Citizens' Dialogue:

Pre-Election Consultation Forums

On

Upcoming Local Council elections

TABLE OF CONTENTS

Executive Summary

The Local Council Election planned for 2012 represents a crucial aspect of Somaliland's continued transition to multi-party democratic rule which began in 2001, when a referendum on the constitution ushered in the adoption of democratic multi-party system of governance. It marks the 2nd phase of that transition and coincides with the legal opening up of the number of political associations that can compete for accreditation as the three national political parties allowed by the constitution.

Somaliland has a track record of holding regular multiparty elections in the past ten years. Four largely peaceful, free and fair elections were held since 2002, which contributed to Somaliland's own model of democracy and nation-building, peace and harmony in its society. But this progress has not been without its own challenges, chief among them which is the capacity and extent to which national institutions, broadly-speaking, and election management bodies specifically, facilitate constructive management of electoral process, particularly, electoral dispute management. An impressive democratic aspiration evident in the general population has been somewhat frustrated by persistent confrontations over successive elections. One of the lessons learned from the past election disputes is the importance of identifying controversial issues that must be resolved in advance of an election to avoid quarrel and misunderstandings. Thus a pre-election consultation will help to identify and remove contentious issues, which can generate conflicts, in a timely manner.

Somaliland needs to hold credible and successful elections not only to demonstrate the continued maturity of its political system and the consolidation of its democratization process but also to help in the national pursuit for international recognition.

Somaliland Non state Actors Forum (SONSAF) has conducted a nationwide consultation process from 26th February to 31th March, 2012 to appraise the electoral environment ahead of the upcoming local council elections in 2012. The objective of the pre-election consultation was to determine the major problems or obstacles that may affect the forthcoming local council elections, as well as, to generate appropriate strategies to address these constraints in order to ensure that free, fair and peaceful election is held in time. The consultation forums and focus group discussions were attended by an estimated 1000 participants from the different sections of the Somaliland society across all regions. They include traditional/religious leaders, women, youth, political parties and associations, civil society, legal experts, members of the House of Representatives, Guurti and government officials.

The 2012 Local Council Election is proving to be one of the most competitive elections since the adoption of multi-party politics in 2001. This is a reflection of the high stakes attached to this election, since it will determine the three legal and national political parties that shall exist in the next ten years. This also means that these successful parties shall be fielding candidates for both the House of Representative and Presidential elections in the next decade. It is also a reflection of the relative evenness of the electoral playing field as a result of opening up of the number of political associations that can compete in the upcoming election and the growing maturity of Somaliland's democratic experiment.

The report describes the political, electoral, civil society and media that reflect current politically charged environment. With little time remaining from the anticipated election date, important issues related to the elections remain unresolved. The term of office of the present local councils shall expire on 7th April; some new political associations have started complaining about the screening process and are threatening to take action. Civil society is mobilizing to provide civic /voter education and possibly election monitoring while continuing to operate in a difficult funding environment and relations between the private media and the government continues to be strained.

The consultation identifies a series of potential problems in the period remaining prior to the Local council election, which need to be resolved in good time by all responsible and relevant stakeholders. The most notable potential obstacles are categorized into the following four main headings (I) Legal Framework concerns, such as the Amendments of Law # 14 and 20, which affects the ballot paper design and polling station arrangement among other factors given the increased number of political contestants and candidates; (2) Electoral Process and Environment that include the absence of voter register and the culture of multiple voting, which could be compounded by inadequate voter education and (3) Election management and organizing bodies, which is highlighted by debatable capacity of both the Committee for the Registration and Approval of Political Associations (RAC) and the National Electoral Commission (NEC), shortage of funds, inappropriate election timing and security worries and (4) General Issues that include environmental factors and long standing disputes over the demarcation of electoral districts and regions.

The report also makes recommendations to all stakeholders including the donor community on ways to strengthen the electoral process in Somaliland, before the 2012 Local Council election.

I. INTRODUCTION

The Somaliland Non State Actors Forum (SONSAF) is a non-profit, nonpolitical and nonpartisan foundation established in 2008. SONSAF's mandate is to strengthen non-state actors to engage

in domestic and international policy dialogue and decision making. SONSAF focuses on poverty reduction, development, good governance, democracy, peace and security and other issues of importance to Somaliland.

SONSAF's past undertakings in Somaliland's democratization process include the mobilization, training and deployment of local observers and recruitment of polling station electoral conflict mediators for Presidential election of 2010, as well as, conducting a review of Somaliland's elections in the past ten years.

Though Somaliland has conducted and implemented four national elections that were regarded as free and fair by the international observers in the last ten years, the country continues to face persistent challenges in carrying out its elections.

Therefore, it is of national necessity to carry out consultations on how to rectify the shortcomings and weaknesses which were identified in the past elections and others that may emerge during the forthcoming local council elections in 2012. Past challenges include postponement of election dates, poor management of the election processes – delivery of voting materials, voter education, lack of clarity in the legal process, poor training of NEC regional staff, lack of independent conflict resolution system, and electoral fraud such as rampant multiple voting, among others. Such issues must be resolved in advance of an election to avoid errors and misunderstandings that can lead to conflict. The goal of holding a credible election is a must for Somaliland because the opposite namely failed or flawed elections would be too costly.

The objective of this report is to present the main obstacles, ideas for removing the obstacles, opinions and suggestions voiced in the contributions received from the nationwide participants during the consultation process. It is based on the comments made during the consultation process and includes issues raised in the regional forums where the elections have been discussed. The views expressed are those of the contributing individuals.

Usefulness of the Consultation:

Understanding the opinions and perceptions of voters about the issues and factors that can affect the upcoming elections is crucial, because it helps to examine the practicality of holding elections and creates support for the process.

The consultation process has created a platform for dialogue in the run-up to the 2012 elections by bringing together representatives of all the electoral stakeholders such as the National Election Commission (NEC), the Committee for the Registration and Approval of Political Associations (RAC), registered political parties and new associations, government

officials, Houses of Representatives and Guurti and civil society organizations to share information, foster good working relations, consult each other on possible legislative change and resolve administrative matters that may affect the contesting parties and holding of the upcoming Local Council elections.

The process has also facilitated the participation of all stakeholders nationwide, particularly, the voters.

As Somaliland heads towards holding Local Council elections in 2012, it is imperative that stakeholders agree or reach a consensus on what needs to be done to have a credible outcome of such an election as a basis of the acceptance of the results.

Consultation methodology

The consultation process started with Literature review on the past elections and the general political context of Somaliland, as well as, the preparation of the consultation tools and process.

The study team conducted consultative meetings with key stakeholders involved in the electoral process, including the NEC & RAC who are mandated to conduct and oversee the electoral process. Focus group discussion meetings were also held with the political parties and associations, government officials, Houses of Parliament, civil society organizations operating in the field of elections, the media, as well as, international organizations providing assistance for the forthcoming elections. Other key stakeholders include traditional/religious leaders, women groups, youth, local think tanks and legal experts.

One SONSAF team led by the consultant facilitated the two national conferences and the 8 focus group discussions (FDGs) held in Hargeisa, the capital. The consultant has also conducted the 10 one-to-one interviews with selective individuals of national stature. Two SONSAF teams have also visited all the five regions outside the capital and organized 17 consultation forums attended by participants from all the sectors of the society.

The consultation discussions were very lively and objective. Besides their contribution to the public debates, the participants were also given the opportunity to fill a six point questionnaire sheet, to identify potential obstacles that can impede holding the upcoming election, to reason their choice and to present solutions and recommendations for action to be taken in order to eliminate these obstacles before the Election Day.

The findings of the study are based on these consultations. The SONSAF team was mindful in ensuring that all relevant stakeholders are consulted and their views included in the recommendations of the consultation.

The consultation team was led by a local consultant, who also designed the tools for the consultation process.

Summary of consultation activities:

- Two national level forums each attended by average 150 participants: The 26th Feb opening conference in Hargeisa marked the first event and launch of the nationwide consultation process. The validation meeting on 31st March was the final step of the public consultation.

- 8 focus group discussions with average of 10 participants from 8 national institutions: Houses of Parliament/ Government/ Political Parties/ Associations/ NEC/ RAC/ CSOs/ lawyers, courts etc.

- 17 public forums held in all the regional capitals: Average participants were 23

- one-to-one interviews of the 10 key informant of national stature

- A questionnaire (6) was developed to guide and focus discussions. The questionnaire was filled by at least 33 institutions and individuals.

- A total of 1000 people were involved in the Consultation nation wide

- The consultations were conducted from 26.2.2012 to 26.3.2012

This report aims at providing a summary of the obstacles and possible solutions identified by the participants in the framework of the public consultation. Many interesting contributions have been formulated presenting areas of concern, as well as, a wide range of ideas for the way out.

2. Context:

2.1 Background

Since re-claiming its independence in 1991, the Republic of Somaliland has made remarkable progress in achieving relative peace and stability, setting up government institutions and holding credible multi-party elections.

Somaliland has successfully adopted a hybrid political system that fuses elements of traditional system and democratic constitutional design. The adoption of multi-party system tied relatively well with traditional consensus seeking approach that has deep roots in the Somaliland culture **(Jhazbhay, 2008).** Thus it can be said that the Somali traditions of discourse and negotiation have enabled genuine progress in Somaliland**.**

In the past ten years Somaliland has created relatively complex political arrangements which incorporate different interest groups and make concessions through inclusive policies based on multi-party democratic system **(Bradbury, 2008).** Besides managing internal politics, democracy was seen by many including the government as being in the interest of Somaliland's pursuit of international recognition, as well as, a way to deliver better public goods by using it to attract foreign development assistance and resources **(Harris and Foresti, 2011).** .

