

PILLARS OF PEACE

SOMALI PROGRAMME



Democracy in Somaliland *Challenges and Opportunities*

Hargeysa, November 2010



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Abbreviations and Acronyms

- APD** • Academy for Peace and Development
- AVU** • Audio Visual Unit
- CRD** • Center for Research and Dialogue
- DES** • District Executive Secretary
- DfID** • Department for International Development
- EU** • European Union
- GDP** • Gross Domestic Product
- GIS** • General Information System
- HIV** • Human Immunodeficiency Virus
- JPLG** • Joint Programme on Local Governance and Decentralised Service Delivery
- ICG** • International Crisis Group
- IDEA** • Institution for Democracy and Electoral Assistance
- INTERPEACE** • International Peacebuilding Alliance
- ISG** • Independent Scholars Group
- LNGOs** • Local Non-Governmental Organisations
- MP** • Member of Parliament
- NEC** • National Electoral Commission
- NFD** • Northern Frontier District
- NGOs** • Non-Governmental Organisations
- NPGM** • National Programme Group Meeting
- PAR** • Participatory Action Research
- PDRC** • Puntland Development and Research Center
- SNM** • Somali National Movement
- SONYO** • Somaliland National Youth Organisation
- SORADI** • Social Research and Development Institute
- SSC** • Sool, Sanaag and Cayn (militia)
- SSDF** • Somali Salvation Democratic Front
- UN** • United Nations
- UNDP** • United Nations Development Programme
- UCID** • Justice and Welfare Party (Ururka Cadaaladda iyo Daryeelka)
- UDUB** • United Democratic Party (Ururka Domuqraadiga Ummadaha Bahoobay)
- UN-Habitat** • United Nations Human Settlement Programme
- USAID** • United States Agency for International Development
- WSP International** • War-torn Society Project International



Preface for the Pillars of Peace Programme

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

The Pillars of Peace Programme

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

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

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

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

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

Since the beginning of the Pillars of Peace Programme, the three partners have met regularly with Interpeace’s Somali programme team to reflect, plan and coordinate their respective activities. A

'Pillars Support Group' comprising of the programme's donors at the European Commission, Denmark, DfID (UK), Norway, Sweden, Switzerland and USAID, has also provided timely support to the programme over the period.

Methodology of the Pillars Mapping Exercise

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

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

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

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

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

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

- Preface for the Pillars of Peace Programme

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



Introduction-APD

The people of Somaliland went to the polls on 26th June 2010 to elect the President and Vice President of the Republic for the second time in a period of 50 years, counting from the date of independence in 1960. The election date coincided with the 50th anniversary of the independence of Somaliland from the British, adding prestige and vigour to the polling day. Holding the Presidential elections was a challenging endeavour for the authorities and the people of Somaliland.

The election dates were extended several times and controversies and serious confrontations almost overwhelmed efforts to hold the elections. Less than a year earlier, in September 2009, public demonstrations to pressure the government to hold the elections had resulted in the death of innocent citizens. Following the intervention of friendly governments, a six-point agreement was endorsed by the contesting political parties and approved by the House of Elders, which finally paved the way for the necessary preparations for the elections and peaceful voting on Election Day. Two groups of international electoral observers declared the elections to be credible, free and fair, and “*expressing the popular will of the people*”. With the generous assistance of the International Community – both technical and material - this historic event successfully took place thanks to the political maturity of the people and the political contenders who campaigned peacefully and accepted the result, culminating in a peaceful transfer of power and the recognition of the world of what has happened in Somaliland. This further enhanced the image of Somaliland, achieving the first ever successful democratic transition in the Horn of Africa, a remarkable and critical democratic transition with deep significance throughout the region.

Somaliland gained its independence from British rule on 26th June 1960 after it had been a protectorate for a period of more than eight decades. On 1st July 1960 it merged with the then independent Somalia which had been under Italian trusteeship for ten years. The two newly independent regions joined forces in order to realise the old dream of most of the Somalis, which was to unite the five Somali inhabited territories under one bigger state of Greater Somalia. This was a widely spread idea believed by most of the Somali inhabitants in: British Somaliland, Italian Somaliland, the Somali-Ethiopian 5th Region known as the Ogaden, the French Somali Coast which is the current Republic of Djibouti, and the Northern Frontier District of Kenya known as the NFD.

After the Somali Republic lived under a corrupt civilian regime for a period of nine years, a military coup led by Siyad Barre took over in 1969 and ruled the country ruthlessly for a period of 21 years. The regime of Siyad Barre deprived the people of their basic rights. All kinds of public associations and political parties were barred. Democratic government institutions were closed and deputies and ministers put behind the bars. This was followed by repressive indiscriminate public prosecutions and destructions of basic public facilities. As the regime turned deaf ears to the complaints of the public from all regions and sectors of the society, the people resorted to armed insurgency to topple it.

It started with a chain of liberation movements pioneered by the Somali Salvation Democratic Front (SSDF) which was formed in 1978 followed by the Somali National Movement (SNM) that was initiated in 1981. These armed movements built their forces and waged war against the Siyad Barre regime across the border with Ethiopia. The SNM survived because of its democratic practices and the essence of its war which was popular in nature and imprint. After a decade-long war, the SNM succeeded in liberating the northern regions of the then Somali Democratic Republic. With the support of the traditional leaders the SNM managed to secure peace and a chain of successful reconciliation meetings with meaningful demobilization and disarmament arrangements. These endeavours lead to the establishment of embryonic government institutions and practical policies for the initiation of basic public services.

At this juncture, four benchmarks that have left their imprint on the development of Somaliland have to be underlined:

1. The Burco Conference of May 1991, where the sovereignty of Somaliland was declared and a government for the new Republic was established,
2. The Sheikh reconciliation Conference of November 1992, where the warring factions in Berbera reconciled and the foundations of the Borama Conference were laid down,
3. The Borama Conference of 1993 where a Peace Charter and a National Charter were endorsed. In addition, a House of two chambers, a President and a Vice President were elected,
4. The Hargeysa Conference of 1997 where the Legislative Houses, the President and Vice President were elected. The foundations were laid down for a new Constitution to be drafted and a drafting committee nominated.

These were some of the most important landmarks of successful efforts in peace and state-building in Somaliland.¹

The Somaliland Constitution was approved by national referendum on 31st May 2001 by 97% of the voters. Since then, four successful elections have been held according to the Constitution:

1. Local council elections: 22nd December 2002,
2. First Presidential elections: 12th April 2003,
3. House of Representatives elections: 29th September 2005,
4. Second Presidential elections: 26th June 2010.

Unfortunately due to a complexity of gaps and shortcomings the second round of both the local elections and presidential elections surpassed their dates of convention which almost led to a chronic crisis that could have imperiled the country's hard-won stability. After tedious and extensive rounds of negotiations and mediations the date for the presidential elections was set putting all the mechanisms in place. This historical event took place on 26th June 2010 and was followed by a successful and peaceful transfer of power. This noble endeavour by the people of Somaliland changed the attitude of world's opinion and further enhanced the image of Somaliland in the eyes of the international community.

¹ For further details, see APD/ Interpeace, *Peace in Somaliland: An Indigenous Approach to State-Building*, The Search for Peace, 2008.

It is under these terms that the Academy for Peace and Development (APD), which was registered on 15th September 1998 under the name of the Somaliland Centre for Peace and Development (SCPD), started contributing to the democratisation process in Somaliland. The Academy started its activities amid the transition of Somaliland from Beel to modern democratic institutions and has been supported from its inception up to this day by Interpeace (formerly known as WSP International).

From early 1999 up to 2004, the Academy has mainly been engaged in the production of research publications covering a wide range of topics. It started with “A Self-portrait of Somaliland” with subsequent research papers on: The Judiciary system in Somaliland, Macro and Micro economic surveys, Small-arms survey, Poverty Reduction survey, Psycho-social analysis and other papers of wide national coverage.

From 2004 to 2008 the Academy has been fully engaged in the implementation of the two phases of the Dialogue for Peace programme which ended with the production of publications and films on the following three areas:

- Democratisation,
- Decentralisation,
- Resource-based conflicts.

Being a neutral space where conflicting parties meet, the Academy has succeeded in settling many disputes and misunderstandings between different key stakeholders in the political arena and in supporting the mitigation of armed conflicts in many conflicts in the rural areas. These reconciliatory endeavours by the Academy are well recognised by the Somaliland people and international community at large.

Participatory Action Research (PAR) Methodology

Reaching sustainable peace and State building, the necessary institutions for a representative democracy to flourish is fundamentally about rebuilding relationships at all levels, enhancing people’s trust and hope in the future. Democracy cannot be reached without the active participation of the population at all levels and all the stakeholders engaged in the society since reinforcing participation and dialogue is key to democratic decision-making processes.

Since its inception, APD has used the Participatory Action Research (PAR) methodology in its research activities based on the local context of Somaliland. It is an open medium- to long-term process that enables the creation of a neutral space for dialogue where the relevant stakeholders and the public at large can highlight the challenges faced by the population as part of efforts to finding concrete and sustainable solutions for them.

Through an evaluation of the state of affairs of Somaliland and in consultation with the diverse stakeholders both locally and internationally the current pillars under focus were identified.

Objectives of the Pillars of Peace Programme

The vision of the Pillars of Peace is to build upon more than a decade’s experience of peace building and support for institutions in order to continue to advance and strengthen the consolidation of peace throughout Somaliland through consensus-oriented, integrated approaches to state building and peacebuilding.

The three pillars were selected based on previous experience and sustained efforts of APD through the Dialogue for Peace programme and defined as:

- Democratisation Pillar
- Decentralisation Pillar
- Social Reconciliation Pillar

The specific objectives of the Pillars of Peace are to, among others, transfer peace building capacity to Somaliland citizens in general and to civic leadership, women and youth in particular. Therefore, APD is dedicated to efficiently engage the Somaliland people in the research of achievable and sustainable solutions to key challenges identified by the stakeholders themselves related to democracy, decentralisation and social reconciliation mechanisms.

Pillar Mapping Exercise

The preliminary phase of the programme, the Pillar Mapping Exercise, constitutes a country-wide consultation exercise where representatives of the Somaliland people actively participated in the research on key impediments to the three identified pillars.

The three pillars had similar mapping objectives though they differed in some aspects according to the nature of issues pertaining to each component. The following constitutes the specific objectives that were set for the Pillar Mapping Exercise:

- Validation of each of the selected Pillars of Peace by the stakeholders;
- Collective identification and validation of the concerns and perceived challenges pertaining to effective/ functional democracy, local governance apparatus with strong public participation and social reconciliation mechanisms as experienced and expressed by the people;
- Selection of the challenges for each of the three pillars to be addressed in priority;
- Promotion of dialogue among the Somaliland communities.

An extensive field work that covered all six regions of Somaliland was carried out in June- July 2009 and January-February 2010. 34 focus group discussions were organized in over 25 locations covering all the regions of Somaliland. In total over 600 participants took part in these focus group discussions and interviews. Before the actual field trips, an internal actors mapping was conducted to identify the key stakeholders for each pillar. Generally, the different stakeholders' group representatives were intermingled and gathered together to share views and ideas on the challenges to the three pillars. However, recognising the challenges some groups of the society – especially women, youth, minorities/ marginalised groups – are facing in today's society, concerted efforts were made to organise a number of separate focus groups for them as a way of enabling the participants to express their views more freely and ensuring that the voice of different sections of society would be reflected in the research. The information drawn out of the consultations were analysed and supplemented with thorough desk research.

The consultations aimed at gathering evidence and representative views of the Somaliland people. The participants were selected according to specific criteria that respected political, regional, social, religious, and gender sensitivities. The criteria for selecting the participants were presented to the

resource persons in each area visited by the APD team who was in charge of identifying the relevant focus group participants. The resource persons were selected for their familiarity with the local context and people (for example, a representative of a local civil society organisation, a traditional elder or the local authority).

APD's role was limited to the facilitation of the discussions and the capture of the issues. The facilitation was meant to be non-directive, using open-ended questions as much as possible (*e.g. what are the challenges to the decentralisation of governance in Somaliland?*) in order to ensure that the participants were not unduly influenced and allow for diverse opinions to be expressed.

Focus group discussions and interviews organised for the three pillars were filmed. The audio-visual is an integral part of the research as it captures the views expressed as well as the environment in which the discussions occur. Film also constitutes a powerful means of stimulating discussion and linking populations that are separated, whether geographically or psychologically due to the culture, tradition or history.

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

In October 2010, the *draft* Note was presented to the National Programme Group Meeting (NPGM), composed of representatives from the different institutions and groups of society according to similar criteria as the one used during the Pillar Mapping, for validation. Two major tasks were given to the NPGM participants. Firstly they were asked to reformulate and/ or amend the *draft* Note when and where necessary – changes that have been incorporated into this final document. Secondly, the stakeholders' representatives were asked to prioritise the challenges for each of the three pillars which require further immediate attention and action-research on achievable and sustainable solutions adapted to the Somaliland's context. The selected challenges and areas of future research-action are listed at the end of this Note.



1 Democratisation Pillar Mapping

1.1 Background

The electoral process in Somaliland has emerged as a result of dialogue for peace processes, the willingness of Somaliland people's to maintain their cohesion, respect the rule of law and develop a social and political contract to select and elect their leadership at the time of the Borama Conference. This tradition was rooted in the Somali National Movement (SNM) movement that maintained the mobility of its leadership under their constitution accordingly while being an armed movement fighting against the military regime for about a decade.

The consolidation of peace achieved through representative leadership rather than through the tough *Beel* based selection process and vested narrow interests allowed the Democratisation process to take roots. Therefore, the term 'democratisation' goes beyond the electoral process and will take time to be fully rooted into the Somaliland's culture.

The transitional process of Somaliland began on 18 May 1991, when SNM leaders and traditional clan elders in inter-clan conference held in Burco declared the Republic of Somaliland. Beside the restoration of the sovereignty of Somaliland from the Somali Republic, a two-year interim government, led by the SNM Chairman Abdirahman Axmed Cali (*Tuur*)², was formed. Inter-clan conflict posed a constant challenge to the newly formed government. Months after the Burco Conference, armed conflicts broke out among factions of the SNM that turned into inter-clan conflict in Burco, then in Berbera, and finally in Hargeysa. The conflict was brought to an end, through the intervention of the elders in peace conference held in the town of Sheikh, where it was decided to have a broader reconciliation meeting in Borama.

The 1993 Borama Conference is indeed historic because it set an important benchmark for restoring peace and governance in Somaliland. The National Charter and the Peace Charter adopted during that conference constituted the basis of a two-year transitional government based on the *Beel System* - a hybrid system of governance that integrates Somali clan system to western structures³. The Conference also selected Maxamed Xaaji Ibrahim Cigaal as President of the Transitional Government (whose term was to end in 1995). President Cigaal succeeded in demobilising many clan militias and establishing the essentials of a functional government.

However, these progresses were interrupted by another civil strife that erupted in 1994. Another National Conference was then required to put an end to the conflict. In 1997, the National Conference in Hargeysa concluded with three basic agreements – the re-election of President Cigaal for a term of five years, the passing of a provisional Constitution intended to move from the *Beel* (clan-based) system to multiparty democracy, and an agreement increasing the share in parliament to resolve the grievance on power-sharing based on clan.

