliament, but in the periods between elections, these areas were largely neglected. Without process-oriented electoral support, Somaliland has been unable to develop electoral sustainability, as demonstrated by the suspended voter registration process and the inadequate

electoral laws. The flawed 2012 elections were a reminder that the electoral system still has serious institutional weaknesses.

Somaliland's ad-hoc approach to elections, in which electoral institutions are under-developed or missing, as well as the NEC's weak institutional capacity, are problematic. Amongst other requirements, the NEC needs on-going engagement, Parliament would benefit from technical and financial support in formulating electoral laws, and the political parties are in need of long-term donor support to be effective. Long-term, strategic support by international donors of the electoral process in Somaliland is essential for free, credible, and peaceful elections in the future.

7.6 Enhancing the role of civil society and traditional leaders

Somaliland's political system has always been strongly influenced by clan politics. The clans as social structures took the lead in the peace- and state-building processes that took place during the early stages of Somaliland's formation.

Due to the constructive role traditional systems played in Somaliland's post–war political reconstruction, Somaliland has formalized the traditional leadership into

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57   The Ottawa Conference was convened by the International Institute for Democracy and Electoral Assistance in Canada on 2–4 May 2006. The section title is based on IDEA's subsequent publication.

a constitutional governance structure. The Guurti was established as a neutral body with a mandate to manage and mediate Somaliland's political hybridity. The Guurti has played a vital role in the democratization process by approving electoral laws, mediating political stakeholders in times of crisis, and creating an enabling environment of peace during elections. Tradition, therefore, has been indispensable to Somaliland's post-war democratization.

Since the inception of the democratization process in 2001, the role of traditional leadership has changed dramatically. The institutionalization of the Guurti and the adoption of multiparty democracy have transformed the traditional leaders into a more politicized element. This politicization has entrenched the role of tradition in modern politics, and traditional leaders who were not previously involved in politics have become politically active. Somaliland's hybrid political system has influenced the way elections are managed, regulated, and administered. For instance, clan balance has been a key imperative in the National Electoral Commission's selection by political stakeholders. Party politics has also become dominated by clan representation.

Traditional leadership has shaped the political landscape of Somaliland. Traditional leaders will continue to be an important force in the upcoming elections. Therefore, it is crucial for traditional leaders to support and assist the institutions mandated to manage elections. These leaders' capacity to resolve political disputes will also have far-reaching impacts on the upcoming elections.

If they do not act responsibly in supporting effective institutions, traditional leaders might have a negative impact on the upcoming elections. In past elections, most pre- and post-election violence has been driven by traditional leaders, and this must be prevented in the future. Traditional leaders have also wielded inordinate influence in the selection and election of candidates. Clan elders need to better understand the importance of elections and of letting candidates devise attractive political programmes instead of relying on clan allegiances for their election.

The role of Somaliland's civil society was also instrumental in Somaliland's post-war democratization process. Civil society has helped to strengthen fragile electoral institutions in various ways. For instance, civil society organizations have supported the NEC in managing elections. Civil society organizations have also provided technical support to Parliament in drafting electoral laws, and have provided political parties with training and awareness raising.

Political space management is essential in emerging democracies where political stakeholders do not trust the courts and electoral disputes cannot be effectively resolved through formal judicial institutions. In Somaliland, political dialogue based on consensus and compromise has long been facilitated by neutral civil society organizations in order to resolve political and electoral disputes. The role of civil society, therefore, has been instrumental to achieving peaceful and credible elections.

Members of civil society organizations have also played a vital role in monitoring and observing electoral events. Their monitoring mechanisms have ensured the transparency of elections. In addition, civil society organizations have organized and taken part in many successful awareness-raising campaigns.

Civil society should play an active role in the upcoming elections, particularly in dispute resolution. The upcoming voter registration exercise will require awareness raising, which civil society is well-placed to provide. Civil society has to be well-coordinated before and after the elections in order to ensure that they are held peacefully and credibly.

7.7 Promoting political representation for women

As indicated in Section Five, women face cultural, economic, and political challenges in terms of their political representation at local and national levels. The civil society and the government of Somaliland took concrete steps toward the promotion of political representation for women by introducing a quota system. The office of the president drafted a law introducing a gender quota in parliament. However, this move was not successful due to the refusal of the House of Elders, which concluded that it was a violation of the constitution and could not be approved. The constitutional concerns of the House of Elders should be addressed legally. The president should ask the Constitutional Court of Somaliland for further advice and clarifications on the quota issue, and a determination of whether it violates the constitution. Civil society organizations should pressure the president to take this approach. A quota system is the most effective means of ensuring political representation for women, and it should be addressed before the upcoming elections.

8. Conclusion

At one level, democracy in Somaliland is an unfolding success story. Five elections in only a decade, all conducted relatively peacefully, present an important milestone. The fundamental principles of democracy have taken root in Somaliland's political soil in a remarkably short period of time, and there is now a political stage upon which Somalilanders can act collectively, define themselves, and determine their destiny. Today, most adult Somalilanders are familiar with the basic pillars of democracy, including political parties, elections and election campaigns, the rights of youth, women, and minority groups, and the prerogatives of the executive, legislative, and judicial branches of government. Somalilanders are also conscious that the acceptance and preservation of democratization are crucial for Somaliland as a viable state and a cohesive, stable society.