Somaliland's system of government is based on Presidential model of governance with all its branches of legislative, judiciary and executive. The legislative branch is constituted of an elected House of Representatives and a House of Elder (Guurti), which is composed of traditional leaders and is not yet elected. Somaliland has also made significant progress in establishing many formal institutions characterized by a constitutional democracy. These institutions include the Human Rights Commission, Independent Electoral Commission, the Auditor-General, the Anti-corruption and Quality Control agencies and a host of other regulatory agencies **(Bradbury, 2011).**

The Constitution guarantees both the civil and political rights of every citizen. It guarantees the democratic values of human dignity, equality and freedom. Somaliland's Constitution is unique in that it includes justifiable socio-economic rights in its basic human rights provisions. The inclusion of socio-economic rights as justifiable rights is an attempt to introduce a substantive element to rights and not merely a procedural one. Therefore, the government is constitutionally obliged to ensure the progressive realization of these rights **(Constitution, 2001).**

This remarkable progress was made possible primarily through the active involvement of a vibrant private sector, non-governmental organizations (NGOs), civil society, the participation of traditional leaders, and large inflows of remittances from the Somaliland Diaspora.

Though Somaliland has achieved a lot in terms of nation building, the country is far from operating on the basis of strong state institutions (**Bradbury, 2011).** Power and political interests, which are driven by the clan-based social orders and norms, undermine the performance of formal institutions. The dominance of socio-political and economic interests in and over formal institutions and systems of accountability has a particularly negative impact on the implementation of women's rights in Somaliland **(Hoehne, 2011).**

It is also worth noting that while some effort was made towards achieving gender equality and empowerment of women and young people, their representation in high echelons of decision-making still lag far behind.

Somaliland has a vibrant civil society and Diaspora who have been playing an important role in the democratic process and a relatively free, lively and critical media, though it finds itself at odds with government occasionally.

Economically Somaliland is struggling. Livestock is the mainstay of the Somaliland economy, but the sector has not been as productive during the last fifteen years as in the past. This is mainly due to environmental deterioration, recurrent droughts and lack of investment and suitable management in the once productive rangelands. The livestock production and trade was also crippled by a nine year import ban (ended 2009) on Somali livestock imposed by Saudi Arabia and other Gulf states in response to health scares about Rift Valley Fever. In 2009 the livestock export trade accounted for 60-65% of GDP with 60% of the population directly or indirectly dependent on livestock and livestock products **(Arteh and Dualeh, 2011).**

Poverty and unemployment are widespread in Somaliland, although there is a thriving private business sector, particularly, in the construction industry **(UNDP, 2006).** Currently the economy is highly dependent on money sent home by members of the Diaspora. Duties from Berbera, a port used by landlocked Ethiopia, and livestock exports are important sources of revenue. However, a seven year livestock export ban imposed on Somaliland in 2000 and recurrent drought spells had taken their toll on the livelihood base of the large nomadic communities of Somaliland.

Somaliland's standing territorial dispute with Puntland over the allegiance of regions of Sanaag and Sool (which both entities claim) remains the bone of contention (triggering point) for the potential conflict between Somaliland and Puntland. The Somaliland state clearly refers to the colonial boundary between itself and Somalia (particularly, Puntland) as an official line separating the two countries. However, due to the spread of the resident clans across both sides of the divide, the boundary remains fluid and tension ridden. This state of affairs continues to draw the two countries to regular armed confrontation, animosity and tensions.

This border dispute and localized struggles over resources means Somaliland continues to be susceptible to conflict. Somaliland has also been negatively affected by the conflict in South-Central Somalia as the three vehicle bombs in Hargeisa in October 2008 and persistent threats by Al-Shabaab show.

However, despite creating an island of relative peace and stability in a volatile region, the government of Somaliland has not yet been officially recognized by the international community. The reluctance of the international community to extend formal recognition of sovereignty to Somaliland creates a great disadvantage for the national economy primarily based on unfair terms of trade. On the one hand, local entrepreneurs face difficulties obtaining

access to international institutions and norms that regulate economic opportunities. And on the other, it discourages international investment, whereby foreign businessmen cannot convince international insurance companies to write policies to indemnify their operations and protect assets in the country. Lack of international recognition also disqualifies Somaliland from entering into formal trade agreements with foreign governments and receiving multilateral and bilateral financial assistance from international institutions.

2.2 Political Environment

Somaliland's enduring stability and democratization process allowed for reasonably free and fair elections and the formation of a multiparty legislative system. Among key milestones in the democratization process so far was the adaptation of new Constitution in 2001, local elections in 2002, and presidential and parliamentary elections in 2003 and 2005 respectively **(APD, 2007).** Further presidential elections were held on 26th June 2010 with a smooth transition of power to the opposition and the inauguration of a new President.

The majority of the politicians and citizens had accepted and articulate the notion that democracy is the name of the game and they have to play by the rules of democracy. However, this notion is not fully entrenched in Somaliland. The national political system is still characterized by a pervasive culture of sub-clan and clan rivalries, a proliferation of personality-driven political parties and a fragile justice and electoral conflict resolution system **(Yusuf, 2010).**

Somaliland continues to face significant challenges in holding elections. It has become obvious that whenever election dates draw near or a possible change in government is in the offing; there is always public anxiety about political uncertainty and violence, doubts as to the free and fairness of elections, and lack of trust among the political contestants. Though there is no fear of a return to the chaos of the early 1990s, serious attempts need to be made to inculcate a sense of commitment to democratic principles and fair play at all levels.

Somaliland's culture of skilled negotiation and compromise may have contributed to the lack of progress in institution-building and application of the constitutional law. The continual failure to hold elections on time, (particularly, the last Presidential elections) has constantly created political crisis in Somaliland, which in turn encouraged the tendency of solving these crisis through negotiations and Memorandum of Understanding (MOU) among the political contestants rather than referring to the constitution **(Yusuf, 2010).**

Somehow, the political class has established a trend of by-passing the constitution whenever, contentious issues emerge and instead use consensus to solve political issues and come to an agreement. This lack of attempt to define and delineate issues under proper and clear

constitutional perspective by the government and the opposition parties has made the constitutional law and public institution redundant and immature.

Somaliland's democratization process has currently moved to a new stage but also faces a stiff test. The upcoming local council elections are the second since the transition from clan-based politics to multiparty democratic politics in 2001, which are currently, scheduled for April 2012. Their importance cannot be over-estimated. These local council elections need to produce credible, acceptable results, not only in order to boost the country's democratic credentials, but also to strengthen the framework for addressing and resolving potential conflicts that may arise from the opening up of political space for more associations.

Somaliland also needs successful elections to demonstrate the continued maturity of its political system to lead the much sought after international recognition.

In short, given that Somaliland is a poor and fragile country recovering from the affects of conflict, its achievement in holding four elections must not be underestimated. This success however must not be taken for granted and it is important to recognize the shortcomings of the current electoral process and its fragility. Whilst the system has significant stabilizing factors and offers an invaluable mechanism for peacefully managing political competition and change, the electoral process also has the potential to increase political competition and tensions, and even to trigger conflict.

2.2.1 Political Parties

There are currently 15 political associations and three officially and legally recognized political parties registered with the Committee for the Registration of Political Association & Approval of Political Parties (RAC). Nomination for candidacy requires political party membership; thus there are no independent candidates. Somaliland's political parties, as well as, the new political associations are characterized by lacking in ideology, thus leaving the electorate to choose between parties and associations, not on the basis of policy positions, but on the basis of individual personality, cronyism, clan, sub-clan and regionalism, among other things. Many political analysts contend that party politics is typically dominated by financial motivation and personal gain. Parties have generally been accused of not practicing internal democracy, to the extent that candidates are nominated or replaced at the will of party leaders. There is also widespread recognition that party leaders resort to the use of clan appeal and divide and rule tactics.

In any democracy political parties are at the centre of political life. They play a pivotal role in founding and consolidating democratic systems of governance. Attempts to build sustainable democracies without viable political parties have failed.

It is generally agreed that the Somaliland political parties are still underdeveloped. All existing parties and the new associations lack properly registered membership, fee paying lists and have very poor constituency maintenance strategies. The absence of effective relationship between the political parties/associations and the society will be a challenge to the growth of democracy and the maturity of the political parties in Somaliland. This would limit the financial capabilities of the parties. It also means lack of public platform to express their political views and exercise their political freedom, which will have a profound impact at the societal level.

The growing lack of democracy and the leadership monopoly within the existing political parties has already resulted in the mistrust and the loss of public interest in the old political parties. This has manifested in an apparent slow dissolution of the existing political parties. The way UCID party (the third largest party) internal conflict played out and resulted in the desertion of major segment of the party officials and supporters was a setback for democracy in Somaliland.

Political parties generally spend huge amounts of money to create and re-create supporters during elections periods. This has negative effect on the campaign ethics. In order to take part in elections the political parties/ associations are forced to recruit fresh supporters during every election; and of course they will do anything to win their vote, even if that means bribing the voters and breaking the law.

The political parties' lack of supporter retention capacity between elections leads to continuous shifting of allegiance by both the voters and the politicians. This has encouraged corruption and the mismanagement of campaign funds.

Party agents in polling stations and collation points are expected to serve as witnesses and safeguard the electoral process; however, they have often been co-opted by opposing parties or been ineffective in their roles because of inadequate training.

2.2.2 The Media

Somaliland's media environment is expanding, with media outlets playing an increasing role in electoral activities and in commentary about electoral reform. However, there has always been a trend of confrontation between the incumbent government and the private media, and the current government is no exception.

In general, the written press is thriving with new papers emerging regularly and an overall improvement in quality; however government-owned media still dominate particularly the radio, which remains a government monopoly. Private media outlets are characterized as being owned by influential individuals, some with political interests. The legal framework provides for equal coverage for all contesting political parties, political associations and candidates in the

public media. Enforcement, however, has been problematic, with civil society groups that monitor the media confirming public media bias to the benefit of the incumbent government and its allies.