² Political Programme and the Second Central Committee Meeting Resolution, Burco from 8 May 1991-4 June 1991.

³ SCPD/WSP, *A Self-Portrait of Somaliland: Rebuilding from the Ruins*, 1999, p.22.

In May 2001, a new Constitution for Somaliland was approved by referendum, paving the way for the first elections in more than 30 years. Local elections were held in December 2002, followed by presidential election in April 2003, and later the election of the House of Representatives in September 2005. These elections were part of an effort to shift the country from a clan-power sharing political system to western style multi-party democracy. Somaliland overcame a critical period in its history by successfully holding these elections. However, since then the people of Somaliland have met significant challenges to institutionalise the electoral process by holding elections on time and to democratise Somaliland's political institutions.

The Academy for Peace and Development (APD), in close collaboration with Interpeace, has played a critical role in Somaliland's democratisation process. APD's involvement in the political process began with the constitutional referendum in 2001 when it organised a public debate that brought together the government, the opposition, parliamentarians, intellectuals, religious leaders, journalists, civil society leaders and the public at large to publicly discuss the issue of the constitutional referendum⁴.

APD continued with its support to the electoral process. In 2002 and 2003 APD hosted regular consultations between Somaliland's political parties, the National Electoral Commission (NEC) and the government in the preparation of local and presidential elections. The consultations culminated in the signature of a common Code of Conduct for all political parties. Domestic observation teams and training for party agents in the run up to the presidential elections were also provided.

In the run up to Somaliland's legislative elections APD had the opportunity to work with the country's NEC, through the first phase of the Dialogue for Peace programme, in laying the groundwork for free, fair, transparent and peaceful election. The support and the deep involvement of APD together with its partner Interpeace contributed to the success of the legislative elections in September 2005.

The launching of Dialogue for Peace II programme in 2006 coincided with the country bracing itself for another bruising round of elections, which were expected to be closely contested since the previous presidential election had been decided by an extremely narrow margin of 80 votes – less than 0.01% of the total number of votes cast. Strategic decisions to assist and work with the NEC, the Somaliland Government, the political parties, and other national and local actors were made in order to help keep the electoral process on track.

Judging from past experience and given the highly polarized political environment, observers doubted whether these elections would take place within their scheduled times and they were proved right. Efforts to move the process forward continued to face recurring threats in the three years that followed, postponing the election date four times. The main stumbling blocks were the formulation of a new Electoral Commission as the mandate of the existing NEC was

⁴ APD, Forum, Hargeysa, 15 March 2001.

due to expire, and the implementation of a complex voter registration. It took more than four mediation efforts by NEC⁵ and other concerned individuals and groups to resolve the differences between the concerned parties and achieve new realistic and acceptable elections timelines and the formation of two new Electoral Commissions.

Under the auspices of the Dialogue for Peace II, APD was able to facilitate a series of consultative meetings to discuss ways to resolve disputes over such issues as the formation of the NEC, the electoral timeline and the extension of the President's term in office. The first series of these consultations contributed to the formation of the private mediation committee that was in turn responsible for resolving the impasse over the formation of the new NEC in August 2007. The second one took place in September 2007 and produced the first election timetable, which was signed on 12th October 2007. The third one was held in April 2008 and led to an agreement that subsequently the *Guurti* and the President failed to uphold.

The final consultation took place in May 2008, when other mediation attempts had been unable to resolve the impasse over the *Guurti's* extension of the President's term. Based on compromise, the three sides reached an agreement on 1st June, which stipulated that the first election would be held before 6th April 2009, and that voter registration would take place before this election. Following this agreement, the government, the opposition and the NEC set the presidential election for 29th March 2009⁶.

After two more postponements and with the country on the brink of another confrontational crisis, a last-minute deal was brokered, which rekindled the stalled election process. On 25th September 2009, a six-point agreement brokered by external mediation was agreed by all parties and endorsed by the *Guurti*.⁷ The new agreement did not specify a new election date though it contained a road map for such a date.⁸ It obligated all parties to find ways to restore public confidence in NEC, to bring in external expertise to fine-tune the registration list further and to use the new refined list in the presidential election to be held at a reasonable time.

The public welcomed the six-point agreement, though with some doubts about its realisation. They found this deal quite unusual and dubbed it a 'free size agreement', since it did not set the date of the election nor did it specify the extension period of the term of the President, leaving fears that it could become an open-ended process.

APD, together with its partner Interpeace, were instrumental in keeping the process on track and after the conclusion of the Dialogue for Peace II, in January 2009, a follow-up programme, the Pillars of Peace programme was initiated. To build on the previous achievements it was decided to continue supporting Somaliland's efforts in state building, thus making Democratisation one of the pillars in this programme.

⁵ NEC held consultation meetings with the three political parties to negotiate acceptable timelines for all the stakeholders.

⁶ This included agreement that the first election would be the Presidential Elections rather than the local elections.

⁷ The foreign Ministry of Ethiopia and the British Embassy in Addis Ababa led this external mediation.

⁸ See Annex 1 - Memorandum of Understanding of the Presidential Election.

Relevance of the Democratisation Pillar to Peace

There are numerous challenges to Somaliland's stability that need to be addressed. In the absence of major economic development, sub-standard basic services such as health, education and unemployment are acute problems in Hargeysa and other urban centres. For many people in Somaliland, the lack of economic and social development poses a great threat to the prevailing peace⁹.

Another prevailing view is that the most immediate threat to Somaliland's stability is the faltering confidence of the public in the democratisation process¹⁰. The transitional process has proven to be a complex political challenge, threatening to undermine the enduring peace and stability in Somaliland. Therefore the key challenge to Somaliland's stability and peace is how quickly and smoothly the move from the clan system to constitutional democracy can take place and how that transition is handled.

Therefore, providing support to the democratisation was chosen as one of the three pillars for the Pillars of Peace programme, based on its immediate and overriding relevance to peace, security and progress in Somaliland. The commitment and protection of peace and security as the seat of the people and adorned platform for the stability of Somaliland was noted throughout the democratization hiccups and challenges in 2008/9. Yet although essential, the achievements of the electoral process alone are not enough. The reform agenda upon which the peaceful elections of June 2010 were held and the peaceful transfer of power pursued by the new Kulmiye Administration of President Ahmed Mohamed (Siilanyo) represents a necessary package to advance and consolidate the institutions and processes of democratization.

Therefore, considering the challenges to Somaliland's democratisation process are numerous, diverse and too broad for comprehensive follow up¹¹, APD has selected the following three strategic areas (components) of intervention, based on their urgency and its previous engagement:

- Advancing the electoral process,
- Strengthening the House's sub-committees,
- Promoting youth engagement in the democratisation process.

Methodology

The field trips for these public discussions were carried out by APD's research team in June and July 2009 and January and February 2010 respectively. The Pillar Mapping Exercise covered six official regions of Somaliland: Awdal, Marodi-Jeex, Saaxil, Sanaag, Sool and Togdheer¹². During this Mapping Exercise, a series of focus group discussions and individual interviews that involved actors at the central, regional and local levels as well as representatives from all cross sections of the society were organised in order to discuss the state of political pluralism in Somaliland.

⁹ Maxamed Ibrahim, *Somaliland's Investment in Peace: Analysing the Diaspora's Economic Engagement in Peace Building*, 2009, p.9.

¹⁰ *Ibid.*, p.10.

¹¹ For more detailed information about APD and Interpeace's involvement See - APD/ Interpeace, 'A Vote for Peace: How Somaliland Successfully Hosted its First Parliamentary Elections in 35 Years', Hargeysa (Somaliland), 2006.

¹² Other regions have been established by the government but they are not endorsed by the Parliament as required by law

Special efforts were made to solicit the views of women, youth and other marginalised groups on these issues; thus when needed, special sessions for these groups were held.

The main public consultation objectives of the Pillar Mapping were:

- To collectively discuss the state of political pluralism in Somaliland and its prospect for the future;
- To collectively identify the key issues pertaining the democratisation process in Somaliland;
- To promote community dialogue on these issues.
- To promote and identify sustainable mechanisms for public involvement (i.e. a steering committee or forum for democracy, etc.)

In parallel, a desk study was conducted to compile relevant background information on these themes. The information was drawn from the existing literature and previous APD research findings. Some of these materials were to augment these public consultations or to fill gaps in the field trips findings.

1.2 The Electoral Process

General Objective of the Component

The main objective is to promote free, fair and peaceful election.

Specific Objectives of the Component

- To work with key actors to ensure that the electoral process stays on its path;
- To understand the obstacles and challenges of the election process;
- To provide a neutral space for the key stakeholders to discuss and debate contested issues;
- To provide technical assistance to the National Electoral Commission (NEC);
- To monitor the three phases of the electoral process.

Current Situation

After repeated delays, on 26th June 2010 more than 500,000 Somaliland citizens went to the polls to elect a new president for the second time in seven years. The election was conducted in a peaceful and transparent manner despite threats from Islamist militant groups to disrupt the process. In general, the polling process met international standards according to domestic and international observers¹³.

On 1st July, the National Electoral Commission (NEC) announced the preliminary results: the candidate from the opposition party Kulmiye, Ahmed Mohamed Mahamoud ‘Silanyo’, won the presidency with 49.59% of the votes cast. The defeated candidates, the incumbent, Dahir Rayale Kahin and the nominee of the second opposition party UCID Faisal Ali Warabe received 33.23% and 17.18% respectively and conceded gracefully¹⁴.

¹³ Somaliland Non-State Actors (SONSAF), Draft Report on the Domestic Observation of the 26 June 2010 Presidential Election, July 2010 - Progressio press statement on the provisional results of the 26 June presidential election.

¹⁴ Article 10.3 of the Law of the Organization of Judiciary (Law No. 24/03 and 06) stipulates the legal powers of the Supreme Court to authenticate the preliminary result of the elections.

This successful presidential election is part of an election cycle that also includes the local council elections, which are three years overdue.¹⁵ The elections of the two chambers of the Parliament, the House of Representatives and the *Guurti* are looming and should have taken place before the end of 2010. Though it is inevitable to extend the mandate of these bodies to give NEC sufficient time to organise these elections, there is no room for complacency as Somaliland's electoral cycle is far from over.¹⁶

1.3 Challenges of Conducting the Poll

Somaliland was able to successfully hold four elections despite legal and technical challenges. The June 2010 presidential elections marked an extraordinary success story for not only Somaliland but the Somali region and the Horn of Africa. However, inherent gaps in the institutions and in some aspects of the democratisation process will need to be addressed before holding the already delayed local and parliamentary elections. These challenges include:

Voter Registration

Voter registration has been a persistent issue throughout the electoral process. Disagreements over the validity and applicability of the current voter registration might re-emerge during the upcoming elections as one of the participants in the National Programme Group Meeting inferred: “*the current voter registration needs to be verified and corrected before the upcoming elections.*” He added that “*the voter registration cannot be used for the upcoming elections for the incurrance of the voters.*” An argument that was contradicted by the chairman of the NEC who argued that “*the current voter registration can be used for the upcoming elections,*”¹⁷ even though he admitted that the voter registration cannot be used for the next presidential elections.¹⁸

In addition, other substantial concerns such as the absence of essential registering tools (e.g. reliable census, delimitation of constituency, lack of an official birth registration) poses serious challenges to the conduct of credible voter registration in Somaliland. The country has no reliable census to understand the distribution of the citizens within its territory nor has it means to crosscheck the outcome of the voter registration exercise. Similarly, there is no state-recognized register of birth for the population to verify the age of would-be voters and so prevent underage registration which would safeguard the integrity of the process.

Last, the biggest challenge lies in the way the present voter registration can be harmonized and applicable to the electoral timetable of the delayed local councils and House of Representatives elections despite the disputed extension passed by the *Guurti* in September 2010.

¹⁵ After the constitutional referendum, Somaliland successfully hosted its first local council election in December 2002. Their legitimate term expired on December 2007 but was since extended twice by the Upper House of Somaliland (*Guurti*). The legality of the extension was challenged both by the opposition parties and the civil society.

¹⁶ The new President requested the *Guurti* to extend the tenure of the two Houses and the local council as it is impracticable to hold successful parliamentary and local council elections before the end of 2010. The *Guurti* extended both mandates using its constitutional power.

¹⁷ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

¹⁸ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

Legal framework

The Constitution and the electoral legal frameworks are fundamental documents that serve as the basis for the conduct of free, fair, and legitimate elections. Although the Constitution of Somaliland outlines the fundamental rights and freedoms for free and fair multi-party elections, it remains weak and limited on electoral matters. There is no chapter to deal specifically with the management of elections. Instead, this lies in the hands of the secondary legislation which has its own problems, as it contains numerous loopholes, omissions and contradictions. Throughout the electoral process, these shortcomings were addressed through either piecemeal amendments or supplementary codes of conduct negotiated by the three political parties and the NEC without the sanction of the Parliament. Furthermore, these secondary laws are numerous: laws governing political parties, separate laws governing presidential, parliamentary and local council elections, as well as pending legislation in the selection of *Guurti* members and voter registration acts – many passed in different contexts, meaning that their legal provisions are not aligned. As observed by one of the participants in the National Programme Group Meeting, *“we have witnessed challenges to our democratisation process. The only source that has posed challenges to our democracy is the lack of unified electoral laws. We have to first amend our laws and draft a very comprehensive electoral legal framework.”*¹⁹

The current legal framework also lacks confidence-building measures such as an enforceable code of conduct²⁰, an independent legal body to monitor equal access to public media and to regulate the use of public resources by the incumbent party, as well as a conflict management body.²¹ These shortcomings have added to the difficulty of conducting polls in an already challenging environment. The continued absence of these measures would undermine the confidence in the fairness of political contests and the electoral commission.

During the electoral process serious concerns were raised on several issues. First, the official limitation of the electoral contests to three political parties was called into question due to a desire to see broader choice among candidates and greater representation of political opinion. A former member of the NEC argued that *“we have to open political organisations, but the number of political parties should not exceed three. We must have the courage to amend our Constitution when there’s a need for a change. Does it mean that our nation or system of government will collapse if we interfere with the Constitution?”*²² On the contrary, a member of the political parties stated: *“I strongly think that we should not open the political parties otherwise we will inherit one of two: either radical extremism may flourish and develop into a political part or, if one party wins an election, the other parties may reject the outcome.”*²³

¹⁹ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁰ With the help of the Academy, the NEC and the Political parties adopted a non-binding code of conduct.

²¹ There are no constitutionally or legally mandated bodies providing legal supervision over the fairness of the electoral process. However, there are ad hoc bodies created by a circular written by the National Electoral Commission. The NEC derives its powers to create such bodies from the signed political parties Code of Conduct. The Electoral Monitoring Group and Media Monitoring Group were created from the agreement between the political parties and NEC. After the announcement of the official results of the presidential elections in June 2010, the two bodies published reports on how the electoral process took place.