Due in large part to this attitudinal shift, Somaliland has been able to weather a dangerous and tension-ridden but critical phase of recovery and rehabilitation during which the residue of war could have easily torn out the sutures of peace, security, and stability. Somalilanders in government institutions, political parties and associations, and civil society have come of political age. Democracy is not only discussed and debated in teashops and *qat* rooms, but practiced and structured into the rhythms of socio-political life across Somaliland.

Somaliland's democratic success story is nevertheless challenged by numerous problems, many of which were brought into sharp relief by the flawed local council elections of 2012. Weak institutions, gaps in the regulatory framework, the absence of a political vision beyond elections, and the complexities of Somaliland's political hybridity are the main issues that beset the nascent democracy.

Critically, the leading actor in election administration, the NEC, needs to be strengthened and institutionalized. It

must be equipped with the necessary skills and funds to hold free, fair, and peaceful elections. Without an effective, neutral, and strong commission, elections may not be properly managed, dividing society and creating instability.

Both local stakeholders and international donors must have a vision that goes beyond merely holding elections. Specifically, the Somaliland Parliament, which has the mandate to formulate electoral laws, needs to develop the necessary skills to draft and approve electoral laws that are free from gaps, contradictions, and ambiguities. Somaliland's electoral history shows that most disputes have arisen from the misinterpretation of electoral laws. Additionally, effective, representative, and well-regulated political parties have a far-reaching impact on the peacefulness of the electoral process, and must also be supported.

An impartial judiciary, primarily the Supreme Court, should also be seen as integral to Somaliland's electoral process. Electoral instruments, including a register, are a further important element of the consolidation of Somaliland's democratization process. Without reliable voter registration, elections lack legitimacy. Other important mechanisms, such as electoral district delimitation, constituency demarcation, and electoral formulas, must also be developed in order to support Somaliland's electoral process.

Finally, Somaliland must ensure that institutions that bridge the gap between the people and their government operate in a way that is constructive, well-organized, and representative. Political parties must endeavour to strengthen and open up their internal deliberative and decision-making institutions, and move away from the outdated model of the highly centralized and personalized party. Clan leaders must continue to play their traditional roles of peace-building and conflict resolution, while avoiding undue interference in party politics and political campaigning. Civil society organizations must make strong contributions to ensuring that electoral processes are conducted fairly and effectively, that the people are well-informed and capable of carrying out their democratic responsibilities, and that marginalized groups like women, youth, and minorities are able to make their voices heard.

9. Bibliography

Academy for Peace and Development (2006), *Local Solutions: Creating an Enabling Environment for Decentralisation in Somaliland* (Hargeysa: APD and Interpeace).

Academy for Peace and Development (2010), *Democracy in Somaliland: Challenges and Opportunities* (Hargeysa: APD and Interpeace).

Academy for Peace and Development (2011), '*Forum Activity Report*'.

Academy for Peace and Development (2012), *A Vote for Peace II: A Report on the 2010 Somaliland Presidential Election Process* (Hargeysa: APD and Interpeace).

Academy for Peace and Development (2012), '*Election Observation Team Report,* Hargeysa'.

Cabdirahman Jimcaale (2002), *Consolidation and Decentralization of Government Institutions* (Hargeysa: APD).

Creative Associates International (November 2011), '*Somaliland Civil Registration Plan*' (Washington DC: Creative).

Creative Associates International (2013), '*Somaliland Civil and Voter Registration Assessment*', funded by Danish International Development Agency (Washington DC: Creative).

Evrensel, Astrid, ed. (2010), *Voter Registration in Africa: A Comparative Analysis* (Johannesburg: Electoral Institute for the Sustainability of Democracy in Africa).

Hatchard, John, Muna Ndulo and Peter Slinn (2009), *Comparative Constitutionalism and Good Governance in the Common Wealth: An Eastern and Southern African Perspective* (Cambridge: Cambridge University Press).

Jhazbhay, M Iqbal D (2007), *Somaliland: Post-War Nation-Building and International Relations 1991–2006*, unpublished thesis (Johannesburg: University of the Witwatersrand).

Mohamed Farah (2010), '*An Analysis of the Somaliland Constitutional Court*' (Hargeysa: SORADI).

Mathieson, David and Robin Wager (2010), '*Somaliland National Election Commission: Report on the Preparation of the Voter Register, January to June, 2010*' (London: ERIS).

Pintor, Rafael Lopez and Maria Gratschew, et al (2002), *Voter Registration Turnout Since 1945: A Global Report* (Stockholm: International Institute for Democracy and Electoral Assistance).

Simkin, Paul and Paul Crook for the European Union (2002), '*Report on the Somaliland Local Elections held on 15 December 2002*', Delegation of the European Commission in the Republic of Kenya.

Somaliland.org (2007), '*President Rayaale statement on the issue of formation of the new political association*', 20 December. Translation by author.

Somaliland National Consultative Committee for Political Organizations (2011), Press Release, 7 June.

Somaliland Times (2012), '*Somaliland Parliament Wants Election without Registration*', 12 November.

Van Eck, L, S E Visagle and H C de Kock (2005), '*Fairness of Seat Allocation Methods in Proportional Representation*',ORION, Vol. 21, No. 2, pp. 93–110.

Wall, Alan, Andrew Ellis, Ayman Ayoub, Carl W Dundas, Joram Rukambe, and Sara Staino (2006), *Electoral Management Design: The International IDEA Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance).

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