However, the quality of the media remains underdeveloped in general; and although the newspapers and TV stations cover various types of news including political disputes among the key institutions, they do not provide adequate analysis that might help people make sense of and understand the significance of key issues.

2.2.3 Civil society

In Somaliland the civil society organizations (CSOs) emerged as a result of a need for filling in the gap created by the collapse of the Somalia state in 1991. By definition the CSOs are a highly diverse category of actors, whose common denominator is that they are organized elements of society that exist outside the realm of the formal government or state. In the Somaliland context, CSOs include NGOs, community-based organizations (CBOs), religious groups, traditional authorities, self-help groups, women's organizations, human rights groups, as well as, arguably the private sector. However, CSOs are sometimes undistinguishable from the state or formal government sector due to both the immaturity of the state structures and the ease with which individuals can join either.

Since the establishment of the Somaliland government line Ministries in the early 1990s, civil society organizations have provided complementary, supplementary, or even alternative ways of delivering basic services to the people. They operated across the spectrum from emergency relief, through rehabilitation and reconstruction, to development and undertook many of the functions normally attributed to local and even national government. In addition, they have catalyzed public support for various advocacies of social, political, and economic reforms.

Though they have contributed a lot to the national reconstruction process, the civil society organizations (CSOs) face a number of challenges in effectively utilizing the policy space made available by the national democratization process and the context of a resource poor government. *This includes a limited degree of knowledge and skills required in policy analysis, limitations in consensus building and citizen participation, packaging of policy messages and thematic research.*

However, civil society organizations (CSOs) have been improving their effectiveness in recent years. CSOs have been a crucial pillar of the transition to multi-party democracy in Somaliland, both as advocacy groups and practically, as demonstrated by their role as domestic observers in the elections and undertook civic education campaigns in the run-up to the elections. The Academy for Peace and Development (APD) and Somaliland Non state Actors Forum (SONSAF)

have played an important role in advancing public dialogue about the national democratization process.

2.2.4 Donor interest:

Somaliland has attracted international interest and support, not only because of its enduring stability but also because of the continued success of its democratization process. Since the successful holding of the 2010 Presidential election a number of EU countries (Britain, Denmark) have committed large amounts of resources to Somaliland to improve governance, stability, democracy, and social services.

The US government has also adopted a 'dual track" policy, which means engaging regional entities such as Somaliland at one level and continued support for the transitional federal government at another level. This basically means more resources for Somaliland and possible development type of support **(Bradbury, 2011).**

2. 3. Electoral environment

The Somaliland constitution defines a political system that is based on a democratic multi-party structure, in which the head of state, parliament and district councils will be directly elected by the public through a secret ballot (**Constitution, 2001).**

The overall goal of the upcoming 2012 electoral exercise is the selection of a body-the local councils--with a membership reflective of the groupings and opinions of the Somaliland people. Successful accomplishment of that overall goal will require some measure of success in addressing and eliminating the obstacles identified in this consultation report.

In 2011, Somaliland took a significant step towards establishing a fully functioning democratic system by legally removing the restrictions on the number of political associations that can compete for accreditation as the three national political parties. In August 2011, the Somaliland Parliament passed an amendment to law # 14 allowing any Somaliland citizen to form a political association according to established rules. This was done after nationwide consultations that demonstrated the popular public support and desire for opening up the political space.

Some of the reasons cited by the supporters of the amendment include; the absence of internal democratic culture of the existing political parties and the domination of the few top leaders. The congresses of these parties have also become undemocratic, with the grass-root membership having no role or influence in the parties' policy and decision-making processes. Furthermore, instead of overcoming clan divisions as reasoned by the Constitution, the current

parties are known to have perpetuated and facilitated the entrenchment of clan political interests.

The constitutional limit of three parties came in 2002, during the formation of Somaliland's multi-party system, when more than ten parties had registered. The limit was originally formulated to avoid region and clan-based parties and a development similar to chaotic Somalia.

In January, 2011, the House of Representatives has also passed a new amendment to Law # 20 of the Somaliland Constitution, which modified the electoral system for the local Council elections in 2012. The most significant amendment was on the article addressing the technical and organizational aspects for elections. This has changed the party list voting to open list voting system for the upcoming local council elections.

The infusion of additional candidates by the creation of new political associations in this manner presents technical challenges to the political association registration process and candidate listing in the electoral process. For example, in Hargeisa there would be 450 candidates competing for 25 seats (based on 18 political groupings), posing difficulties not only for ballot paper design and accommodating the ballot papers in the ballot box but also for voters to be able to distinguish among and select their preferred candidates. Ideally the ballot paper design should include not only the candidate name but also their photograph, party affiliation, and candidate logo, especially to assist illiterate voters. The National Electoral commission (NEC) will have to take ballot paper size into account for its training of polling officials so they can explain the ballot paper to voters, ensure that administrative procedures and even size of secure envelopes are proportional to the size and complexity of the ballots.

However the large number of candidates creates a dynamic and opportunity for more individuals to be engaged in the political process and involved in efforts to respond to the needs of Somaliland voters and put forward creative solutions to address problems. The election law allows for contesting political associations and parties to have an agent/ witness per polling station, enabling an important aspect of international best practice. However, the very high number of political associations could pose logistical challenges for polling station officials to manage the number of people inside a crowded polling station. NEC should ensure adequate information is shared with parties and that election officials receive training on how to meet the double challenge of ensuring that voter rights are respected while handling the right of parties to have observers present.

According to NEC, there are going to be more than 6822 candidates contesting the 370 seats in the legal districts nationwide, if all the current 18 political associations remain as contestants.

Anyway, there is lots of significance attached to the 2012 Local council Elections because of a number of important political and electoral factors that include, the fact that it coincided with the opening up of the number of political association that can compete in elections, which will validate the three political associations that post the best results to be recognized as the three legal and national political parties. Furthermore, the accredited three parties will have a mandate of 10 years and they will be the only legal parties that can contest Somaliland election in next 10 year period, which includes the House of Representatives and Presidential elections. Accordingly the election is expected to be highly contested and emotionally charged.

2.4 Preparation for the Election:

The much delayed local council elections gained an impetus in August, 2011, when the Somaliland Parliament passed an amendment to law # 14 allowing the formation of new political associations, which put to rest the national debate over the number of legally allowed political associations that can contest national elections. Soon after that the President appointed the Committee for the Registration and Approval of Political Associations (RAC) in October 2011.

According to legal and constitutional experts RAC has the mandate to a) formulate its own bylaws and b) to develop regulations for vetting political associations and parties in fulfilling the requirements for obtaining accreditation as stipulated by the law.

By late 2011, RAC issued temporary license to 15 new political associations who fulfilled the initial qualification criteria which included the payment of registration fees of 25, 000 USD.

Since then RAC started its assessment and vetting mission to oversee and study the political association parties' programmes and activities in fulfilling the requirements. On 7th March, 2012, RAC held a meeting with all political associations and parties and presented them with the final eligibility criteria and also informed them that the final list of successful political associations would be announced by April 20.

The RAC final requirements entail that a political association must have:

1. 1000 registered members in each of the six regions of the country who must be,

a) Registered as voters by the National Electoral Commission.

b) Availed at the party's regional offices for a head count at regional party offices.

c) Produce their voter's card during the head count

2. Each party must hold its 1st General assembly- the GA must

a) Elect/select a Central committee, Executive committee, party leader

b) Have a party structure

c) Have a party constitution and political program

d) Provide RAC with an audio & visual proof of all component 2 requirements

A RAC representative must be present at each of the 18 political groups' General assembly's that must be held from 15th March to 15th April 2012.

RAC delegations will also expected to assess electoral matters such as political engagement, levels of participation, public awareness issues and party campaigns on regional and district levels.

Meanwhile, the National Electoral Commission (NEC) is awaiting the outcome of the RAC vetting process, particularly the list and number of the final contestants, in order to start planning for holding the upcoming election.

3. FINDINGS OF THE CONSULTATION:

The findings and recommendations contained herein reflect the public view that democratic progress in Somaliland can continue to maintain its evolutionary course and that all stakeholders have a role to play in order to ensure transparency and peaceful conduct of the electoral process.

The consultation identified many challenges that can impede or disrupt the upcoming elections, including legal limitation and ambiguities, increased number of political contestants, large size of candidates, deficit in the capacity of the election organizing bodies, technical constraints, the limited infrastructure, public low literacy levels, possible delay of the election day and an environment that is characterized by intense clan/sub-clan competition and multiple voting during Election Day. There are also complex political, securities and geographical divides in the eastern regions of the country.

In the following section of the report, the identified obstacles and their possible solutions are grouped into four categories with the following headings: legal frameworks, electoral processes and environment, electoral management and organizing bodies and general issues.

A. Legal frameworks:

1. The Amendments on **Law No. 14** allowed the formation of any number of Political Associations (PAs) to contest the upcoming local council elections, as long as they meet the eligibility criteria set up by RAC. The current number stands at 18 comprising 15 newly registered political associations and the existing 3 political parties. This is an increase of 5 times the number of political parties that contested the last elections and shall create new technical as well as, managerial challenges for the election.

2. The amendments on Law # 20 has changed the voting system from party list to Open list

Article 22 (1) of the new amendment reads: "*Each party/association which wants to participate in the local election should submit to the National Electoral Commission the list of its selected candidates for the elections based on the number that each district is allocated and written in serial number. The National Electoral Commission should give each candidate a unique logo*"

The combination of these two amendments have implications for the technical organization of the electoral process, for example; as things stand in early April the number of candidates for the Hargeisa (Capital) electoral district would be 450 and nationwide total would be 6822.