²² National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²³ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

Second, the age requirement, which states that all candidates for public office must be at least 35 years of age, was challenged on the basis that it discriminates a broad segment of the voting population, which begins at 16 years of age²⁴. This problem was raised by most of the communities consulted who suggested that the Constitution should be amended as noted by this Sheikh in Borama: *"I am wondering why the Article which limits the voting age to 35 years old was enclosed to the Constitution. If I am not mistaken, 70% of the Somaliland population is youth; therefore, their rights must be given and promoted and the Article amended or repealed."*²⁵

Third, concerns were raised over the candidates' gender balance since there are a lack of women in public office at all levels despite attempts by women activists to lobby against this discriminatory practice:

*"As a patrimonial society where male has been dominant for centuries, it is difficult for women to play an active political role in the political process of the country. The male dominated Somali culture is still in place and the women do not have enough knowledge to believe that they have a similar right as men to be candidate and elected. Developed and developing countries have been using a system whereby women are given a quota. The only way we can participate to the democratisation process is by attaining a quota."*²⁶

If legislative measures are not taken to address these issues before the upcoming election cycle, they will continue to cause tension and may lead to questions concerning the validity of its outcome. First, it is unclear whether the local council elections will use a party list with proportional representation system or an open party list with a proportional representation system similar to the one used during the legislative elections in 2005. In 2009, the House of Representatives voted (with two thirds of the House) to use an open party list system. However, the amendment was rejected by the *Guurti*, a move currently contested by the House of the Representatives.

In terms of the parliamentary elections, the divisive issue of seat allocations to each region poses a great threat to the prospect of holding legislative elections. The previous compromise over this problem was only applicable to the last elections. Once more, the absence of a reliable census makes it difficult to deal with the issue of allocating 82 seats to the six regions based on their individual populations. It is unlikely that reliable census could be conducted in time for these elections, so an interim solution must be found.

The most pressing current challenge is the overdue election/ selection of House of Elders' members (*Guurti*). Unlike the other three entities (the President, the House of Representatives, and the local councils) there is no electoral law that governs the selection process of new *Guurti's* members. A selection process must either be based on a system of nomination or of direct election. A formal system for electing members of the *Guurti* needs to be put in place before the current members' term expire, and should also reflect the new political realities in Somaliland.

²⁴ For further information – see section of the engagement of the youth in the democratisation process.

²⁵ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁶ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

The disagreement over the *Guurti's* extensions of the President and vice President's terms of office over the course of the current electoral process has taken months to resolve, putting the country into protracted and frequent political crises and consequently delaying the electoral process. The impasse over the extension of the President's term was seen as constitutional dispute²⁷. According to Article 83 of the Somaliland Constitution:

*"If it is not possible, due to circumstances related to security and stability to hold the elections of the President and Vice President when their term of office ends, the House of Elders must increase the duration of their powers while taking into consideration the time in which it is possible to overcome these difficulties and to hold the election."*²⁸

Here the law does not clearly define "circumstances related to security and stability", nor does it stipulate the course of action should an election not be held for other reasons²⁹.

It seems likely that the current members' terms will expire before the upcoming parliamentary elections can take place. The local council elections are already overdue. So further extensions of the terms of parliament particularly that of the *Guurti* would likely trigger another constitutional crisis unless the issue of all term extensions are addressed legally before the end of the current Parliament's terms.

That is exactly what happened a little more than one month after the new President was sworn in. In September 2010, the *Guurti*, acting on a letter from the new President Ahmed Mohamed Mahamoud '*Silanyo*', prematurely extended the mandates of the *Guurti*, the House of Representatives, and the local councils (originally to be held in 2007) by three years and eight months, two years and eight months, and eighteen months respectively. This controversial move was instantly denounced by the three political parties (UDUB, UCID and Kulmiye³⁰) and some segment of the public. They saw the *Guurti's* decision as unconstitutional and unreasonable and more importantly detrimental to Somaliland's democratic process as the *Guurti* acted purely out of self-interest³¹.

To challenge the *Guurti* decision, in September 2010, NEC and the leadership of the three political parties held their own consultation about the election process³². The consultations produced a two-point agreement, which was signed immediately. The agreement stipulates to combine the House of Representatives and local council elections and held it by the end of December 2011 and to combine the two elections. With both sides, the NEC and the *Guurti*, claiming that they acted within their constitutional mandate and disapproving each other's decision, the country is on the brink of another political crisis, a challenging start for the upcoming electoral process.

²⁷ Interview with Ibrahim Hashi, *Jumhuuriya*, 8 April 2008.

²⁸ Nibrahim Hashi, *Revised Constitution of the Republic of Somaliland*, Unofficial English Translation, 2000.

²⁹ Michael Walls, *Somaliland: Democracy Threatened Constitutional Impasse as Presidential Elections are Postponed*, 2009, p.7.

³⁰ Unlike the previous government, Kulmiye and the new government became quite distinct entities with different interests when the newly elected President handed the party chairmanship to his first deputy who, like the other top party leaders, will not be allowed to hold cabinet positions.

³¹ BBC Somali Service, 7 September 2010 (Haatuf) and 8 September 2010 (Jamhuuriya).

³² The Government and the House of Representatives were not part of this NEC sponsored consultation.

Leadership and Institutional Challenges

Recurrent political disagreements and confrontations between Somaliland's political leaders throughout the electoral process have constantly cast doubts over the prospect of holding elections on schedule. These political disputes have exposed the deficiencies in Somaliland's institutions and political leadership. The lessons of the past four elections have shown that without the assertive leadership of at least one of these bodies – the President, the opposition political parties or the National Electoral Commission – the upcoming elections will be very difficult if not impossible to carry out. The incoming administration must learn from the past failures and challenges. This section highlights some of these problems discussed by the participants to the Pillar Mapping Exercise.

• **The President**

In Somaliland, the President wields enormous power³³. Much of the fate of the upcoming electoral timetable hinges upon the new President's leadership and political will. The President needs to rally the public and work with all the stakeholders to ensure that, the development and the political reform agenda are addressed as a package and the elections are organised accordingly. Any failure of the executive branch to accommodate the views of other key stakeholders, including the opposition parties, to reach timely compromises and concession on future political and legal challenges will derail the electoral process.

The public hopes that the new President would usher in steady leadership and consensus politics as well as restore public trust in government. The public's concerns rose when the President on the one hand asked the key stakeholders – the three political parties, NEC and the leaderships of the *Guurti* and the House of Representatives – to hold consultations about the pressing challenge of the expiring terms of the *Guurti*, the House of Representatives and the local councils while on the other hand requesting the *Guurti* (albeit one of the beneficiaries) to deal with this tricky issue, before the realisation of the proposed stakeholders' consultations.

Another critical issue is that, although the separation of power of the three branches of the government is enshrined in the Constitution³⁴, in practice, it has been hard to realise the balance of power between Parliament, the Executive and the Judiciary envisaged by the Constitution. Since 1992, the country's political system has been drifting steadily towards a strong centralised executive towering over the other branches of government. As a result, the Executive has completely circumvented the country's formal political, administrative and judicial institutional bodies on a number of issues. Unchecked presidential power poses a great threat to the consolidation of Somaliland's democracy in general and to the electoral process in particular. Despite having a new administration, such lopsided political arrangement will continue unless this deficiency is addressed.

³³ Articles 83/90/92 of the Constitution charges the President with the appointment and dismissal of several key senior officers of the state, without Houses' approval, including the Attorney General, Auditor General, Chairman of the Central Bank, Chief Account and Commanders of the Armed Forces.

³⁴ Article 92 states that the President enjoys extra powers in the case of a national emergency. Constitution, Article 37.2.

• **The House of Elders (*Guurti*)**

The consolidation of peace and state building process role was commended to the *Guurti* after the Borama Conference in 1993. Since then, the members of the *Guurti* have played a critical role in managing conflicts and maintaining equilibrium within the system of government. However, the dual role of the *Guurti* as a check on competing political actors and as the safeguard of peace has been challenged by critics. This was largely due to the increased politicization of the *Guurti*, and its perceived alignment with the Executive.

The role of the *Guurti* in the previous elections was controversial as it was at the centre of most of the recent political crisis. Indeed they extended their mandate and the mandates of the incumbent president numerous times and prolonged the NEC nominations. These major setbacks have dented the credibility and cohesiveness of the *Guurti* members, prompting public debate on the role of the *Guurti* and its place to the current political realities.

The *Guurti's* controversial decision to extend its own term and those of the House of Representatives and local councils has triggered the first post-presidential election political disagreement and is seen by many observers as unconstitutional³⁵ and extremely problematic politically. It is seen as an indication that *Guurti* members are out of touch with ongoing political realities and losing public trust, reigniting the public debate on the role of the *Guurti* in the current political realities³⁶. However, despite the *Guurti's* unilateral decision, the Chairman of the *Guurti* welcomed any possible and feasible proposal to reconsider that decision.

The *Guurti's* extension was followed by a letter from the President to the *Guurti* to deliberate on the delayed elections of the institutions and by a meeting between the President, the three political parties, and the two speakers of the Parliament chambers.

The newly elected President and his Government proposed a reform ticket based primarily on service provision and development. However, experience has shown that having a reform package including a reflective political process will come with a number of hiccups and unnecessary incidents.

• **The House of Representatives**

Following the legislative elections in 2005, a historic achievement by the Somaliland people, the opposition political parties won control of the House Representatives. The opposition-controlled House of Representatives had difficulty establishing a working relationship with the Executive and the *Guurti*. Their disagreements on several issues, such as the formulation of a new NEC and the extension of the *Guurti's* mandate, led to a protracted and recurrent political impasse that delayed the elections and poisoned the political environment throughout the electoral process.

³⁵ There are no specific articles in the Somaliland Constitution that give the *Guurti* the right to extend its mandate and those of the House of Representatives and local councils.

Article 92 states that the President enjoys extra powers in the case of a national emergency.

³⁶ VOA Somali Service, Interview with former advisor to the *Guurti*, September 2008; and Commentary in Haatuf, 9 September 2009.

The House's leadership confrontation with the Guurti and the Executive took its toll on the unity of the House members. These recurrent disagreements antagonised UDUB (at the time the ruling party) MPs³⁷ in the House thereby making it difficult for the opposition to gain their cooperation. Moreover, the House leadership either lacked the political and leadership skills or shown little interest in accommodating the inputs and concerns of MPs from the incumbent president's party in divisive and important pieces of legislation³⁸.

• The Supreme Court

The Article 97.2 of the Constitution clearly states the independence of the Judiciary, separating it from the other branches of the state system. As for the Article 98 of the Constitution, it states that the Judiciary should have the power to interpret laws and adjudicate on disputes between state bodies and the public, as well as between state organs.

In previous political disputes, the Judiciary has remained on the side-lines, as some conflicts were simply resolved by other means, or went unresolved. However, during the electoral process, the Supreme Court was forced to make three critical rulings. The first was on the closely contested presidential elections of 2003 (in which it ruled in favour of the incumbent at the time). The second concerned the nullification of a controversial bill passed by the House of Representatives in February 2005 that would have made the legislation elections of 2005 impossible. The third one was in April 2007 in which the Court ruled that the extension by the House of the term of the first NEC was illegal. These critical decisions by the Supreme Court were not seen universally as demonstrating the separation of powers and independence of this important organ.

To date, the presence of the Supreme Court has only been felt in those disputes forwarded by the Executive Branch³⁹. The opposition has shown no interest in seeking the Court's intervention as they have no confidence in it as an independent and neutral body⁴⁰. A NPGM participant described the current situation of the Court as:

*"The weakest institution in Somaliland is the Supreme Court. If it has powers and works effectively, it would have enforced its judgments. The Court is the last institution which resolves all constitutional disputes. If it is working efficiently, the President would not have been able to act unconstitutionally. The effectiveness of the Court has weakened by clan involvement. The court must be independent for its decision making process. The President and the Parliament must not intervene in the decisions of the Court directly or indirectly. The Court is the only institution which can resolve all conflict through the Constitution."*⁴¹

³⁷ UDUB has 33 seats out of the 82 seats in the House.

³⁸ Discussion with a veteran MP, Hargeysa, March 2007.

³⁹ Ibrahim Hashi, *The Sheikh Concordant-Settling Constitutional Disputes in the Somaliland Way?*, December 2006, p.14.

For example there were two cases that the President referred to the Court. The first one was in February 2005 and the second one was in May 2007. They both concerned disputes within the House of Representatives and in both cases the Court ruled in favour of the President.

⁴⁰ *Ibid.*

⁴¹ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

• **The Political Parties**

Somaliland’s political parties were, remarkably, able to contest in four rounds of elections under difficult circumstances. The formation of a political party has a meaning rooted in the philosophy and interest of those who accept and support its orientation, membership and leadership. It has its own platform and a political programme that reflects interests vested within the community and can express the necessary vision on the way forward, acceptable to either the majority or a section of the community. The lack of training of the political parties’ functionaries or to an extent their formal structures which tend to focus on the mobilization, membership, campaigning, fund raising, mobility, accountability, public outreach, use of media, etc. is a serious impediment to the growth of sustainable political parties serving a genuine electoral vehicle to access a representative seat in the Somali context.

The emergence of the political parties in Somaliland was a significant step to bridge the clan (Beel) political transition. The 2005 House of Representatives successful elections opened the way for representative democracy based ‘one man - one vote’ system in Somaliland. However, the absence of a functioning internal democratic mechanism to allow free competition for party leadership was exposed during the parties’ congresses⁴². Party Congresses are testing times for political parties and their leaders largely because it is the only time party leaders expose themselves to internal challengers. However, knowing the risk involved, no party leader was willing to hold a Congress unless its outcome ensured their leadership. To that end, a great deal of time was spent on selecting and screening party delegates. Challengers to the leadership were occasionally purged. Once this process had taken place, the Party Congress was convened, and the outcome was pre-determined.

A young man from the University of Hargeysa described this practice as undemocratic⁴³:

“[In Somaliland] we say we embraced democracy. But something is missing from it. For example, within the political parties when there is an [internal] election there are always fights and internal strives in which some people are saying ‘it is my party or I own the party’, so there is no system to have an [internal] election.”

A young woman human rights activist highlighted the negative outcome of such practices⁴⁴:

“We have only three political parties, the same leadership is still in control of each one”, while a university student blamed the Constitution for this undemocratic practice⁴⁵: “The Constitution has deficiency in allowing only three political parties, which are monopolised by three individuals. Usually, in some countries, when one candidate loses a general election he gives the chance to others.”

The dominance of these three persons over the election process reportedly prevents other aspirants from competing and at the same time limits the choices of the electorate. One way to overcome this challenge is to have the freedom to establish other political parties. Yet, Article 9 of the Somaliland Constitution which limits the national parties to three political parties does not allow that.

⁴² So far each party had one congress since their inceptions in 2001 and 2002. Yet party congress supposed to take place in five years. UCID was the only party that was able to hold it on time.

⁴³ Focus Group Discussion, Hargeysa, 21 February 2010.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

Despite the serious political confrontations, the political parties, particularly the opposition, were willing to come to the negotiation tables. Their readiness to compromise on many controversial issues that had stalled the process did help to revive the electoral process on numerous occasions. For many observers, including the donors, this willingness to compromise proved critical to the durability of the electoral process⁴⁶.

• The National Electoral Commission (NEC)

The members of the first NEC⁴⁷ gradually became more assertive and even-handed in their dealings with key stakeholders, and were able to run three elections relatively successfully. They also achieved a certain level of cohesiveness and discipline though it relayed on core group of commissioners. There were hopes that some members of the first NEC would be reappointed once their terms expired, in the interest of ensuring continuity, yet to the dismay of many, this did not happen. None of the stakeholders – the President, the *Guurti*, nor the two opposition parties – nominated a single member from the old NEC;

Once the new second NEC was sworn in in September 2007, the main question in the mind of many was whether the new NEC would be cohesive enough to work as one team, strong enough to resist pressure from the competing parties and develop good working relationships with all stakeholders to move the process forward.

Concerns over their capability and leadership grew steadily as the election process progressed. However, it was not until the middle of the voter registration, when NEC failed publicly in exercising responsibilities in the voter registration process, that nearly all stakeholders both externally and locally (including the President), lost confidence in the NEC's ability to run elections⁴⁸.

In 27th July 2009 the leadership of NEC with the explicit support of the former President, announced that the election would go ahead on 27th September without voter registration.⁴⁹ This controversial decision further damaged their credibility as an independent body. All major stakeholders with the exception of the former President refused to support this decision and lost faith in NEC's ability to organize an election.⁵⁰

Consequently, restoring public confidence in the NEC became a central issue in any future agreements among the stakeholders. In the subsequent negotiations among the stakeholders, dealing with the issue of the NEC became very tricky. It was very difficult to come up with a specific format to reformulate NEC – though there were various options that included the sacking

⁴⁶ Briefing by members of the donors community, Hargeysa, June 2008.

⁴⁷ Their term began in February 2002 and ended in February 2007.

⁴⁸ The President wrote a letter to NEC and Interpeace on 7th January 2009 to express his concern about the failure of NEC in the voter registration process.

⁴⁹ Michael Walls, *Somaliland: Democracy Threatened Constitutional Impasse as Presidential Elections are Postponed*, 2009, p.11.

⁵⁰ *Ibid*

of or voluntary resignations of all the commissioners. The Academy played an important role in diffusing the situation; meeting with and mediating between all key actors and stakeholders. On this basis, the six-point agreement stipulated that the three parties needed to find ways of restoring public confidence in the Commission. Eventually, all seven commissioners resigned to pave the way for the appointment of new NEC⁵¹.

Unexpectedly, the newly constituted NEC turned out to be instrumental in the final realisation of the stalled presidential elections. The new commissioners, unlike their predecessors, spoke with one voice, withstood external and internal pressures and developed a robust working relationship with Interpeace (which provided technical support for the electoral process). More importantly, they stayed focused on steering the country through a very critical period. In the upcoming elections it is crucial for the key stakeholders (internal and external) to provide the necessary political, technical and financial support to the NEC.

One of the most tangible ways that the new government can demonstrate its commitments to the cause of democracy is to diligently uphold and foster the independence of the NEC. Having conducted successful presidential elections, a self-confident NEC made an initiative to move the upcoming elections process forward. However, this effort by the NEC came under criticism. In a letter sent on 25th August 2010 to the three political parties and the leadership of the *Guurti* and House of Representatives, in which NEC offered possible challenges and recommendations that would serve the basis for stakeholders' consultation, NEC was strongly against the idea of opening the political parties before the upcoming local council elections (2011) arguing that it may lead to the announcement of one hundred political organisations and that among the qualifiers could be what they called 'an extreme party'⁵². For this controversial stand point, NEC was criticised and was seen as overstepping its mandate⁵³ as the statement of a participant at the NPGM well illustrates: *"The current commission has been a success story for whole Somaliland. However, lately they have mingled with the political parties. The NEC must be outside the contesting parties and keep distance from the key stakeholders of the electoral process. If they intermingle with parties, then their integrity and credibility will be in question. For their survival, they must keep distance from the political parties."*⁵⁴ Furthermore, the agreement between the NEC and the political parties to hold the combined elections of the local council and House of Representatives before December 2011 presents a challenge to the controversial decision of the *Guurti* to extend the term of the *Guurti*, the House of Representatives and the Local Councils. Although the legality of the *Guurti*'s decision could potentially be challenged through the Supreme Court, this would be a risky proposition.

• The Media

The media in Somaliland enjoys some degree of freedom. Though the private ownership of radio is restricted, there are several private and independent Somali newspapers and television

⁵¹ The resignation of the two most competent commissioners facilitated the resignations of other members particularly the leadership of NEC who were in question and reluctant to resign.

⁵² TMeaning an extremist Islamist party.

⁵³ ISG position paper, 30 August 2009.

⁵⁴ National Project Group Meeting, Hargeysa, October 2010.

channels that have provided platforms for the expression of a multitude of political views, ideas and perspectives, for presentation and debate of critical issues, for engagement of public opinion, and for educative and informative purposes. As the President of *Camoud* University suggested: *“With freedom comes responsibilities and obligations.”*⁵⁵

Media critics maintain that the media in Somaliland is struggling to act in a responsible way and should not report inaccurate news as a former private media owner insisted: *“the media must act in a responsible way.”*⁵⁶ Public media tends to be seen as pro government, with no space for critical views or opposition⁵⁷ while on the other hand, most of the private media outlets such as private television stations⁵⁸ are inclined to be very critical of the government, giving a voice almost exclusively to the opposition in their coverage.⁵⁹ There is very little middle ground.

The polarisation of the media occasionally contaminates the political environment and can undermine the electoral process. For instance, public television seems to be consistently demonising the opposition parties whenever there is a disagreement between the government and the opposition.⁶⁰ As for the private media, it was also involved in discrediting the electoral process.

However, there were some direct attempts on the part of the media to get involved in the mediation of some of political crisis. With the support of APD, journalists mobilised for the resolution of the political crisis related to the nullification of the voter registration lists in September 2009. Their efforts contributed to the beginning of the mediation that attempted to resolve the impasse.

In April 2010, APD, in partnership with Interpeace, organised a media-training on election reporting for the media groups. Drawing on lessons from a case study of the post-election violence in Kenya, a Media Code of Conduct was signed by the media people, the Minister of Information and NEC, enabling journalists to have access to polling stations while prohibiting publication of speculative results before the official announcement by the NEC. The few breaches of the code were dealt with swiftly and effectively by the Election Monitoring Committee under the auspices of the NEC.

• The Civic Organisations

Local civic organisations are slowly getting involved in the electoral process. Indeed a number of such organisations, ranging from Non-Governmental Organisations (NGOs) to academic

⁵⁵ National Project Group Meeting, Hargeysa, November 1999.

⁵⁶ National Programme Group Meeting, Hargtysa, 5-7 October 2010.

⁵⁷ Former director of the Somaliland National TV, Interview, Hargeysa, October 2009.

⁵⁸ With the exception of *Waheen*.

⁵⁹ In the morning discussions in cafes and other public place one get from these discussions that the private televisions gives more space to the opposition. The statistical report published by the Media Monitoring Group found that the public media was overwhelmingly dominated by the former government, while the private media was dominated by the opposition parties.

⁶⁰ For instance, in May 2008, when the opposition refused to recognize the *Guurti's* extension of the President's mandate, the government paraded prominent figures from Hargeysa's main clans in front of the national television every night, in an attempt at demonstrating popular support and at intimidating the opposition and its supporters.

institutions are holding public debates on critical issues, conducting trainings on leadership, and providing election-related advocacy. Civic organisations like APD, the business community and religious groups spearheaded a number of mediation efforts during the electoral crisis to resolve some of the political disagreements. For example in August 2007, a mediation committee consisting of APD members, two famous poets, three prominent religious figures and four well-respected intellectuals stepped in to mediate disagreements among the three political parties, the *Guurti* and the government over the formation of a new NEC and were able to resolve the issue.

There are NGOs that advocate specifically for certain groups or issues, such as those that work to enhance women's roles in the electoral process. Their involvement has been seen as a step in the right direction, but they are struggling to translate their demands into concrete political action. For example, *Nagaad* and other advocacy groups did not ultimately succeed in their attempts to pass legislation on affirmative action for women and marginalised groups through the Parliament in July 2007⁶¹.

There have also been attempts to give the civic organisations a chance to make their voices and views heard. An Independent Group of Scholars (IGS), organised by Social Research and Development Institute (SORADI), gathered from March 2008 offering – on a monthly basis – useful analysis on the status of the electoral process and recommendations to move the process forward.

The other positive development was the establishment of a local NGO consortium that consisted of seven members from the major Networks and Institutions that worked with NEC as an advisory board. This advisory group assisted NEC in selecting the appropriate local organisations to conduct voter education during the display period of the voter registration cards and in monitoring the performance of these organisations. The group was also helpful in selecting, training and deploying 600 individuals from the civil societies to mediate in electoral disputes outside the polling stations during the voter registration display period and the polling day. Furthermore, member organisations of this consortium trained and fielded about 800 local election observers.

Despite the involvement of certain organisations and individuals in the electoral process in different capacities, these civic organisations lacked the power to put pressure on the parties to adhere to the terms of the agreement or face off pressure from the government and other groups. One explanation might be that civic organisations tend to be outward looking instead of inward looking, meaning that they are more accountable and connected to their donors than the locals they claim to represent. A lack of effective internal democratic governance and transparency puts them in a moral dilemma when they ask the government and the political parties to be democratic and transparent.

⁶¹ The legislation was passed in controversial manner and in close vote through the lower House of the Parliament but was rejected by the *Guurti* (Upper House).

• The Electorate

Thus far, the political involvement of the Somaliland electorate has been confined to Election Day, when citizens come out in thousands and vote in a peaceful manner. When it comes to the election process, the public remains on the side-lines thus politicians fear no public repercussion in case of political mishaps. This is one of the reasons why the government keeps pushing back the election date with relative ease. It is with this in mind, that one woman from the Somaliland diaspora remarked: *“How come the whole fate of the electoral process hinges on these three political leaders [the President and the two leaders of the opposition], while the public, whose political rights are at stake, has no say or is not weighing in?”*⁶²

Yet, according to Human Rights Watch, the public has its reasons for being indifferent or silent to these political disputes or any violation of their political rights as they are unwilling to gamble on their enduring peace and stability⁶³.

The other explanation for the lack of strong public involvement in the electoral process is that the Somaliland electorate has little or no understanding of their political and civil rights. Devising effective nationwide civic education that ensures that the electorate understands their basic rights and how to vote remains very challenging. It is from this background that one of the youth stated that: *“We said that we have adopted a democratic system of governance, yet the core concept of democracy has not been either implemented or understood.”*⁶⁴

There were numerous occasions on which the public felt the need to act. In September 2009, a large number of people came out in support of the House leadership when they were denied to enter the premise of the House of Representatives by the Police under the order of the Government⁶⁵. This public stand turned into violent confrontation in which several civilians were killed and many others wounded. As a result of the strong show of public support, the House leadership was allowed to resume their work in peaceful manner within a couple of days.

Again in September 2009, mounting public pressure forced the *Guurti* to base its extension of the President term on the six-point agreement. It was reported that the pro government members in the *Guurti*, who had the majority, wanted to extend the mandate of the President without taking into consideration the six-point proposal. This move by the *Guurti* faced strong resistance from the opposition and the public who were determined to stop the *Guurti* extending the President’s term yet again by any means necessary⁶⁶.

• The International Community

Thanks to its relative peace and political stability, coupled with the on-going democratisation

⁶² Member from the Independent Scholars Group (ISG), Interview, Hargeysa, August 2009.

⁶³ Human Rights Watch, p.15.

⁶⁴ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

⁶⁵ The closure of the premises of the Parliament by the government happened when the House MPs were divided over a motion to impeach the President. Their disagreement over this motion turned into physical confrontation.

⁶⁶ Government Official, Interview, Hargeysa, February 2010.

process that contrasts sharply with recent developments in Somalia, Somaliland has garnered the attention of members of the international community. As a result, the recent electoral process received financial - and to an extent diplomatic - backing from the international community.

The expanded involvement of the international community in Somaliland's electoral process strained the relationship between the donors and the Somaliland government on several occasions. The main point of contention was the donors' precondition that all three political parties give consent in all crucial aspects of the election before committing any support, a move that was welcomed by the opposition but did not go over well with the government. On several occasions, the government and donors clashed over this issue. The donors either suspended or threatened to suspend their support during failures to reach consensus over the impasses on the numerous extensions of the mandate of the government and nullification of the voter registration.

The financial and technical assistance of the international community is crucial to future elections. With the success of the recent elections, the international support is expected to continue. That said, the level of future assistance and engagement will depend on the relationship between the new administration and the donor organisations and countries.

1.4 Engaging the Youth in the Democratisation Process

Though the Dialogue for Peace I and II programmes were broadly participatory and inclusive, promoting the interaction of diverse social and political groups, there was a concern about maintaining acceptable levels of involvement of youth, women and minority groups. In order to address this concern, APD and Interpeace were constantly exploring practical ways to raise these specific groups' interest and participation in the dialogue process.

Young people (defined as those under 30 years old) constitute the largest (and still increasing) sector of the population with the potential of becoming a source of political destabilisation in a fragile democracy in post-conflict context. Therefore, specific attention has been given to their participation.

1.4.1 The Current Situation

Like most African countries, Somaliland has a growing young population for whom the future looks grim⁶⁷. Many have little say in their future as only 35 years-old and over are eligible to run for public positions with the majority being well over forty, which exclude over half of the population from running.⁶⁸ *"The future of the young and others is being hijacked by old people/ guards who are occupying the decision-making bodies (...) These people have to vacate these places and give the opportunity to the young ones"* lamented a female participant.

⁶⁷ This assessment is based on the discussion of all focus group discussion.

⁶⁸ Constitution, Article 41; Presidential and local council election law, Article 33.

1.4.2 Political Engagement of the Youth

The majority of the people that came out enthusiastically to vote during the three elections in Somaliland were young people. Throughout the country hundreds of young men and women waited patiently in the long lines to cast their vote in support of the process. To some, this high level youth participation is an indication of their willingness to get involved in the political process, should they be given the space and opportunity⁶⁹.

Unfortunately, young people have no formal role in the current political process, despite being the bulk of the society and biggest voting bloc. Young people are not only absent from the main branches of government (House of Elders, House of Representatives, local councils, Judiciary and the Executive Branch), but are also unrepresented in both high and low administrative positions as an active member of a local women NGO deplored: *“They [youth] are out of the decision-making bodies, when we watch the TV we rarely see young people in the decision making bodies.”*⁷⁰

The feeling of political marginalization is quite strong among young women as the concern of one of them well illustrates: *“Women’s participation in political affair is very limited, especially for the young women. Women don’t show interest to campaign [for political office] because her family and her clan would not support her. Even her husband would not support her, because he will vote for his clan representative.”*⁷¹

Although youth are not involved in the decision-making process of the government and other public bodies dealing with issues that concern youth directly, some youth believe they have other means to influence policies. As explained by a researcher:

*“Today there are various ways in which youth can participate in the decision-making process. There are youth organisations [network] in which youth can channel their inputs to the political parties and other decision makers that can influence the outcome. They lobby for legislations changes such as the removal of the age restrictions, by working with the younger ones in the House of Representatives who have sympathy for youth issue.”*⁷²

In terms of youth political participation, the other political avenue available for them is the three existing national political parties: Kulmiye, UDUB and UCID. The Mapping Exercise highlighted that youth are present in the structures of the three political parties, and representatives from the political parties in the regions claimed that they attached great importance to the issue of the youth⁷³. Indeed, the involvement of the youth in the election process proved very critical to the political parties. For one thing, the political parties relied on the youth for much of their campaigning efforts and drew most of their electoral support or votes from the youth. Consequently, they became the centre of attention during the electioneering as expressed by this woman: *“They just became a target during the elections receiving money and Qaad to solicit their support and reach their goals.”*⁷⁴

⁶⁹ APD, Forum on the Challenges to Promoting Young Leaderships, March 2008.