- It will affect the ballot paper design and size of ballot boxes due to the need to accommodate all these candidates

- The polling stations should also provide space for voters, 5 polling stations officers, 18 party/associations agents, and both local and international observers. This will add complexity of the vote count (timing and transparency)

- Ability of voters (particularly the elderly and the illiterate) to located candidates of their choice on the ballot paper.

- Time required to count and tally election results

- May cause delay in announcement of results

The timely announcement of results is crucial, since stakeholders may get suspicious if the result takes time. Thus delays would lead to uncertainty and a potential for conflict.

3. In Sept, 2010 the House of **Guurti extended the term of office for the Local Councils** for 1 ½ years, which is coming to end on 7 April, 2012. There are public concerns that a new extension may be organized which would automatically prompt postponement of the election date.

4. According to some consultation participants the **Amendments on Law # 20 stipulate** that the period of operation of the new Political Associations is 6 months to be set by RAC after the registration of the PAs. This means that Local Council elections should be held within 6 months after issuing of permits to PAs, which does not seem possible currently. Other participants differ with this interpretation indicating lack of clarity in the electoral law.

5. The Somaliland President has forwarded a draft law on **women and minority quota** to the House of Representatives on 14 March, 2012. Women and minority groups have been campaigning for establishment of quota seats in the national institutions for a long time and they would like to seize the opportunity offered by the upcoming elections. If they miss this chance it will probably take another ten years for a similar opportunity to present itself. Therefore, this may introduce a new factor into forthcoming Local Council elections.

6. Some analysts put forward a scenario whereby **4 Political Associations get the same number of votes** in the final result and wonder whether there is a legal provision for such a situation. Some stakeholders argue that the election will be repeated, since there should be three winners only. However, this needs legal clarification, though the scenario may seem farfetched.

7. Legal experts have raised the issue of the legality of RAC's screening criteria for vetting the political associations and parties, because they argue that these criteria are not tuned into regulations derived from the electoral Law governing the mandate of RAC. They further argue that the political associations can challenge these criteria thus creating discord and chaos.

Possible solutions:

1. A significant number of participants, particularly, members of the House of Representative, most political associations and parties and public figures recommend that the amendments on **Law # 14 & 20** should be kept as they are. They argue that these amendments came as a result of popular public demand and a protracted national debate and consultation. On the other hand, they recommend the following ways to reduce the technical challenges presented by the amendments:

- **Increase the number of polling days:** The proponents of this suggestion included the Chairman of the High Court.

- Increase the number of **polling stations**

- Use 18 page ballot paper: **one page per PA, which would be given to each voter once he/she enters the polling station**

Each of these suggestions has its draw back that includes increase in costs and capacity of election management but the advocates argue it is the lesser of two problems.

2. Another significant percentage of the consultation participants suggested the r**e-amendment of Law # 20** to allow **party list** voting system. They think this is the easiest way to solve all the technical challenges presented by the closed list system. They also add that most of the developing countries use this system because it costs less.

3. Other participants proposed to hold a vote of **competition** among the political associations and parties in order to choose the 3 national Political Parties firstly and then later hold the local council elections once the 3 legal and national political parties are identified. All agree that this entails holding **two elections** which are equally costly.

4. Some legal experts proposed the e**nactment of regulations** from Law # 20, which will allow distribution of the 25 seats of the capital Hargeisa to its (5 or 8) constituent districts. This will reduce the number of candidates from 450 to about 90 per district, which is a manageable proportion. However, others assert that this means the enactment of the law of the capital, which was in a draft form for a long period, because the political leaders could not agree on the number of the seats that each district shall receive.

5. In order to avoid a lengthy extension after the end of their term on 7 April, 2012, some participants proposed that the President **disband** the local councils and appoint caretaker Mayors to hold things together till the elections. However, others dispute the legality of such an action and propose a short extension instead.

6. All agreed that there is a need to harmonize, complete and clarify the Electoral laws, such as, the local council term expiry date of 7 April 2012; the scenario of 4 political contestants getting the same vote and the stipulation of holding elections within 6 months after issuing the certificates to the Political Associations – this is **article 5 of Law # 14.**

7. Most participants supported the idea of enacting, promoting and incorporating the **Women and Minority quota in** the upcoming elections. Some legal experts suggested the quickest way of achieving this objective is to enact a regulation from Law # 20, which would instruct the Political associations and parties to reserve and include the agreed quota for women and minorities in their candidates list.

8. One of the best ways suggested for reducing the number of political associations is for RAC to apply the PAs **eligibility criteria vigorously**, particularly, the verification of the 1000 supporters from each region. Many participants believe that this would a big challenge for most PAs, thus the best hope for disqualifying the bogus associations.

10. Some participants proposed that RAC must use its **mandated powers to mediate** among the PAs, help them practice internal democracy and assist them to merge; while other participants' disputed this interpretation of the RAC's mandate.

11. It was also suggested by some participants to reform the law to include **a partial re-fund** of the registration fees to PAs that fail to qualify. The intention here is to reduce the acrimony and discord that could come from disqualification.

12. Most participants agreed with the formation of a **National level Task Force** to coordinate the response to eliminate obstacles that can impede the upcoming elections. It was further suggested to activate and constitute in time the **Electoral Monitoring Committee**.

B. ELECTORAL PROCESSES & ENVIRONMENT

1. One of the major hurdles confronting the upcoming election is the **absence of a voters register.** The existing voter register has been discarded due various discrepancies that prompted complaints and rejection by major stakeholders. The **lack of voter registration shall lead to increased** double or multiple voting, encourage non-national and under-aged voters, tempt organized electoral fraud and ultimately create widespread disputes that can lead to disorder.

2**. According to the 'theoretical' electoral cycle and calendar, Somaliland is expected to hold Holding four mostly overdue elections** in the coming four years, these include the local council elections in 2012, the House of Representatives in 2013, the House of Guurti in 2014 (possibly) and the third Presidential election in 2015. The questions is can Somaliland afford to hold these elections financially, socially and politically. Many responds believe this to be a big burden on Somaliland and may derail the democratization process rather than enhancing it.

3. Most of the respondents believe that the large number of clan/sub-clan **based political associations is a recipe for** negative competition in elections and could easily lead to socio-political divergence and conflict. It is hard to discern any substantive differences among the 15 new political associations, as well as, the existing three political parties. It has also come apparent to the public that many of the new political associations are merely platforms for individuals gambling for a political berth in the upcoming local council elections. The overwhelming majority of these political associations, as well as, the past existing political parties lack internal democracy and structures, resources and permanent membership. While several held party congresses in the Capital Hargeisa, most groups have no grassroots or regional influences and the overwhelming majority is sub-clan and personality based.

4. Inadequate Voter Education in a social context of **high national illiteracy rate** is bound to hamper effective exercise of rights by citizens. The consultation noted that civic and voter education remains one of the biggest challenges that the National Electoral Commission (NEC) has to deal with. During the consultation exercise there was no election-related awareness activity despite the imminence of the polls and all the changes that have been included in the amended Electoral Code, particularly, Law # 20 and 14. Both the NEC and civil society organizations which would be normally expected to be involved in such programmes suggest the lack or unavailability of funds as the main reason for this shortfall. But the Consultation noted the lack of clear planning and vision in this regard.

The consultation further observed the low level of information and awareness about the ongoing electoral process in the country. The majority of citizens in the capital Hargeisa, for instance, seem to have just a rough idea on the status and progress of the electoral process. The situation is worse in the rural areas where communication means are inexistent or poor, and the rate of illiteracy very high.

5. Many participants noted that lack of transparency and a **perceived manipulation** of the electoral process by the managing bodies could create a crisis of **Legitimacy of election results**. The rejection of the results by significant stakeholder could lead to conflict.

6. The incumbent governments have been always accused of unfair **exploitation of national assets** for their own political ends and the current government is no exception. There have been recent demands by opposition parties and new political associations for investigation of alleged corruption by high government officials and a "leveling of the playing field" by the government. This includes the removal of bias in **public media** coverage of the news. Some political associations complain about **unbalance in "campaign" coverage and favoritism for** government linked political associations during the verification exercise.

7. A number of **privately owned newspapers and TV stations** exist, but they struggle to remain financially viable and also face intermittent government harassment. However, some independent papers and TV stations have, at times, taken extreme and inflammatory positions. Therefore, there exists the possibility of provocation of contesting parties by **the private media.**

Possible Solutions:

1. In the absence of a voter register most participants proposed that NEC must establish effective **controls and deterrent against irregularities, which include the application of the law against electoral fraud, such as, double voting.** People should understand clearly that double voting is a crime. It was also suggested the deployment of an **indelible ink** that can remain

effective for days. Marking the fingers of persons who cast their ballot with indelible ink is one device employed to check multiple voting. It is noteworthy that the brands used in past elections were not highly indelible. Thus, NEC officials concede that the ink is neither completely indelible nor fool proof and has therefore usually tasked Somaliland voters to be on the alert for those who might want to abuse the system.

Some participants have suggested the use of local government identity cards or the civil register, but this will marginalize most citizens that do not have local council IDs, particularly, the rural people.

Yet others proposed the exploration of a **traditional voter registration system; which means that Dia-paying leaders such as,** Aqils verify the identity of the voters. However, this was dismissed as both impractical and more importantly, unfriendly to gender equality, since the Aqils probably know their men folks more than the female members of the sub-clan.

2. Many participants advocated for **combining elections,** since the country cannot afford to hold yearly elections. The proposition is to hold two elections at a time, particularly, the Parliament and Presidential elections, which some legal experts believe, is the best combination. They argue that the local council election needs to stand alone because it deals with the accreditation of the new political associations on regular basis.

3. Most respondents believe **that a stringent application of the laws governing the political associations** could be the only way of curbing the proliferation of sub-clan or individual led political associations. Most participants spoke strongly and passionately about the need for **both NEC and RAC** to be independent, impartial, transparent and competent in order to reduce any perceived biases, unfairness or injustice. This will help reduce the probability of these numerous clan/sub-clan based political organizations creating costly and pointless problems. Another area which requires a concerted effort from RAC is the promotion of the **internal association and party democracy**, particularly during the selection of party candidates, which needs to be held in a fully democratic manner, in order to avoid conflict and internal unrest.

4. The majority of the participants expressed that there is a pressing and crucial need for the implementation of civic and voter education about voting procedures and the importance of voting. This includes an early and persistent awareness raising campaign throughout the regions and districts to educate people and prevent illegal behavior and misconduct during elections. Such education campaigns would preferably be conducted by the NEC, and non-governmental organizations operating in the fields of the elections, as well as, political parties.

The consultation noted that civil society organizations in Somaliland are facing particular challenges due to the lack of organizational capacity and inadequacy of resources. All the CSOs

that the consultation teams met expressed their willingness to take an active part in the ongoing process through awareness campaigns for voters, election observation and other activities, including advocacy for a greater representation of women in decision-making institutions such as the government and Parliament. However, **civil society should be proactive** in undertaking voter education, denouncing violence and participating in election-related conflict-resolution programmes.

5. The **Government** should demonstrate both **political and financial commitments** to holding the election and demonstrate goodwill for all stakeholders. The government also needs to actively promote good governance and democratic principles and refrain from misuse of state resources, such as using public assets for partisan political ends. It should ensure that the **Public media** undertake their legal responsibility to provide equitable, impartial, and balanced coverage of the election processes and campaigns.

6. In the wake of recent friction, it is vital for a mutual respect to be established between credible private media and the government. **Private media** should desist from provocations during election process and ensure that coverage of the election campaign is unbiased. Inflammatory and biased reporting can and will ignite simmering tensions between different competing political groups.

C. ELECTION MANAGEMENT (ORGANIZING BODIES)

1. Election experts express concern about the lack of adequate and neutral **legal recourse** for Political Associations during the vetting process by Committee for Registration and Approval political associations (RAC). They cite a number of situations whereby legal difference of opinion can arise between RAC and the Political parties and Associations, these include;

- If a political association mobilizes 990 supporters in a regional capital and falls short by 10 people during the verification process would RAC completely disqualify this PA? If the answer is yes! Where can the PA complain to?

- The PA that failed to qualify can **demand the full 6 months provided by the temporary license for preparation** to re-organize itself. How would RAC respond?

- RAC's criteria for vetting PAs include that the required 1000 regional supporters should be **"registered as voters by the National Electoral Commission"** with **voter IDs**, which may have been cancelled (or not cancelled) with the voter registration. There is an argument for both ways.

- Some legal experts raised the question of whether **RAC has the mandate to disqualify existing political parties, for example,** if the political parties do not follow and practice their bylaws and internal democracy or fail to hold their congress in time.

 2. A major constraint would be the lack of **neutral electoral dispute resolution system** and complaint procedure and period. Justice is key to just outcomes. It has become evident that effective electoral dispute resolution approach is integral for free and fair elections in developing countries.

3. Funding shortfall for election is noted by many participants as a general obstacle to holding credible elections. Somaliland is a resource poor country, which depends on international donors for most of its development programmes. Various crucial facets of the electoral process depend on adequate funds; these include voter education, procurement of good quality indelible ink, training election management personnel, as well as, the delivery of polling station materials on a timely manner.

4. There are always public concerns about **security problems** during elections. Some participants have raised the issue of a possible **police bias** and the need to **create the minimum security conditions conducive to peaceful and competitive elections.**

The security situation is of a particular concern in some eastern parts of the country as a result of a longstanding dispute between Somaliland and Puntland over the regions of Sool and Sanaag and the recent hostile activities by Sool, Sanaag and Cayn (SSC) insurgents in the area.

5. One of the critical issues raised by most of the stakeholders, particularly, the new political associations is the timing of the Local council election. Delaying the **date of election** and continues postponement can cause major political upheaval. According to some participants, the upcoming election should take place six months from the date of issuing certificates to the new political associations according to relevant provisions of the Constitution. These political associations argue that waiting will cost them financial and supporter losses, which they cannot afford.

6. The other major public concern in the countdown to the polls is both NEC and RAC's capacity to deliver a free and fair election. Deficiency in the skills, capacity and conduct of the staff of both organizations could lead to p**oor management of the election processes which include;**

- Lack of **transparency** by both NEC and RAC

- **Absence of controls against irregularities**, misuse of discretion and tampering by NEC

- Inadequate **enforcing and application of vetting criteria** for approval of political associations by RAC

- Imposition of **irrelevant screening conditions** on the new political associations by RAC

- **Poor logistics** and lack of timely information for local election officers on administering polls By NEC

7. **Poor collaboration between RAC & NEC would cause unnecessary confusion and mix up.**

8. **Poor coordination** among all relevant stakeholders would create misunderstanding.

Possible Solutions:

1. & 2. The consensus among participants of the consultation is that the Committee for Registration of Political Associations and Approval of Political Parties (RAC) should prepare a **credible legal recourse** for the political associations during and after vetting process. This includes clarification of the legal process which RAC is deploying for the vetting purposes. There should not be any doubt as to the legality of RAC's screening processes. Furthermore, both NEC/RAC could establish conflict mediation panels to prevent and resolve conflict during the electoral process, in partnership with political parties, civil society organizations, and other relevant actors.

Dispute prevention can be achieved through the following mechanisms:
- A widely disseminated relevant electoral laws and code of conduct, endorsed by stakeholders;
- A national conflict management strategy and implementation body;
- Consultation with political parties and other stakeholders;
- Unambiguous and clear legal instruments; and
- Voter and civic education.

Dispute resolution can be achieved through:
- Effective enforcement of the electoral laws and code of conduct;
- Inclusive stakeholder committees/bodies at national and lower levels; and
- A cadre of neutral mediators trained in conflict management and resolution skills strategically deployed during the election cycle.

Given the relatively short time left before the elections, creation of an entirely new mechanism to address election conflict is likely not feasible. Suitable existing mechanisms should therefore be e revitalized and/or tailored to meet the needs of the current environment.

On the other hand, the participants asserted that NEC & RAC should **ensure compliance with political party electoral guidelines.** RAC should ensure that political parties comply with the

requirements of the Constitution and electoral law, including in regard to adherence to a party's own constitution and internal democracy. Any failures to comply should be made public and immediately and effectively addressed.

3. The participants noted that Somaliland remains **dependent on international donors** for financing its elections, which is unsustainable in the long run. All agreed that it is time Somaliland started funding its own elections and should gradually i**ncrease national budget allocations** for the elections. Many participants also suggested raising funds from the national business community and the diaspora.

4. It was recommended that the **police should work closely with NEC** to prevent and respond to violence and illegal issues arising during the electoral process. This should be undertaken in a comprehensive and impartial manner. Police should be sufficiently resourced and trained for them to play an effective role in the elections. Orientation programs should be organized for security personnel and security measures increased in collaboration with community elders, religious leaders, youth groups, women groups, business people and, civil society. Electoral offences should be properly investigated and submissions for prosecution should be made in a timely manner.

5. The participants advocated that **the election date** be established on a consensual basis, with thorough consultations of all significant stakeholders and actors. More than a mere political decision, the date must be based on technical parameters on the ground and all the relevant legal requirements in order to establish a genuine timetable for the 2012 elections.

6. All stakeholders consistently identified **RAC and NEC's impartiality, independence and competence** as key requirements for holding a fair and free election in 2012. Most of the participants agreed on the following recommendations:

- NEC & RAC should take appropriate steps to orientate, train, and effectively supervise all election staff.

- NEC & RAC should be **transparent in their work**, by providing full information to election stakeholders in easily accessible formats.

- NEC & RAC should be mindful of gender balance in all aspects of election administration, including at the highest levels.

- NEC should plan on e**arlier preparation** of the Logistics including site preparation, transport and other logistics

- NEC should undertake a review, based on stakeholder consultations, of the effectiveness of voter education conducted by parties and CSOs with the public funds it supplies to them, with a view to ensuring transparency and accountability.

- RAC should establish clear guidelines and an open, timely, and efficient process of accreditation of the political associations and parties, and allow observers access to all stages of the electoral process.

- NEC & RAC should establish appropriate regulations, enforcement mechanisms and consequences must be established to eliminate irregularities, abuse of discretion or tampering in elections.

- Decisions of NEC/RAC on matters that affect electoral stakeholders should promptly be made known to the public.

7. The participants spoke strongly about the need for **NEC & RAC to establish regular communication and consultation** structures and systems between them and establish clear guidelines for working together and collaborating on the important national issues they are mandated to undertake.

8. NEC should take responsibility for **establishing and leading standing multi-party committees (coordination committee)** that meet regularly at national level. This would provide a platform for regular consultation, improved communication, and prevention or resolution of conflict.

- NEC should review its **communication strategy** to give stakeholders more detailed, regular, real-time information in easily accessible formats.

- Put in place regular, open **media briefings** on a weekly basis around the election period.

D. GENERAL ISSUES

1. **Environmental factors** that can affect setting the Election date or disenfranchise a considerable number of voters include the Hagaa' or hot season in the coastal areas and severe drought periods in rural areas. It would be unfair to coastal and rural communities to set election dates during those periods.

2. **There are long standing** disputed districts among some regions which were not solved up to now. One of the past temporary solutions was to suspend elections in these locations or

move polling stations to other nearby areas that are less troublesome. However, everyone agrees that these are only that- temporary and would not stop potential problems.