⁷⁰ Focus Group Discussion, Hargeysa, 13 February 2010.

⁷¹ Focus Group Discussion, Hargeysa, 21 February 2010.

⁷² Focus Group Discussion, Hargeysa, 13 February 2010.

⁷³ Interviews, Boroma, 25 June 2009 and Burco, 12 July 2009.

⁷⁴ Focus Group Discussion, Hargeysa, 21 February 2010.

Moreover, most of the party agents at the polling stations during the elections were selected from the youth, because they were readily available throughout the country and had the endurance to go to remote areas; additionally they were interested in getting a token per diem⁷⁵. However, their importance to the political parties did not provide them a role in the decision-making process of the political parties, neither did it push the political parties to take up youth's political participation as a national issue. This sentiment was expressed by a youth activist: *"The political parties have no formal policies and commitment to allow youth participation, but do pay lip-service to youth issues."*⁷⁶

The general view of the people consulted during the Pillar Mapping Exercise is that the youth have failed to use their voting power to support those deemed pro youth issues or to force the parties to promote youth agenda. A political mistake acknowledged by a youth consulted: *"In the upcoming elections the youth are determined to vote for those candidates who have expressed sympathy for youth issues"* said a young woman in Laascaanood⁷⁷.

Yet the hope that the new administration would include some young people in the new cabinets has not materialised – even though there are at least three young men appointed to other positions.

1.4.3 Challenges to Youth's Political Participation

There are numerous challenges that impede youth's political participation. Some of the obstacles often cited by the youth include:

Limited political space for youth to participate in democratisation process

• Legal barriers

Ironically, in Somaliland, people over 16 years old are eligible to vote, whereas, those under 35 years old are not legally allowed to run for public office at both the local and national levels. In the words of a MP in the House of Representatives: *"First the youth should be given the opportunity to participate in the decision making process. Once they are in the decision-making bodies there will be some hope. There is a legal barrier that limits their political right to run for public office unless they are over 35 years old."*⁷⁸

Other people pointed out that the legal barrier only pertains to hold elected offices and argued that the youth still have the opportunity to seek other public positions⁷⁹.

Frustrated by their exclusion from the political process, some youth groups began to hold public debates, through youth NGOs and networks and sometimes with the help of some organisations to draw a national attention to this legal barrier⁸⁰. Though these discussions generated general interests from both the sides of the youth and the decision-makers it failed short of producing

⁷⁵ In 2005 legislative elections, their per diem was shared between party members which led to a huge number of party agents refusing to report to the polling stations. This was not the case in the 2010's elections.

⁷⁶ Focus Group Discussion, Hargeysa, 13 February 2010.

⁷⁷ Focus Group Discussion, Laascaanood, 15 July 2009.

⁷⁸ Focus Group Discussion, Hargeysa, 13 January 2010.

⁷⁹ Focus Group Discussion, Burco, 13 January 2010.

⁸⁰ In March 2008, APD along with local youth NGOs organised a public debate around the promotion of young leaderships.

any movement towards legal reforms. Nevertheless, it was seen as a step in the right direction as expressed by a young human rights activist:

*“The Youth umbrella SONYO and other youth organisations made efforts to move things forward (wax bay dhaqaajiyeen). However they did not make any major break-through due to lack of experience and resources. The youth are [becoming] more and more aware and conscious about their missing rights and their challenges, as I found out in my travel to the other regions. Throughout the country youth are aware of the need for change.”*⁸¹

However, the luxury of holding public debate is not something available to all regions particularly not to the semi isolate region of Sanaag as a participant in Ceergaabo deplored: *“In Ceergaabo there are no strong local youth NGOs, or networks that unite the existing ones to organise public debate on youth issue or forum in which youth could meet to exchange their views.”*⁸²

Yet, as one MP in the House of Representatives who advocates for the youth issues admitted that these public discussions and debate lead to some attempts to reform the legal framework⁸³ as the amendment of the local election electoral law stating the age of the candidates well illustrates⁸⁴.

• Economic and social barriers

Beside legal barriers, youth also face economic and social obstacles to actively participate in the political process. The prevailing political culture in the country based on clan tends to discourage the participation of younger generations. The clan would rather be represented by a veteran than a young man since he knows the tricks of the trade and can get better deal for its clan interest. Sometimes the following Somali proverb is given as a pretext: *Nin yari intuu geed ka boodo ayuu talo ka boodaa* [A young man overlooks the issues by how far he can jump over a tree] – an excuse to limit their participation⁸⁵. Others argued that the youth have not yet attained the experience required to hold political post as one of the youth in Hargeysa described: *“The youth in Somaliland are not yet able to hold political posts. They do not have the experience and the knowledge to effectively realize a better system. However, their opinions can be used for the realization of a better government.”*⁸⁶

Even those in their forties who are eligible to run for public offices encounter resistance from the general public: *“When I run for the House of Representatives, I was in my early forties and the slogan that was used against me [during the campaign] was ‘this young boy’. So the question is: when will I become a grown-up?”* wondered a House of Representatives’ member.⁸⁷

Other problems that were attributed to the dominance of the old generation over the Somaliland’s political system were the lack of pension and other retirement benefits. First as explained by a

⁸¹ Focus Group Discussion, Hargeysa, 13 February 2010.

⁸² Focus Group Discussion, Ceergaabo, 15 July 2009.

⁸³ This reformed law was rejected by the *Cuurti*.

⁸⁴ Focus Group Discussion, Hargeysa, 9 February 2010.

⁸⁵ Focus Group Discussion, Hargeysa, 13 February 2010.

⁸⁶ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

⁸⁷ Focus Group Discussion, Hargeysa, 13 January 2010.

businessman in Hargeysa: *“Old people occupy most government positions; we do not have an exit strategy for them, we have no pensions for them whereas they have been working for many years. They too have rights. Have we ever discussed ways an exit strategy could be developed?”*⁸⁸

Other participants in the focus group discussions did not blame the existing clan structure for the absence of the youth in the decision-making process but rather the experimentation of democracy over these traditional structures. According to one intellectual the clan system has its mechanisms and processes to develop the future leaders and to transfer the leadership from one generation to another. By embracing democracy the traditional mechanisms have been compromised and at the same time the critical skills and behaviours that allowed a process of democratic socialisation that fosters the development of future leaders and the transfer of leadership from one generation to another have not been put in place.⁸⁹

In addition, the youth themselves are not strongly challenging the process. According to some participants, since the youth are the bulk of the population, they have the power to fight for their rights not on a clan basis but on issues. Therefore, they should not expect the old generation to vacate their position voluntarily and invite the younger ones as their sons, daughters and nephews to replace them. They have to fight for it as the older generation will not relinquish the power easily.⁹⁰

Economics was another reason brought forward, as the youth do not have as much economic means and resources. This reality makes difficult for the youth to be active in the political arena, particularly in political parties.⁹¹

Throughout the country, particularly in the major urban centres, there are very active youth NGOs that are dealing with various social issues such as education, water, sport, health and sanitation. Most of these organisations, however, shy away as they engage in governance issues both at the national and local level. Some of the reasons cited include:

- Absence of political consciousness or maturity to overcome these differences to forge common platform on governance issues and lack of capacity to advocate for these issues⁹²;
- Poor knowledge base on governance and human rights issues due to the lack of good higher education and experience in democratic practices which makes them unable to hold accountable the leadership of the country⁹³;
- Divisiveness of governance issue compared to social ones. Youth find it difficult to have a common understanding, due to clan, regional and neighbourhood differences⁹⁴;

⁸⁸ Focus Group Discussion, Hargeysa, 13 January 2010.

⁸⁹ Focus Group Discussion, Burco, 6 June 2010.

⁹⁰ Focus Group Discussion, Ceergabo, 14 July 2009.

⁹¹ Focus Group Discussion, Hargeysa, 13 February 2010.

⁹² Focus Group Discussion, Burco, 11 July 2009.

⁹³ Focus Group Discussion, Hargeysa, 13 February 2010.

⁹⁴ Focus Group Discussion, Burco, 11 July 2009.

- Lack of resources to get engaged in governance issues as they get their resources from external donors and these donors tend to provide more support to social issues such as HIV awareness rising, etc.⁹⁵;
- Willingness of the political and traditional establishment at the national and local level to work with the youth on social issues rather than governance issues⁹⁶;
- Fear of reprisal particularly from the government as explained by a young man from a local NGO: *“The main reason for not raising governance issue is because of fear. If an organisation speaks out about governance issue they would come under pressure from the government and at the end it might be closed.”*⁹⁷

Lack of formal relationship with the local and national institutions

Throughout the regions of Somaliland, there is limited formal interaction between government officials and the youth, mostly in ad hoc manner or issue based encounter⁹⁸. Certainly, the existence of such a mechanism would have provided the youth the channels or the platform to voice their concerns and agenda to the policy makers.

In the focus group discussions, the youth expressed their desire and the need for such interactions. At the same time, they admitted their inability to develop such mechanisms due to the absence of organisational capacity, skills and civic culture that promote such things. *“Youth do not get the appropriate guidance to seek our rights and space”*⁹⁹ complained a young human rights activist.

Furthermore, they accused the political establishment of not encouraging public involvement in government affairs, a situation that will not change unless the youth are able to formulate proactive youth organisations to hold these officials accountable. Yet, as explained by a university student: *“It is not in the best interest of the government to have such viable organisations.”*¹⁰⁰

Some local officials admitted the poor relationship between the youth and the local government officials while adding that the relationship and interaction between the community at large and local officials are not so great either. These officials insisted they do not have something against the youth and pointed out occasions when they collaborated with the youth.¹⁰¹ A collaboration supported by a young man from Berbera who explained: *“I have no problem working with local officials and I have total and direct access to them.”*¹⁰²

1.4.4 Consequences of Lack of Public Youth Engagement

One of the problems people consulted associated with the lack of active youth engagement and political alienation in the country is ‘*Tabriib*’ – the illegal migration that may involve human trafficking. For the last couple of years, this type of migration has become a major national concern as hundreds of young people left the country through this process. In 2009 alone, about 500 youth left the city of Borama by *Tabriib* through the Mediterranean¹⁰³.

⁹⁵ Focus Group Discussion, Hargeysa, 13 February 2010.

⁹⁶ Focus Group Discussion, Borama, 24 June 2009.

⁹⁷ Focus Group Discussion, Hargeysa, 13 February 2010.

⁹⁸ Focus Group Discussion, Borama, 24 June 2009.

⁹⁹ Focus Group Discussion, Hargeysa, 13 February 2010.

¹⁰⁰ Focus Group Discussion, Hargeysa, 13 February 2010.

¹⁰¹ Focus Group Discussion, Burco, 12 July 2009.

¹⁰² Focus Group Discussion, Berbera, 05 July 2009.

¹⁰³ Commentary by Maxamed A. Sheekh, Haatuf Issue No. 2237, 31 December 2009.

The plights of youth are undeniable as a young lawyer well described¹⁰⁴:

“If you visit the jails in Somaliland, you will realise that the majority of the prisoners are youth. In our jails we do not have rehabilitation centres. Rehabilitation comprises counselling and the development of the prisoner’s skills so that he/she can be able to work when he finishes his/ her imprisonment period. Yet, since they do not get rehabilitation and they have no means of surviving, they go back to being offender and a professional criminal. As a result they prefer being in jail. Because the only place they can survive is in jail where they can secure their daily meals.”

Others pick up the habit of *Qaad*¹⁰⁵ chewing or get involved in some kind of anti-social behaviours. For many, the *Qaad* habit is simply a pleasurable way to escape from the anxiety of alienation.

The other general concern that was widely raised is that the country’s youth problems contribute to its security challenges. In many social riots and political confrontation in Somaliland, particularly in urban centres, the youth tend to be the forerunners of these unrests, as they are readily available to get engaged in such activities to blow off some steam¹⁰⁶. Some participants to the consultations observed that disenchanted youth are susceptible to be exploited by extreme elements including Al Shabaab. In the words of a young woman: *“Illegal migration [Tabriib] is less dangerous and harmful when compared to the recruitment of Al-shabab. When the person does not have a job and other means that he/she can live on, he/she will easily join these organisations.”*¹⁰⁷

Some of the social costs associated with the lack of youth engagement include the denial of the opportunity to hold decision-making positions at an early age to gain the much needed leadership experience. A sentiment echoed by this youth activists¹⁰⁸:

“The people who are now running the country and implementing this discriminatory/exclusionary policy are the aged ones, who will leave one day. By doing so they would have failed in preparing and nurturing the future leaders who will replace them, thus leading the country to a bleak future.”

If proper attention is not given to youth’s feelings of disenfranchisement soon, things might get out of hand as a university student warned: *“If this continues, the youth might come together, instantly take the matter into their hands through illegal means and revolt against the government and society.”*

1.5 The House Sub-Committees

APD and its partner Interpeace played a key role in Somaliland’s legislative elections that originated the first elected MPs in September 2005. Both organisations continued to work with the members of the new House of Representatives in different manners¹⁰⁹.

¹⁰⁴ Focus Group Discussion, Hargeysa, 4 January 2010.

¹⁰⁵ *Qaad (Cathula edulis)* is a stimulant grown in Ethiopia, Kenya and Yemen. Its green leaves are consumed widely in the Somali-inhabited areas of the Horn of Africa.

¹⁰⁶ In 2008/09 there were a couple social riots.

¹⁰⁷ Focus Group Discussion, Hargeysa, 10 January 2010.

¹⁰⁸ Focus Group Discussion, Hargeysa, 13 February 2010.

¹⁰⁹ The remaining donors’ support funds for the parliamentary elections was spent through a local contractor (contracted by Interpeace) to build the House leadership and Sub-committees office spaces. APD assisted the House of Representatives sub-committees in organising consultative workshops to allow key stakeholders, experts, civil society, and ordinary citizens to provide inputs in a relevant piece of legislations.

The legislature plays a central role in the process of peace building and democratisation. A weak or ineffective legislature can lead to disillusionment, disengagement and ultimately disintegration of the political system. A vigorous House of Representatives in Somaliland is essential to the maintenance of peace and stability in the country and to the future development of a democratic system.

The Current Situation

The current House of Representatives, which was elected in September 2005, was the first elected chamber in Somaliland since the last pre-war parliament dissolved in 1969. During this election the ruling party UDUB won the largest number of the seats (33) while the opposition political parties, Kulmiye and UCID, captured 28 and 21 seats respectively, giving them 49 seats. The House of Representatives includes three chairpersons (the Speaker and two Deputies), all previously controlled by the opposition.

There are eight parliamentary Sub-committees in Somaliland's House of Representatives. In accordance with the Rules of the House of Representatives (*Xeer Hoosaadka Golaha Wakiilada*), all members of the House, except the Speaker and his two Deputies, should belong to one of the eight parliamentary standing Sub-committees. The size of the standing Sub-committees ranges from eight to nine Members of Parliament (MP) while the Permanent Sub-committee (*Guddiga Joogtada ah*) is composed of 17 MPs.

Since the new elected House of Representatives assumed its legislative responsibilities it has been mired by internal divisions and confrontations with the *Guurti* (Upper House) and the Executive. Consequently, the performance of the House has been mixed at best. In its tenure, it has been able to pass numerous legislations that have been forwarded by the government. However, it failed to act about major reform legislations such as an electoral law for the *Guurti*, the revision of the previous electoral laws and the gaps in the Constitution. Attempts were made to address some of these issues, however due to strong opposition from some MPs in the House and the alliance of the *Guurti* and the Executive against these reforms, the realisation of these legislations were prevented.