3. Participants from the **regions have also identified issues specific to regions.**

Possible Solutions:

1. Most participants suggested that the **Timing of the election** date must be during normal season in all regions - like October or November.

2. All agreed that **electoral constituencies should be demarcated legally**.

The delimitation of electoral constituencies or districts is generally guided by objective factors such as population density, the ease of transport and communication, geographical features, existing patterns of human settlement, financial viability and administrative capacity and financial and administrative consequences of boundary determination, as well as, community interests. It must therefore be based on clear and objective criteria and need to be conducted by an independent commission.

3. The regional issues are analyzed on the report attached here as an appendix.

4. RECOMMENDATIONS

Based on the number of obstacles and issues raised during consultation meetings and discussions with stakeholders as highlighted in this report, the SONSAF pre-election consultation draws the following recommendations aimed at enhancing the credibility and fairness of the current electoral process in preparation for the forthcoming local council elections:

Priority recommendations for different stakeholders for credible elections in 2012 are listed below. Only one of these recommendations requires legal reform, all others are administrative and procedural and can be undertaken within the current legal framework.

1. The Government, Parliament, NEC, RAC and the political parties and associations should address the legal limitations that can negatively affect the electoral process instead of strengthening it. Legal reform is needed to ensure the holding of peaceful, free and fair elections. A critical process of pre-election activity and early conclusion of legal reform is needed in order to have proper electoral planning and implementation.

2. NEC & RAC should be transparent in their work, by providing full information to election stakeholders in easily accessible formats. NEC & RAC should also establish standing mechanisms for sharing information and consulting with political parties and civil society at national and lower levels. In addition, NEC should undertake open, timely and efficient accreditation of election observers, and allow observers access to all stages of the electoral process

3. The Judiciary should commit to timely adjudication of election disputes and complaints, with possible time-frames specified. Adjudication should be undertaken with full impartiality at all times.

4. Given the fact that the voter registration roll has been suspended, NEC should put in place mechanisms to reduce multiple voting. NEC should also peruse legal processes to discourage, prevent and punish illegal activities.

5. The police should work with NEC to effectively prevent and respond to violence and issues arising during the electoral process. This should be undertaken in a comprehensive and impartial manner. Police should be sufficiently resourced and trained for them to play an effective role in the elections. Electoral offences should be properly investigated and submissions for prosecution should be made in a timely manner.

6. Selection of party candidates should be held in a fully democratic manner, in order to promote internal political association and party democracy. Parties should promote peace and stability and denounce the use of violence and inflammatory speech. They should also fully train and support their polling agents and establish effective reporting mechanisms.

7. Civil society should be proactive in undertaking voter education, denouncing violence and participating in election-related conflict-resolution programmes. Domestic observers should undertake rigorous long term monitoring of the electoral process.

8. Public media should ensure that they undertake their legal responsibility to provide equitable, impartial, and balanced coverage. The media generally should bring any abuses by any stakeholders into the public domain.

9. There is a pressing need for a sincere dialogue and regular consultations among political parties and stakeholders, both in government and opposition, in order to ensure inclusive, credible and peaceful elections in the Somaliland. The consultation is of the view that the political dialogue initiated in the past should continue and be heightened by all sides in order to address the issues of concern raised by various stakeholders and particularly opposition parties. Dialogue is particularly needed among all stakeholders to consider appropriate ways of preventing, managing and resolving election-related conflict.

10. The consultation encourages efforts to conduct civic and voter education programmes in order to raise the awareness of voters about the importance of voting, voting procedures and the need for peaceful electoral competition.

11. The consultation urges the international community to continue to work closely together to make the most of their support and, as a result, assist Somaliland in organizing peaceful, credible and transparent elections. This is critical to maintaining the momentum of the democratization process in the country;

12. The consultation urges the Somaliland government and all other relevant authorities to ensure the security of all political stakeholders, in particular those from opposition parties, in order to enable them to participate freely in the electoral process. For the ongoing electoral process to be seen as fair and credible, it should be devoid of widespread acts of politically-motivated harassment.

5. References:

1. Academy for Peace and Development (2007). Political impasse in Somaliland: an assessment of the relationship between the House of Representatives and the Executive. Unpublished report; Hargeisa / Somaliland.
2. Arteh and Dualeh (2011): Securing the Peace in Somaliland: A peace economy: the role of the Somaliland business sector.
3. A Self-Portrait of Somaliland: Rebuilding from the Ruins Somaliland Centre for Peace and Development Hargeysa, December 1999
4. Bradbury, M. (2008) Becoming Somaliland (African Issues). London: Progressio
5. Bradbury, Mark. August 2011; Securing the Peace in Somaliland: Summary and contextual analysis.
6. Dan Harris with Marta Foresti (2011): Somaliland's progress on governance: A case of blending the old and the new. ODI publications, 111 Westminster Bridge Road, London SE1 7JD, UK
7. Hoehne, Markus (2011): No Easy Way Out: Traditional Authorities in Somaliland and the Limits of Hybrid Political Orders. DIIS Working Paper. 2011:18
8. Jhazbhay, I. (2008) 'Somaliland's Post-War Reconstruction: Rubble to Rebuilding.' *International Journal of African Renaissance Studies - Multi-, Inter- and Transdisciplinarity* 3(1):59-93.
9. Somaliland Constitution (2001)
10. UNDP (2006), Millennium Development Report (MDG), 2006
11. Yusuf, Haroon (2010); Somaliland's Political Culture: Facing the Challenges of Free and Fair elections; (SORADI Conference Papers. Published by Henierich Poll Foundation (HBF)

Appendix 1:

PRE-ELECTION CONSULTATION

REGIONAL FORUMS

Data Analysis and Report

March, 2012

1. Introduction:

Somaliland Non State Actors Forum (SONSAF) undertook pre-election forums and focus group discussions (FGDs) on March 3 – 14, 2012. The focus group discussions were held in Hargeisa area while the forums were conducted in other five regions. The aim of the forums and focus group discussions was to determine the major issues that can affect the forthcoming local council election. Originally, the local council election was scheduled to take place in April 2012, but now it appears that the election can't be held in April.

One SONSAF team visited the three eastern regions and another team went to the western regions while a third team was assigned the capital, Hargeisa. All the consultation activities were carried out simultaneously.

In each region, ninety participants have attended the forums, which make a total of 450 participants from the five the regions outside the capital. Nevertheless, this data analysis is limited to four regions only (i.e. 360 participants). The participants included traditional leaders, religious leaders, intellectuals, representatives of the political parties/associations, women's groups, youth, civil society organizations, members of the House of Representatives, and House of Guurti and ordinary voters.

During the course of this activity considerable information was collected regarding the issues discussed in the public forums. Therefore, it turns out necessary to analyze this information so as to understand trends and to determine the significance of each problem. This report captures the analysis of the information collected from regions. Firstly, the data is analyzed by region and then the entire data is combined for comparative purposes to determine the similarities and differences among regions with respect to major election obstacles.

2. Regional Data Analysis:

While the data collected from regions indicate that there are many similarities shared by all regions, there are also specific problems that affect some regions. The major problems identified during the course of the consultations include:
- Absence of voter registration, since the old voter register was suspended by the Parliament.
- Lack of effective voter education program
- Poor logistics on the part of the National Electoral commission (NEC)
- Ballot boxes not being delivered (this is from past experience)
- Whereas NEC regulations stipulate that ballot boxes should be delivered to polling stations just one day before voting, it actually takes two days to reach faraway polling stations. In other words, it is impossible to reach faraway polling stations in one day. Such journey requires two days. NEC is required to come up with a system that will accommodate the needs of the neglected communities.
- Entire communities, especially coastal and communities living in mountainous areas don't usually vote. (this is from past experience)
- Too many political associations can increase clan related incidents and thus lead to political crisis

2.1   Togdheer Region/ Buroa:

The following are the responses of Togdheer region participants.

a) 53.3% of the Togdheer region's participants stated that "*lack of proper voter education system*" is a major obstacle that might hamper and derail the upcoming local council election. The participants suggested that unless this obstacle is *tackled properly the election process would not be effective and efficient.*
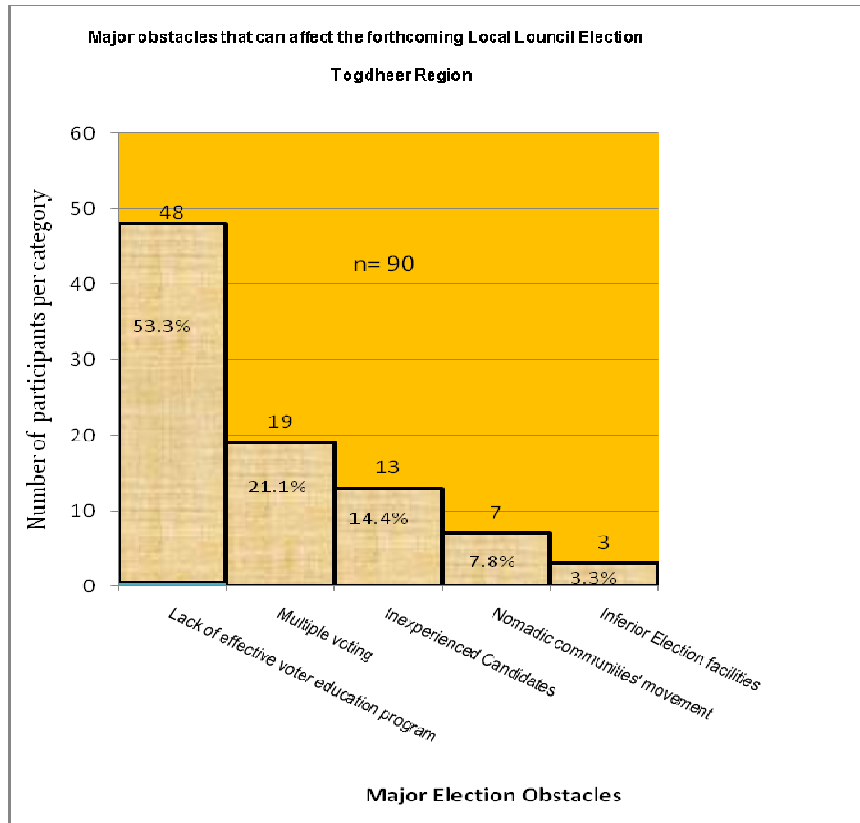

Figure 1:   **Distribution of Burao answers**:

The chart indicates that 48 participants (i.e. 53.3% of Burao participants) believe that lack of proper voter education system is the major factor that would likely affect local council election. Furthermore, 21.1% of the participants think multiple voting will be a major problem during the election; 14.4% said that lack of experience on the part of some candidates is another factor that might affect the election. The three problems on the left side of the chart account for 88.8% of the problems mentioned by Togdheer region participants.

b) **Multiple voting:** About 21.1% of the participants stated that unless alternative mechanisms to control multiple voting are developed, there would likely be rampant and multiple voting which will, inevitably, affect the election.

c) **Many inexperienced candidates**: 14.4% of the Togdheer respondents were of the opinion that lack of experience of the candidates from the newly established political associations would, one way or another, affect the election. Disputes, allegations, and even tribalism-related incidents are some of the problems that the participants predicted.

d) **Nomadic people movement during drought:** 7.8% of the participants said that the nomadic communities' movement during the drought season would also affect the election outcome.

34

e) Poor Election Facilities: 3.3% of Burao participants believe that the existing election facilities can't accommodate all election officials including political agents, NEC personnel, local and international observers.

2.2   Sanaag region /Erigavo

a) **Voter Education**: With respect to Sanaag region, the following chart indicates that 66.7% (i.e. 60 individuals) believe that *lack of effective voter education program* is the major obstacles that can affect the upcoming local council election. They based their reasoning on two assumptions: a) that all previous voter education activities undertaken were very poor and inefficient; and b) that NGOs running the voter education activities were unprofessional and dishonest.
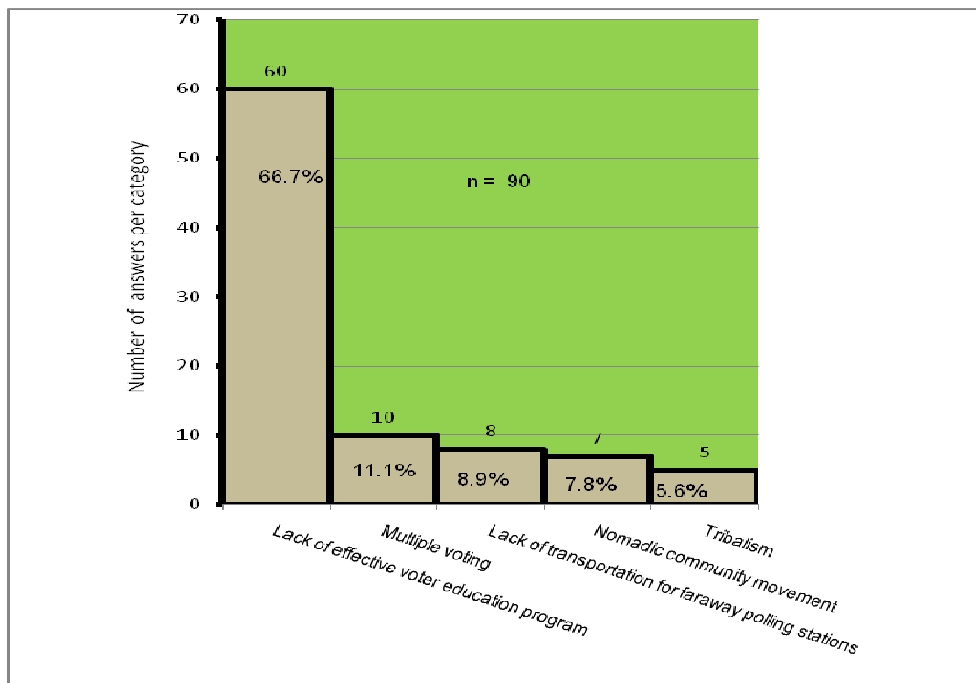

Figure 2: Distribution of answers of Erigavo Residents

The answers in figure 2 indicate that 66.7% of Erigavo participants do believe that lack of effective voter education program is the major problem that would likely hamper the upcoming local council election; 11.1% of the participants also added that "multiple voting" is the second main problem that would affect the election. The cumulative effect of these two obstacles is 77.8%.

Sanaag Region pre-election Forums, Erigavo, March 2012

Figure 2: The distribution of Erigavo participants

b) **Multiple voting:**

11.1% of the participants added that the suspension of the voter registration roll was the biggest blunder committed by the legislators as they failed to put in place alternative mechanisms that would prevent multiple voting. The participants, who were truly perplexed, added that unless such alternative mechanisms are put in place multiple voting and election fraud will continue and may even be worse than before.

c) **Lack of transportation for faraway polling stations:** 8.9% of the participants added that ballot boxes are not delivered in faraway polling stations simply because NEC regulations stipulate that ballot boxes should be delivered one day before the election day. However, it takes two days, if not three, to deliver ballot boxes to faraway polling stations. When this is the case, ballot boxes are given to nearby locations. The effect is that entire areas in Sanaag region don't have the opportunity to vote as NEC has never delivered ballot boxes to these locations. The eastern areas of the region as well as mountainous and coastal areas are severely affected by this problem. Consequently, the participants added, that although Sanaag is the largest region in the country it produces fewer votes than any other region except Sool. The participants stated that they had complained to NEC before but to no avail.

d) **Nomadic movement:** Furthermore, 7.8% of the participants stated that whenever nomadic people migrate to other locations to seek better grazing and water for their herds, NEC doesn't try to trace where the community had moved to. Instead, the ballot boxes are returned to the NEC office and are given to some other candidates. Consequently, many nomadic communities don't vote as a result of not being traced.

e) **Increase of negative clanism:** About 5.6% of the participants believe that clanism is another issue that will likely affect the upcoming election because of the large number of parties and political associations contesting the election (i.e. 15 political associations plus the three old political parties). It is widely acknowledged that the majority of the new political associations are based on sub-clan constituencies.

2.3   Awdal Region/ Borama

57.8% of the Borama Region (i.e. 52 persons out of 90 persons) stated that *lack of appropriate voter education program* is by far the major obstacle that may affect the upcoming local council election as many don't simply know what to do when it to comes to voting. Many may not know where they can vote and some have even difficulty in recognizing symbols of different candidates (*see figure 3 for the distribution of Borama participants' answers as regards the obstacles that can affect the local council election*) **.**
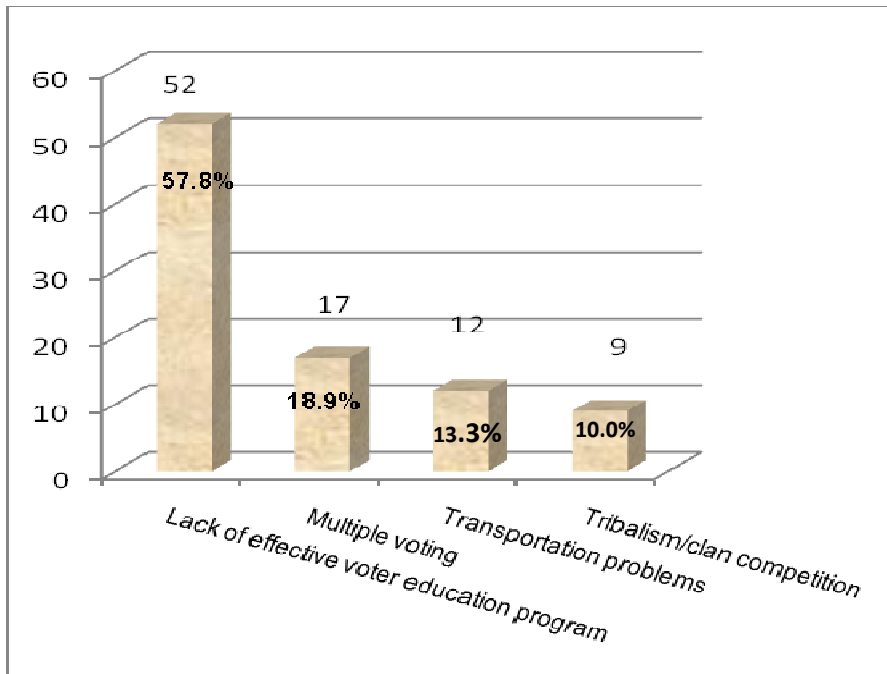
Figure 3: The distribution of Borama participants' answers.

Again, the leading problem is the voter education program followed by multiple voting and logistics problem with respect to faraway polling stations.

Equally, 18.9% of Borama participants stated that the second major problem is *"multiple voting"* which they believe is a major factor that can unleash confrontations and accusations both of which can affect the election process. Borama residents based their opinion on previous elections coupled with the prevalence of clanism/tribalism which tends to increase during elections.

Lack of logistics for faraway polling stations was the third leading problem for Borama participants as 13.3% of such participants said that it is difficult to deliver ballot boxes to such polling stations on time as it takes at least two days to reach these polling stations.

In addition, many inaccessible locations exist in almost all regions. People living in these areas don't vote as NEC rarely delivers election equipment and staff to these locations. It is thus essential that NEC and other stakeholders -including the government- come up with appropriate transportation modes that would ensure that ballot boxes and election staff are delivered to those locations before the Election Day.

Like other regions, 10% of Borama participants also believe that clanism/tribalism is one of the issues that might compromise the integrity of the election system.