However, as the main opposition party Kulmiye won the presidential election in June 2010, there is hope that the working relation between these different branches of government might improve in the future.

Today, the House still remains deeply divided and susceptible to external interferences as a veteran MP explained: "*the House of Representatives has reached a point, in which it cannot come together on anything - even on a least controversial issue.*"¹¹⁰ Consequently, these internal divisions, added to the lack of financial capacity, weakened the public's support who sees the House of Representatives as unproductive. One of the residents in the Baligubadle district stated: "*those MPs we elected did not bring us anything. There are MPs from this district who have not come back to their constituency.*"¹¹¹

¹¹⁰ Interview, Hargeysa, February 2010.

¹¹¹ Interview, Baligubadle, 03 March 2010.

1.6 The Capacity to Represent People

Being parliamentary implies to “listen to, communicate with, and represent the needs and aspirations of citizens in policymaking; to oversee the implementation of laws and programmes; and at times, to intercede with government on behalf of the citizens.”¹¹² In Somaliland, the legislature is struggling to establish some kind of relationship with the electorates.

The Relationship between the People and the MPs

The House of Representatives has been in power beyond their mandate of five years (2005-2010). Throughout this period, the trust and the relationship between the House and the public remained weak. One of the MPs explained the reasons by arguing that: “The people need development. (...) If we go back to our constituency, our people would ask us ‘what have you brought us?’ If we do not have the resource to support our people, the role of the representation would be weak.”¹¹³ A statement completed by another legislator: “We cannot compare our recently adopted democratic system to old countries [democracies] that have been practising this system for hundreds of years (...) where every MP should have an office for his/her constituency. This cannot be applied to Somaliland. The perception of the people who elected us is that we have resources and means to support them. People need to know that the MPs are not [like] the government and they do not have the resources to support them.”¹¹⁴

Besides, the link between the people and the legislatures is not very formal as one MP clarified: “The kind of relationship we have with the public is when we meet them in the market places where they ask us to buy them *Qaad* or a lunch.”¹¹⁵ In general, the public confirmed the poor relationship between the legislature and the people. In the words of a resident in Balligubadle: “We elected five MPs from our region, only one of them usually visits us and he brings us projects and programmes. In the next parliamentary election, we will vote for him for that reason.”¹¹⁶

In addition, the public, particularly the youth and women, deplored their limited access to the lawmakers’ facilities. A sentiment expressed by a young woman: “No one will let you in the Parliament premises. They usually ask you why you are here (...) whom do you want to see (...) and when you find the person [lawmaker] you are looking for, he [the lawmaker] says that he is busy, he has no time, let’s meet another time. So it is very difficult to meet and ask them something. The only way you can get to them is if you have relative in the Parliament.”¹¹⁷ The public however regretted that most of the people who are in contact with the policy makers are those who pursue their self-interests or a daily *mijin* (bundle of *Qaad*), thereby making many officials avoid the public as a young man explained: “Most of the people when they go and meet an official they go for personal interests and *Shaxaad*. And when the person [official] is overwhelmed with such personal demands they avoid people totally.”¹¹⁸

¹¹² USAID, Handbook on Legislative Strengthening, February 2000, p.19.

¹¹³ Focus Group Discussion, Hargeysa, 09 February 2010.

¹¹⁴ Focus Group Discussion, Hargeysa, 09 February 2010.

¹¹⁵ Focus Group Discussion, Hargeysa, 09 February 2010.

¹¹⁶ Focus Group Discussion, Baligubadle, 03 March 2010.

¹¹⁷ Focus Group Discussion, Hargeysa, 12 February 2010.

¹¹⁸ Focus Group Discussion, Hargeysa, 12 February 2010.

There were hopes that an elected legislature would be more accountable to the public. Unfortunately, these expectations have not yet been realised. It becomes clear from the current situation that the previous parliament (clan-based system) and the democratically elected parliament are similar in terms of their accountability to the public since the clan influence still remains. During the parliamentary elections, although political parties were the key players, the candidates were eventually elected (through the political parties) according to their clan affiliation. It is from this background that one of the MPs stated, “MPs are accountable to their respective clans not to a community that comprises different clans.”¹¹⁹ Consequently, there is no difference between the clan nominated legislature and the democratically elected legislature in terms of accountability.

1.7 Capacity to Formulate Legislations

Sub-committees have the legal and political authority to carry out their mandates. They also have the freedom to hold their sessions, follow the procedures laid down in the Rules of the House and sufficient space to hold sessions. However, the majority of the members of the Committees lack the practical experience and skills to effectively conduct the work assigned to the Committees.¹²⁰ Committees have difficulties in dealing with bills and resolutions that pass through them since they do not have the capacity to frame bills in a professional manner. Often, most of the workload falls on few committee members.¹²¹

Access to Information

Access to information is crucial for the law-making process and MPs have full authority to find information they need at any time as one MP explained: “the majority of us are legally allowed to find the information we need; we have not experienced any difficulties or limitation from the Executive.” A statement confirmed by one of his colleagues who stated that: “if I need to find information from one of the ministries, the staff would not be able to refuse me to find the information I need.”¹²²

The Ability to Draft a Bill

One of the fundamental functions of the Sub-committees is to revise and amend bills before presenting it to the House. The Sub-committee does have the legal authority to draft a bill for their initiative, but this has never happened since the lack of standard procedure and effective working plan has undermined the capability of initiating a bill. As one MP stated, “we are reluctant to do and dispose the required task such as drafting laws.”¹²³ Furthermore, the House has no the capacity to draft laws because of the lack of legal expertise and capacity to draft bills.¹²⁴

In addition, the weak and sometimes hostile relationship between the House and the Executive has negative impacts on the drafting of bills by the Sub-committee or the House. As one MP mentioned, “even if we try to draft a bill, that bill will not even reach the House of Elders for political reasons.”¹²⁵

¹¹⁹ Focus Group Discussion, Hargeysa, 09 February 2010.

¹²⁰ Interview, Hargeysa, 7 December 2009.

¹²¹ *Ibid.*

¹²² Focus Group Discussion, Hargeysa, 09 February 2010.

¹²³ *Ibid.*

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

Since the House of Representatives used to be dominated by the opposition, the government has shown reluctance to cooperate with the House effectively and honestly which has prevented the passing of laws and bills originated from the House and specifically the Sub-committees.

It is widely accepted by both the opposition and the ruling party that the lack of resource such as the legal expertise is one of the impediments to law-making as the MPs from the different political parties consulted during the Pillar Mapping Exercise expressed.¹²⁶ Furthermore, the hostile relationship between the Executive and the House of Representatives has a negative impact upon the unity of the House itself. Some participants even argued that the representation of different political parties within the House has a negative impact on law-making since each political party has different interests and perceptions.¹²⁷

1.8 The Capacity for Oversight of the Executive

The Constitution enjoys a special role in the life of any nation. It is the supreme and fundamental law that sets out the state's basic structure including the exercise of political power and the relationship both between the political entities and between the state and the people. The adoption of a new Constitution in Somaliland in 2001 returned multi-party democracy to the country and as a result renewed the interest and the role of the Parliament.¹²⁸

Legislatures are one of the crucial elements in a democratic society, essential in ensuring the rule of law and protection of human rights. Parliament questions provide members from different political parties with an opportunity to interrogate Ministers on current issues and events that fall within the constitutional mandate of their Minister. Parliament questions are useful for they are one of the few ways in which backbenchers can publicly raise their concerns and expect an official ministerial reply. However, the Ministers do not always accept to respond to the sub-committees' request¹²⁹ and the lack of constitutional sanction and weakness of the constitutional court make the oversight less effective and sometime unfruitful.

Although Ministers may seek to circumvent the legislature in other respects, annual parliamentary approval of the government's financing remains a constitutional necessity. One of the mandate of the House of Representatives is to follow up the actions of the Executive and ensure that it is held countable for it – a role that has been one of the critical issues between the House and the Executive under President Riyale. The domination of the House by the opposition during that period had resulted in a weak inter-institutional working relationship between the House and the Executive.

¹²⁶ Sub-committees lack the financial resources to bring outside experts for consultation. There are two legal advisors and one economic advisor at the disposal of the committees and they are underutilized. They do not have a proper office, and the way they can assist the committees is very unclear. MPs expressed that the lack of library makes invaluable the outcome of the work assigned to the Committees. For instance, if they are trying to find legislations from other countries, they do not have the means to access such information. Another source of technical support is the underutilisation of the civil society.

¹²⁷ With the advent of political parties, MPs are having difficulties to overcome partisan politics for sake of fulfilling their responsibility to the electorate. This acute partisanship hampers the effectiveness of committees' activities as the opposition and the government party often take contradictory and sometimes irreconcilable approaches on many issues.

¹²⁸ John Hatchard, Muna and Peter, *Comparative Constitutionalism and Good Governance in the Commonwealth, An Eastern and Southern African Perspective*, Cambridge, 2004.

¹²⁹ The Ministry of Livestock was called by the House but refused to respond and appear in front of the House.

The House of Representatives has a constitutional power to approve all bilateral as well multilateral contracts between the government and the other entities. This constitutional obligation has not been abided by the Executive as a MP reminded: *“One of the main contentions between the House and the Executive is the oversight issue or the constitutional powers of the House [to keep the President in check]. The Constitution clearly stipulates that the international agreements between the government and other international entities should be brought to the House [for ratification]. Yet there has not been any agreement brought to the House [for ratification].”*¹³⁰ Moreover, there is no cooperation between the different branches of the state. As one of the MP explained: *“There is no cooperation between (...) the Executive and the Parliament. For one thing, the opposition parties have dominated the House of Representatives and the ruling party has not been included in the House leadership. There is some kind of inter-institutional hostility [between the government and the House]. Consequently, the needs/ interests of the people are lost and gone without any concerns.”*¹³¹

The House of Representatives has the sole constitutional mandate to oversight the actions of the Executive. The House has therefore, a constitutional power to scrutinise government financial system and to provide public detailed information on public spending. Effective parliamentary scrutiny compels the Executive to justify publicly the reasons for its choices, which is a major contribution towards fiscal transparency. In addition, the House is required constitutionally to examine and pass bills, the vast majority of which are government inspired.¹³²

1.9 Challenges on the Oversight

Challenges would be inevitably faced by a newly elected House of Representatives, especially as far as the oversight is concerned.

Though the Somaliland Constitution stipulates the separation of power¹³³, the Constitution in this area has already been proven deficient¹³⁴. Therefore, the balance of power favours the Executive as the Constitution grants extraordinary powers to the President under the Articles 83, 90 and 92.¹³⁵

Lack of formal authorities is not the only reason for the absence of effective Parliamentary oversight: an important factor is also the unwillingness or the inability to exercise the existing formal authority granted to them by the Constitution. Many legislatures admit that the Constitution grants them ample formal authorities to play their oversight role over the Executive, but exercising this power effectively has been difficult¹³⁶. For one thing, the Executive remains very strong towering over all other branches of the State. In the words of one UDUB MP: *“We*

¹³⁰ Focus Group Discussion, Hargeysa, 09 February 2010.

¹³¹ Focus Group Discussion, Hargeysa, 09 February 2010.

¹³² John Hatchhard, Muna and Peter, *Comparative constitutionalism and good governance in the commonwealth - an eastern and southern African perspective*, Cambridge, 2004.

¹³³ Somaliland Constitution, Article 37.2.

¹³⁴ ICG, *Somaliland: Democratisation and Its Discontents*, 2003, p.33.

¹³⁵ Somaliland Constitution, 2001.

¹³⁶ Mohamed Ibrahim, *Political Impasse in Somaliland: Assessment of the Relationship between the House of Representatives and the Executive*, (unpublished), 2007, p.10.

*do not have democracy here; we are still practising the dictatorship principles. The decisions are in the hands of one man [the President].”*¹³⁷

The other obstacle for the House to exercise its oversight authority is the inability of the MPs to act in unity as a single institution due to the existing socio-political structures which makes it hard for the majority of the MPs to promote the interest of the institutions they are serving. The culture of institutional loyalties has not been internalised by the majority of them because of their continued clan or regional loyalties¹³⁸.

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

¹³⁷ Focus Group Discussion, Hargeysa, 09 February 2010.

¹³⁸ Focus Group Discussion, Hargeysa, 09 February 2010.

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

Democratisation Pillar: Possible Strategic Interventions?

- **Gaps in the legal framework related to the electoral process**

Somaliland was able to successfully hold three rounds of elections. However, these elections faced legal challenges that constantly cast doubts over the election processes. Similarly, as expected, the current election cycle has encountered numerous legal disputes that have posed a constant threat to the whole electoral process. Disagreement over the extension of the mandate of the government without an election and the right to form political parties or be independent candidates has emerged. Moreover, the existing legal provisions and procedures pertaining to the elections are weak and not compiled in one legal document. For instance, there are no legal provisions that specifically deal in detail with electoral issues, there is no explicit measure to enhance the representation of the marginalized groups such as women, youth and minorities, and there is *Guurti* electoral law and these legal provisions are not compiled in one chapter but rather in two different secondary laws which are not aligned.

- *How can a comprehensive legal framework be formulated that serves as the basis for the conduct and delivery of free, fair, credible and legitimate elections and what would it include?*

- **The absence of basic non-electoral instruments**

For a democratic electoral process, two fundamental instruments are missing: a reliable National Census and the legal definition of administrative boundaries, both of which are absent in Somaliland. Lack of such mechanisms makes it difficult to devise an electoral system that expresses the will of the electorates and allows fair representations. Furthermore, Somaliland has no state recognized register of births for the whole population. In an election, the verification of the age of the voter is important to the integrity of the electoral process particularly to any voter registration exercise.

- *What is the best approach in establishing the bodies responsible for a national census and the demarcation of Somaliland borders?*

- **The political marginalization of the youth**

The youth have little or no say in their future as only 35 years-olds and over are eligible to run for public positions. As result of that, youth have no formal role in the current political process, despite being the largest segment of Somaliland's population and biggest voting bloc. Young people are not only absent from the main branches of government (House of Elders, House of Representatives, local councils, Judiciary and the Executive Branch), but are also unrepresented in both high and low administrative positions.

- *What are more practical ways that Somaliland's youth could fully contribute to democratisation?*



- **Weak relationship between the elected representatives and their constituency**

In 2005, the first parliamentary election was held. There were hopes that elected parliament would be more responsive to the public. However, the relationship between the elected legislation and their constituents remains very weak. Lack of resources and skills, inadequate infrastructures and facilities and poor public awareness has hampered the capacity of Somaliland's legislatures to fulfil their representation role.

- *Can formal mechanisms and programmes be created that would strengthen the relations between representatives and their constituencies?*

- **The inability to oversee the Executive**

The House of Representatives has the constitutional mandate to oversee the action and the policies of the government. The absence of or inadequate legal regulations and procedures and the inability of the House member to enforce the existing formal oversight power made the check and balance less effective. Lack of resources, technical capacity and political skill has undermined the ability of the legislatures to keep the executive in check. A strong and uncooperative executive has further exacerbated the situation.

- *What is the best strategy to strengthen the legislature's capacity to provide effective oversight of the Executive?*



2 Decentralisation Pillar Mapping

2.1 Introduction

Although Somaliland political transition from Beel (clan) sharing power system to multiparty electoral system began in 1997¹³⁹, it was not until May 2001, with the referendum on the Constitution that the process came into effect. The approval of the Constitution paved the way for the 2002 local council elections, followed by the presidential election in 2003, the legislative elections in 2005 and finally the recent 2010 presidential elections.

Local elections were an important step that made it possible for the public to exercise their right to choose their local leaders thereby providing a step towards the decentralisation of political power. This process also facilitated the formation of representative and legitimate local governance structures throughout the country. With it, a certain degree of administrative decentralisation has been achieved in which decisions regarding local developments and concerns are being made at the local level.

According to one official from the Ministry of Interior, the essence of Somaliland's decentralisation process is to move towards a decentralised decision-making process, ensuring the transfer of some powers to an elected local authority¹⁴⁰. The expectation was that this type of decentralisation would promote citizen's participation in local issues and enhance the responsiveness, transparency and accountability of local governments to the public. Seven years after the local elections¹⁴¹, many Somaliland citizens are questioning the extent to which these expectations have been met.

Since the local elections, there has been a growing public dissatisfaction about the performance of the elected local councillors and the lack of commitment from the central government to advance the decentralisation process. It is now accepted that these local elections have not led to meaningful decentralisation as it is envisioned in the Somaliland Constitution¹⁴².

For many observers, beyond holding local elections, the government of Somaliland lacked the vision and necessary policies to promote much needed reforms in order to realise a more democratic and effective decentralisation. Some of these actions would have included an extensive review of the status of the decentralisation process by identifying its weaknesses and strengths, and the existing legal and administrative gaps in order to establish proper structures and mechanisms to improve the efficiency and the effectiveness of local governments' service delivery.

The long involvement of the Academy for Peace and Development (APD), along with its partner Interpeace, in Somaliland's decentralisation process began in 2003 after the election of the local

¹³⁹ The 3rd Somaliland Peace Conference held in Hargeysa brought an end to the hostilities between the government and the opposition. President Maxemed Ibrahim Cigaal was re-elected for another five years and a provisional Constitution was adopted unanimously.

¹⁴⁰ Interview, Hargeysa, 9 December 2009.

¹⁴¹ The term of the local council is 5 years. However, an 8-month extension period was passed by the *Guurti* in August 2008, and again the House passed a further 1 ½ year extension in 7th September, by the *Guurti*.

¹⁴² See the Somaliland Constitution, Articles 109, 110, 111 and 112.

councils. In 2004, APD and Interpeace began to expand their engagement in the decentralisation process through the Dialogue for Peace programmes I and II in order to highlight the main public concerns and the key challenges to Somaliland's decentralisation process.

Through this engagement, APD has conducted various activities and research aimed at promoting local governance. Some of these activities included capacity building for the local councillors in 2003 with the support of United Nations Programme for Human Settlements (UN-Habitat). This programme also involved the Somali translation and adaptation of 12 manuals on the different roles of a local councillor. In July and August 2007, the Academy carried out a need assessment study about Somaliland's local government institutions and structures. The assessment aimed at identifying existing gaps in the legal framework, structures and procedures of local governance. The findings of the assessment were shared with and validated by the local and central government officials¹⁴³. In 2008, 10 stakeholders' dialogue workshops¹⁴⁴ on local government revenue and land management were held in six major municipalities.

After the completion of the Dialogue for Peace I and II, Interpeace and the Academy for Peace and Development (APD) launched the Pillars of Peace Programme in January 2009. Building on both organisations' long involvement and experience with Somaliland's stakeholders, decentralisation was identified as an important element to Somaliland's peace-building process.

2.2 Decentralisation: An important Element to Sustainable Peace in Somaliland

According to some experts, decentralisation has emerged as a popular strategy to improve public sector efficiency, responsiveness and accountability in the developing world – thus both providing the opportunity for citizen's participation and ownership of the local issues and increasing as well as contributing to social and political stability.¹⁴⁵

In the case of Somaliland, the devolution of power is seen as a suitable model of governance that can contribute to the attainment of sustainable peace in post-conflict period. The prevailing sentiment is that a return to a highly centralised governance system, similar to the former Somali state, would generate a degree of unease and resentment that could lead to political tension with the potential escalation to violent conflict. With that in mind, decentralisation of power was enshrined in the National Charter of 1993 Grand Borama Conference.

The return of peace to the area allowed the establishment of local administrations. Executive committees, headed by nominated Mayors ran these local governments. There were unsuccessful attempts to create nominated local councils to broaden the decision-making process. The election of local councils in 2002 offered to the public, for the first time ever, the chance to elect their local

¹⁴³ In November 2007, APD organised a validation workshop attended by more than 60 participants mainly from the local and central government officials and civic society representatives.

¹⁴⁴ These workshops brought together local government councillors and staff, elders, business people, traditional elders, women and civil society representatives in the districts of Burco, Borama, Berbera, Ceerigaabo and Hargeysa.

¹⁴⁵ Joseph Siegle *et al*, *Assessing the Merits of Decentralisation as a Conflict Mitigation Strategy*, A paper prepared for USAID office of Democracy and Governance in support of Decentralisation and Democratic Local Governance Handbook.

leaders. Even though these elections represented positive development in the decentralisation process, and despite of the on-going efforts from diverse actors (both internal and external) to strengthen the capacity of the local administration, the establishment of effective and democratic local governments still remained an uphill task.

For one thing, timely periodical elections are an important avenue for constant public participation and an entry point for democratic local government. Somaliland, is struggling since 2007 to hold the second local councils elections to give the populace a second chance to exercise their democratic right to elect new local councils. The numerous postponements of the local elections are undermining the progression of Somaliland's decentralisation process and prevailing peace and stability in the country. There is growing public frustration and delusion about the current local councils whose term is overdue. A sentiment echoed by one elder¹⁴⁶ in Burco: *"Everything that goes beyond its term becomes ineffectual."*

Another prevalent view is that democratic and effective local administrations are the foundations for good governance and a vehicle for local development. Most of the people consulted during the Mapping Exercise believed that a functional local government that provides basic services to the communities is essential to peace and prosperity. A view expressed by some elders¹⁴⁷ from different regions consulted during the Mapping was that peace without development would not work and could lead to instability in the long run. According to these elders, for peace to prevail there is a need to have a government that is transparent, accountable and responsive to its citizens.

For many participants the realisation of such democratic and effective local administrations would depend upon the political will of the central government. In the words of one local council in Sheekh: *"Changes and reforms would not be possible at local level without similar changes and reforms at the centre, and if there is good leadership at the top then the lower level [local governments] will follow suit."*¹⁴⁸

Decentralisation Pillar Mapping Exercise

Methodology

Based on both APD's long-term involvement in Somaliland's decentralisation process and the prevalent public view, democratic and effective local governance is essential in promoting good governance and to the political stability of Somaliland. Therefore, Decentralisation was identified as one of the pillars for the Pillars of Peace programme, based on its immediate and overriding relevance to peace, security and progress in Somaliland.

More particularly, the following three sub-components were identified as areas of engagements

- Structure and functions of local governments;
- Local government revenue;
- Public participation in local government's affairs.

¹⁴⁶ Focus Group Discussion, Burco, 9 July 2009.

¹⁴⁷ This view was held by different elders from Hargeysa, Burco, Sheekh and Borama who participated in Focus Group Discussions in June 2009.

¹⁴⁸ Focus Group Discussion, Sheekh, 6 July 2009.

The APD team carried out a Pillar Mapping Exercise on a national scale meant to, through its inclusive approach, highlight the importance of decentralisation for Somaliland's peace building and state building processes.

Objectives of the Mapping Exercise

The objectives of the Mapping Exercise were as follows:

- To validate the decentralisation pillar and its components;
- To identify the challenges to decentralised local governance with strong public participation in Somaliland;
- To raise the level of awareness of women, youth and marginalised groups on decentralisation;
- To create a space for dialogue around the issue of decentralisation between the stakeholders;
- To formulate key questions which require further attention in order to identify achievable and sustainable solutions to the challenges identified.

Background: The Importance of Decentralisation in Somaliland

The legacy of the highly centralised rule combined with the decentralised local political culture has generated widespread public interest in decentralised system of governance¹⁴⁹. Due to this public interest, decentralisation has become the centre piece of the Somali National Movement (SNM)'s political programme and Constitution in their arm struggle with the government of Siyad Barre.¹⁵⁰

The first post conflict legal framework, the National Charter, was adopted in Borama Peace Conference in 1993 and defined decentralisation as a system of governance¹⁵¹. The Charter gave the local people the right to nominate and establish their own councillors at regional and district level. The mandate of these local leaders was to plan and manage economic development and social services and to maintain security and local infrastructures in a manner that is not contradictory to the national laws and policies¹⁵².

Efforts to establish local administration in accordance with the national charter began when the Ministry of Interior issued a Decree¹⁵³ that defined the administrative structures, functions and responsibilities of the regional and district authorities¹⁵⁴. In addition, the Minister of Interior had unsuccessfully instructed the regions/districts to nominate their respective officials within 45 days. However, the central government later nominated these regional/ district officials for final approval by the Ministry after a request by parliament¹⁵⁵.

The Ministerial Decree, which was far from achieving the decentralisation envisioned by the National Charter, was approved by Parliament but triggered debate within the MPs on the nature

¹⁴⁹ C. Jimcaale, *Rebuilding Somaliland: Issues and Possibilities*, Red sea Press, Lancevilla NJ/Asmara, Eritrea, 2005, p.89.

¹⁵⁰ Ex-army colonel, Member of the SNM central committee and Former member of parliament, Focus Group Discussion, Burco, Togdheer region, 11 July 2009.

¹⁵¹ See Article 21 of the Somaliland National Charter, Borama, 1993.

¹⁵² *Ibid.*

¹⁵³ C. Jimcaale, *Rebuilding Somaliland: Issues and Possibilities*, p.88.

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

and the form of decentralisation¹⁵⁶ it implied. A former MP, who was also a member of the central committee of SNM, saw the process as one that was monopolised by the Ministry of Interior and not intended to transfer power to the local communities¹⁵⁷.

Furthermore, the Parliament amended Article 21 of the National Charter to give the central government the authority to nominate local officials until people were able to elect them¹⁵⁸. With that the central government continued to nominate the executive committee of the local government, namely the Mayor, the Deputy Mayor and the District Executive Secretary until the first local council election was held in December 2002.

Today, decentralisation as a concept continues to trigger national debate. The previous administration, on the pretext of more decentralization, has created more regions and districts¹⁵⁹ without practical reasons. Government critics see this move as a form of campaign handouts to gain support for the presidential election which has proven to be counterproductive to the decentralisation process, as argued by an elderly man in Burco¹⁶⁰: *“This step of creating more districts and regions is only facilitating more community fragmentation, competition and animosity. And in the long run every sub-clan will eventually try to have their own little regional enclaves.”*

However, for some participants, such initiatives that aimed at creating more regions and districts were not government driven: *“To tell you the truth, it is not the government in most of the cases that comes to us and says here is your district or region. In fact, it is the other way round where [the clans] pressure the government to give them districts. To be honest with you, it was our sub-clan who pressured the government to give us a district and we used every available mechanism to get it.”*¹⁶¹

2.3 Local Government Structures and Functions

The Current Situation

The gradual return to peace in the country has offered the opportunity to establish basic local structures throughout Somaliland. At present, there are 13 regions and over 80 districts¹⁶². Out of these, six regions and 42 districts have been approved by the Parliament. Out of these 42 districts, only 23 are electoral districts of which 17 have officially elected their local councillors in 2002 elections¹⁶³. As for the elected councillors in office, they are over 300 while there are over 450 appointed district committee members¹⁶⁴.

¹⁵⁶ *Ibid.*

¹⁵⁷ Focus Group Discussion, Burco, 19 July 2009.

¹⁵⁸ C. Jimcaale, *Rebuilding Somaliland: Issues and Possibilities*, p.88.

¹⁵⁹ 7 new regions and 49 districts have been established over the past 7 years.

¹⁶⁰ Focus Group Discussion, Burco, 19 July 2009.

¹⁶¹ Focus Group Discussion, Burco, 11 January 2010.

One participant challenged others by explaining how the interest of clan overshadows that of the state.

¹⁶² Only 21 districts existed by 1991, since then 60 districts and 6 regions have been created.

¹⁶³ All the six districts are in the eastern regions of Sool and Sanaag where local elections did not take place due to security reasons – except Dhahar which had uncontested election since only UCID submitted candidates.

¹⁶⁴ All the districts that did not have elections have nominated councillors, while the rest of the districts including the new established ones have nominated committees who act as district council.

As illustrated in the Law no. 23 of Regional and District Self-Administration, two distinct authorities exist, namely, the regional authority and the district authority. Officials at the regional level are appointed by the Central Government and include:

- The Governor
- Deputy Governor
- Regional Executive Secretary
- Regional Directors of each Ministry

At the second local tier are districts. As mentioned earlier, 23 districts have an elected local council. The local councils elect Mayors and their Deputies, and the central government appoints District Executive Secretaries. These three district officials constitute the Executive Committee of the district that runs the local administration. The local councils are organised into other sub-committees such as the permanent committee, which is composed of the chairpersons of these sub-committees. Moreover, at the district level the same Law (no. 23) defines the functions and responsibilities of the local governments. In an attempt to introduce some reforms in the light of the elected councils, the law was amended in 2006.

The place of the regional authority in the current arrangement is ambiguous, though Law no. 23 clearly establishes the role of the regional authorities in terms of their relationship with the local authority. For example, Article 13 of Law no. 23 specifies the tasks of the regional authorities and states that *“[the regional council] is responsible for decisions regarding the political, administrative, development and security at the regional level. In addition to that, they should also be reviewing the regional budget as well as the political and administrative decisions of regional districts.”* However, the regional authorities are not in a position to carry out these specified responsibilities with the exception of dealing with security issues at the regional level.

The current local administrations do provide some municipal services and contribute financially to other services such as primary education and police forces. Many of them have established some kind of revenue (tax) collection system to generate income and have also managed to ensure that the local inhabitants gradually accept to pay taxes. The municipal authorities are collaborating with the community on a number of initiatives to improve service deliveries. For example, in Hargeysa, the local authorities and the public have collaborated in building or rehabilitating roads. In all the municipalities there are efforts to establish various local committees in attempt to broaden the decision making process.

Expecting a change in leadership and direction, the electorate elected a new President, Ahmed Mohamed Mahamoud ‘Silanyo’, who was sworn in on 27th July, following the Presidential election that was peacefully held on 26th June 2010. The public expectation was that the new government would have the political will to foster the realisation of decentralisation as envisioned by the Constitution.

The change in the leadership at the central level, with the local elections on the horizon and with strong public interest in decentralisation offer reasons for optimism. Yet the challenges to functional and responsive local governments remain numerous.