2.4 Sahil Region/ Berbera

Exactly half of the Berbera respondents **(50.0%)** stated the major issue affecting elections in their region is *absence of voter education* (see figure 4 for details). The second major problem that Berbera community complained about is so called "*multiple voting*" – a scenario that the majority of the regional participants echoed. With respect to this matter, **23.3%** of the Berbera respondents stated that one of

their biggest worry is that multiple voting would be rampant during the upcoming election. They added that since the voter registration roll was suspended by the parliament and since there is no alternative mechanisms put in place, there is no way to control people voting more than once.
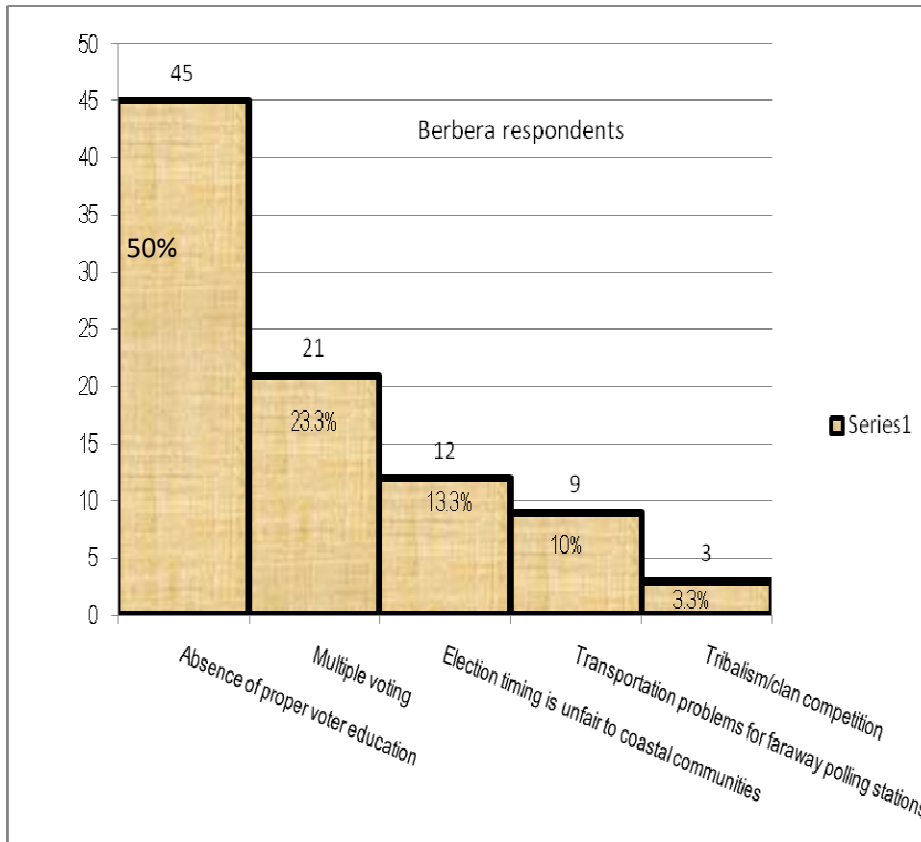
Figure 4: The distribution of Berbera participants' responses:

The voter education program is the leading obstacle that the Berbera participants stated followed by multiple voting and the timing of the election which always coincides the hot season when most of the people leave for elsewhere because of the extreme heat wave during this hot season.

The third obstacle stated by *13.3%* of Berbera residents is that elections are always held during the hot season when people move away from the coastal areas to escape the heat wave. As a result, many people tend not to vote because of the extreme heat of the season.

The fourth obstacle which represents 10% of Berbera respondents is about the fact that NEC doesn't deliver ballot boxes to faraway polling stations since the majority of these polling stations will require at least two days journey to reach them. NEC regulations stipulate that ballot boxes have to be delivered one day before the Election Day. But it is impossible to do so as faraway stations would require two or three days to reach them. Some places are even inaccessible and require different mode of transportation which NEC and those responsible for election management matters should do something about. Finally, 3% of Berbera respondents said that clannish or *tribalism* is a factor that may harm the election. One underlying reason is that since there are fifteen new political associations plus the old three parties, the upcoming elections is expected to be one of the most contested elections that Somaliland ever witnessed. When things get tough, according to Berbera participants, tribalism is the first thing that politicians resort to. Another underlying factor is that tribalism has become deeply ingrained in the culture of society and as such it is difficult to eliminate it.

3. Common election obstacles for regions

As can be seen from the preceding regional data analysis, the leading problem that participants often mentioned is *the absence of appropriate voter education program* that would assist voters in information related to the election. The aim of this section is to determine the leading election obstacles that regions share.

As evident from figure 5, the voter education program (see the tallest bar) is most often-talked obstacle that will likely affect the upcoming election. The participants are amazed by the way in which the entire voter education program is managed. The inefficiency of the program is so conspicuous that it can no longer be sustained. Notice that 56.9% of the participants identified the voter education program as the leading obstacle that can affect the forthcoming local council election. To put it in figures, 205 regional participants (out of 360 persons) have stated that the voter education program is the leading problem that would affect the election. It should be noted that all four regions have reported similar problems when it comes to voter education program.

Figure 5: Summary of election obstacles
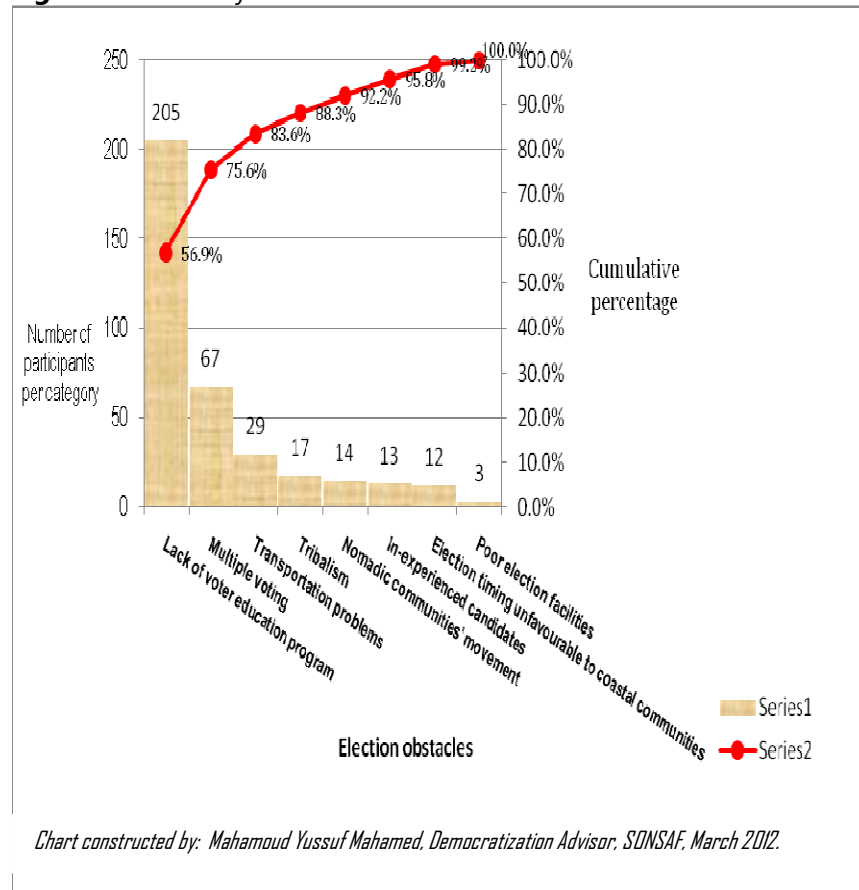
The first bar on left side of the chart indicates that 205 participants believe that lack of effective voter education is the main problem that would affect the forthcoming local council election. The second obstacle identified by 18.7% of the participants is so called "multiple voting". The combination (i.e. the cumulative effect) of these two obstacles is 75.6%. This means that 75.6% of the entire regional participants do believe that lack of effective voter education and multiple voting are the two major issues that would affect the forthcoming local council election. Consequently, the other six obstacles stand for 24.4% of the election obstacles.

Chart constructed by: Mahamoud Yussuf Mahamed, Democratization Advisor, SONSAF, March 2012.

As it is, the voter education system serves no purpose as it lacks substance and content. Unless the voter education is completely overhauled it should not be pursued in its current format. It is essential that the voter education program be dealt with if the election system is to make any sense.

The second leading problem (multiple voting) stands for 18.7% of the total problems identified during the regional forums. The cumulative effect of the first two obstacles is 75.6%. In other words, 75.6% of the participants believe that these two problems are the major obstacles that can derail the entire election system.

The third obstacle shown in figure 5 is logistics issues especially as regards ballot boxes not being delivered in faraway polling stations. This is an issue about which many participants complain stating that faraway polling stations have been neglected as ballot boxes are not delivered to such polling stations simply because it may take more than one day to deliver. NEC regulations stipulate that ballot boxes should be delivered one day before the election. However, it takes two days to reach many places in almost all regions. *Outdated electoral laws should not infringe upon the rights of people*. It is time that NEC and other primary stakeholders do something about this mistake for excluding certain portions of society from voting is a crime being committed against citizens of this country. The issue can no longer be avoided.

Another highly contentious issue mentioned time and again by the audience is so called "tribalism"- an inherent societal problem that continues to wreak havoc on entire population. At least three regions' participants strongly believe that tribalism is one of the obstacles that would affect the local council election. The participants blame the politicians and political entities whom they say are the ones employing tribalism in order to achieve their intentions. During previous elections, tribalism was rife especially during the end of the campaign periods. Tribalism, some participants claim, has been elevated to *cult status ushering in false euphoria*.