*Inadequate Legal Framework*¹⁶⁵

The Constitution of Somaliland defines the nature and the level of decentralisation that it envisions for the country in the Articles 109, 110, 111 and 112. For instance the Article 110 describes the local government as part of the central government while Article 111.1 states: *“The regions and the districts of the country shall have legislative councils, whose power are limited to passing by-laws which do not conflict with the laws of the country, the Executive and councils.”* The Article 111.4 says: *“The regional and district councils shall have the power to plan their economic and social affairs.”*

In terms of the devolution of administrative responsibilities, Article 112 specifies the following: *“The administration of community services such as health, basic education, livestock husbandry, internal security, water, electricity and communication, etc. shall be the responsibility of the region and districts in so far as they are able to do so.”* As for financial power or jurisdiction, the taxation between the central government and the regions/districts shall be determined by the law setting out the relationship between the central government and the regions/districts. The aim is for the regions/districts to become self-sufficient in their provision of community services.¹⁶⁶

These provisions clearly express the establishment of elected regional and district legislative bodies with sufficient administrative, financial and political authorities to be able to provide basic services and local development. Some observers argue that these Articles are not comprehensive enough since they only outline the basic principles about Somaliland’s decentralisation. As explained by a former MP in Burco, this constitutional deficiency happened due to the government’s reluctance to allow adequate time to debate and discuss the Constitution in general and decentralisation in particular due to political interests¹⁶⁷.

The secondary laws, which the constitutional framers envisioned to grant the regional and local authorities adequate administrative, fiscal and political powers for local governments to provide basic services and economic development for their communities, have not been enacted. The current secondary laws are not in accordance with the spirit of the Constitution and reality on the ground¹⁶⁸. For one thing, these legislations are formulated and developed by the government through the Minister of Interior, who have vested interests and are unwilling to relinquish some of their powers. The legacy from the previous and prolonged highly centralised rule weigh into the making of these laws as most of the government officials are from that era. Consequently they tend to rehash the old laws with minor changes and with little or no consultations and inputs from the key stakeholders.

Furthermore, these controversial legislations are either completely ignored or selectively applied by both sides of the aisle (the centre and the local) for various reasons and rendering them as just ink on papers.¹⁶⁹ According to a councillor from Borama who believed that most of problems

¹⁶⁵ See in annex the list of laws and regulation related to local governments.

¹⁶⁶ Somaliland Constitution, Articles 112.1, 112.2 and 112.3.

¹⁶⁷ Focus Group Discussion, Burco, 19 July 2009.

¹⁶⁸ Please refer to previous section on Administrative powers of the local council.

¹⁶⁹ This emerged from different workshops, focus group discussions and interviews organised from 2007-2010.

stem from the lack of law implementation, “none of us [the local and national level] follow what the laws say”. The most cited explanations given across the population are that the realities on the ground make it difficult to fully or partially apply these regulations. Firstly, the priorities of social and political culture obliged policies, procedures and even law to be extraordinarily flexible in order to accommodate them. Secondly, many of the officials using them are either not familiar with, unaware of or simply ignoring these regulations¹⁷⁰.

Moreover, there are also other existing legislations that have influences on the decentralisation process. Some these legal frameworks are from the colonial and post-colonial administrations, traditional norms and other source of legal thinking.¹⁷¹

During the NPGM’s discussions, most of the participants expressed their concerns about the inadequacy in the existing legal framework. They argued that the central government wields excessive power in local government’s affairs and prevent decentralisation to effectively take roots as a MP pointed out: “the challenge of power between these competing bodies (central and local government) in the same constituency poses an obstacle to the decentralisation process.”¹⁷²

Undefined Relationship between the Central Government and the Local Government

The existing secondary laws fail short in defining the relationship between the central and local authorities. This often leads confusion and political confrontation between these two entities on certain issues such as taxation and land management. The Law no. 23 of Regional and District Self-administration gives certain fiscal and administrative powers to the elected local authorities without sufficient details and specifications, which makes the implementation of these provisions problematic. For instance, attempts by the local administrations to pass any meaningful local laws, policies, regulations and by-laws – with regards to taxes, water management, electricity agencies and development programmes – are challenged. As explained by a local council member in Borama: “we [the councillors] once came up with a law that regulates the local farmland around Borama in order for the local government to find a way to own land for possible use of hospitals, police stations, schools and play grounds. When this law was passed by the council and introduced to the people, the Ministry of Interior intervened and told us to pull back as it is their mandate to introduce laws. We suspect it is the elders of Borama who went to Hargeysa and complained about it.”¹⁷³

The issue of jurisdictions has been the main source of conflict between the local and central government. Local councillors accuse the government of undermining their legal authority to carry out their day to day activities. A council member and lawyer in Hargeysa argued that: “the truth is that the local councils are frozen by the central government because of the Ministry of Interior. The Ministry, being the entry point to the government, prefers to put the council under their subordination. For the time being it is only the Mayors who have an official task or function, even though they themselves (the mayors) can’t survive without a connection – you are either connected to the President or to a Minister.”¹⁷⁴

¹⁷⁰ *Ibid.*

¹⁷¹ UN/JPLG, *Design preparation of the Somaliland Decentralisation: Policy and Review of the regions and Districts*, Hargeysa, p.21, 2009

¹⁷² National Programme Group Meeting, Hargeysa, 5-7 October 2010.

¹⁷³ Focus Group Discussion, Borama, 25 February 2010.

¹⁷⁴ Local Councillor, Interview, Hargeysa, December 2009.

The other problem associated with these legal deficiencies is the limitation of the existing administrative powers of the local governments. Both the Constitution and the Law no. 23 of Districts and regional self administration, give the local authority the right to provide and manage basic services such as health, education, security and water. However, none of these legal frameworks specify on how and when these services would be handed down to the local governments; therefore none of these services come under the responsibility of the municipalities with the exception of sanitation. A local councillor lamented: *“In reality, the management of water and electricity services was supposed to be the responsibility of the local government.. However, currently these services are under the control of the President’s office. The council complained to the ministry and tried to reject this decision, but the ministry rejected the request”*¹⁷⁵.

More often, it is the representatives of the central government in the regions who set the regional programmes and implement projects funded by central government in coordination with the regional and district authorities.¹⁷⁶

Unclear Relationship between the Local Council and the Regional Authorities

Despite certain functions delegated to the governors, the role of the councils within the existing arrangement is not clear. Article 111.5 of the Constitution (stated earlier), calls for the establishment of elected regional councils even though the governors would be appointed by the President. Here the drafters of the Constitution were probably trying to give the central government some control over the regions by allowing them to appoint regional governors¹⁷⁷ and at the same time ensuring a degree of public participation at the regional level through elected regional councils¹⁷⁸. However, this political arrangement at the regional level has not materialised. Currently, an appointed regional authority is established instead of an elected regional council. The election of regional councils has never been an election issue.

The absence of such a structure raises important questions in terms of the relationship between regional authorities and the existing local governments. *Firstly, who is accountable to whom? Secondly, who is doing what and when? And how are these different layers linked and coordinated?*

As observed during the Mapping Exercise, the tension between the central and local government stemmed from the lack of comprehensive laws that deal with the issues of concern. Local councillors believe that the current practice gave more powers and authority to the nominated regional authorities in the local affairs instead of the elected leaders with the legal mandate¹⁷⁹. Throughout the Mapping Exercise, local councillors complained about the undefined relationship between the council and the regional authorities that became a pretext for constant central government interference-thereby undermining the ability of local councillors to raise funds locally and to act independently without government intervention¹⁸⁰.

¹⁷⁵ Focus Group Discussion, Berbera, 5 July 2009.

¹⁷⁶ *Ibid.*, APD/ Interpeace, Local Solutions, 2006, p.27.

¹⁷⁷ A legacy inherited from the colonial administration as well as the previous Somali Government.

¹⁷⁸ Assessment validation workshop, Hargeysa, November 2007.

¹⁷⁹ This legal mandate is accorded to them by the Constitution and the Law no. 23.

¹⁸⁰ Focus Group Discussions, Berbera, 5 July 2009; Burco, December 2009; Borama, 25 February 2010.

Although one of the main responsibilities of the governor is to deal with security issues at the regional level, these officials on the pretext of maintaining peace and security get involved in local administrative issues such as land and property disputes¹⁸¹. Such interference complicates the resolution of these disputes¹⁸².

On the contrary, most of the governors consulted during the mapping exercise claimed that they had the responsibility to monitor and supervise the council activities. In reality, their role was being challenged as explained by the deputy governor of Saaxil region¹⁸³: *“the governor’s office and the local council have clear roles described in the laws; however, the attitude and behaviour of the councillors is that they are elected and nobody can talk to them. This is unacceptable and we need by-laws that go beyond Law no. 23 in order to hold councillors accountable.”*

However, the existence of a clear legal framework would not automatically solve all these issues, because the key stakeholders employ their own working relationship arrangement that have little or nothing to do with the existing law. As a matter of fact, many participants in the Mapping Exercise prefer to build on the existing working arrangement, which are better understood rather than introducing massive legal reform.

Furthermore, another prevailing view calls the government to develop a vision and strategies that will guide the process of decentralisation in the short and long term. This decentralisation policy would allow the gradual devolution of political, administrative and fiscal power from the central government to the local government.

The Election of Local Council: Reality versus Assumption

There was broad consensus in the country over the issue that the 2002 local elections did not produce legitimate local councillors. Participants in the consultation process viewed the electoral system as the major cause for this failure. Since the electoral system was based on proportionate representation (PR) and party listing, the electorate had to vote for the party of their choice as opposed to the candidate of their choice. Therefore, majority of the electorate believed that it was difficult to hold the local councillors accountable for their conduct once in office.

The role of the clan in selecting the candidates was another issue raised during the Mapping Exercise. Most of the people, including the councillors themselves, acknowledged that the selection process was influenced by the clan leadership who lack national party interests. A women’s rights activist¹⁸⁴ in Burco complained about the negative impact of clan-based politics on the political system: *“The clan never supports competence but rather the person that can be used to bring something for the clan. The clan has created this mess and it is the clan that can correct this by selecting the right people into the positions of power.”*

¹⁸¹ The governors are also believed to act as a watchdog for the local government institutions.

¹⁸² Focus Group Discussion, Borama, 25 February 2010.

¹⁸³ Interview, Berbera, 5 July 2009.

¹⁸⁴ Focus Group Discussion with Women, Burco, 9 July 2009.

During the NPGM, most of the participants agreed that the incompetence of the local councils could be attributed to the lack of a vetting process for council candidates during the local elections. The fact that the local councillors were not elected to office by a popular vote but through party enlistment indicated party favouritism which was a determinant in the selection process. As one participant noted, *“the missing quality of the elected councils can be attributed to complexities of local elections, in which the local councils had contested through party enlistments but not through direct election. The electorate was focused on making their party one of the winning national political parties, but was not aware who is on board of the party as candidate.”*¹⁸⁵

Furthermore, the vetting process by the National Election Commission (NEC) was not very thorough and allowed a large number of incompetent candidates to assume office. The presence of these unqualified councillors in the local government policy making process has hampered the effectiveness of the existing local governments. A concern expressed by a member of Borama council¹⁸⁶ captures the complication caused by an illegitimate electoral system: *“The council brings together a diverse group of people, a man/women whose sole interest is money and privilege, one who is credible and wants to make change, one who is illiterate and can’t follow the discussions and one who is highly politicised and there for his party. So the question is how we can bring all these different interests into one and move from there? This is unlikely to happen.”*

The size of the local councils, varying from 13 to 25 members, was another public concern. The public consulted during the Mapping Exercise believed that the current large size of the local councils hindered the effectiveness of the local council as decisions took long to be reached or ended up in an impasse. Furthermore, the large council size has strained the meagre resources of the local governments by drawing monthly allowances of USD300. However, the councillors justified receiving such allowances by saying *“according to Law no. 23, councillors are allowed a meeting allowance (200.000 Sh¹⁸⁷ per meeting)¹⁸⁸, however, instead of receiving the allowance at every meeting, they opt to receive it at the end of the month and it is the same for all the other districts.”*¹⁸⁹

In addition, councillors were in constant conflict and confrontation. As a result, many of them get mired in constant internal fights and external interference thereby limiting their time to serve the public. Most of these political fights were about impeaching the mayors, who were often accused as being dictatorial. For instance, a local councillor in Gebiley described the problem of Mayors’ impeachment as follows: *“The Mayor’s office had become the centre of the power and authority in the district. Everything had to be under the mayor’s control. It became clear that the municipality was only active when the Mayor was present. That is how the business of impeaching the mayors started. We continued impeaching one mayor and after the other, which was not healthy until the Ministry of Interior intervened and stopped us from*

¹⁸⁵ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

¹⁸⁶ Focus Group Discussion with Members of the Borama Local Council, Borama, 26 June 2009.

¹⁸⁷ Equivalent to USD 30.

¹⁸⁸ They are supposed to receive an allowance of USD30 if a session is being held (no session no allowance) and are supposed to hold at least ten sessions per month.

¹⁸⁹ Deputy Councillor, Focus Group Discussion, Gebiley, 17 January 2010.

¹⁹⁰ Councillor, Focus Group Discussion, Gebiley, 17 January 2010.

*holding any council meeting for two years.”*¹⁹⁰

The role of the councillors was also another issue raised. As stated in Law no. 23 of Regions and Districts Self-administration, the councillors are responsible of formulating legislations at the local level and at the same time to developing local programs and plans. The council are also mandated to oversight and monitor the Executive. However, their role in these areas had been either limited or lacking and most of them [councillors] engaged in Executive issues or other issues such as land and management.

Most of the councillors interviewed during the Mapping Exercise acknowledged the criticism levelled at them and the electoral system. However felt that they had gained enough experience and intended to remain in office for another term. This sentiment was expressed by a councillor¹⁹¹ in Borama who expressed the following: *“the issues of elections and local councillors were new concepts. Neither the government nor the political parties are to blame for this. As councillors, it has been a tough experience and we hope that instead of electing new councillors they [public] will re-elect us [the current council] in order to make use of the knowledge and experience we’ve gained over the past years.”*

However, most of the electorate consulted were divided on the issue of local election system. On one hand, some were in support of an open party-list as it would deliver qualified councillors. They argued that an open party list would allow the public the chance to elect candidates of their choice. On the other hand, others supported the party list electoral system in which the people voted for a party. They argued that the open list system, based on the experience of the parliamentary elections in 2005¹⁹², did not produce better candidates. Currently, there is no agreement on the type of election system to employ in the next local council elections.

In 2007, there was a similar debate at the legislative level. The internal and security committee responsible for the review of Law no. 20 of Presidential and Local election made some amendments to the Law, in particularly on articles concerning the electoral system¹⁹³. The committee changed the party list election to open list for the forthcoming local election, a change that was arbitrarily decided by the parliament without proper consultations with the government and the political parties. As a result, the parliament passed this Law, but the *Guurti* [House of Elders] rejected it on the basis that this system of open list was not applicable to Somaliland context¹⁹⁴. At the moment, the stand-off over the electoral law still exists and the Lower House of Parliament [House of Representatives] is trying very hard to get an absolute affirmative majority vote.

Women participants also raised the issue of inclusivity in the upcoming 2011 local council elections. Reflecting on their experience with the current council, women believed that they were in a better position to deal with local issues such as the provision of social services and promotion of local development. According to many women participants, representations would be more effective if

¹⁹¹ Councillor, Focus Group Discussion, Borama, 25 June 2009.

¹⁹² The public’s opinion is that the elected MP’s are not different than the councillors in terms of performance.

¹⁹³ See Article 22 of the Election System, Law no. 20 of Presidential and Local Election.

¹⁹⁴ Based on the experience of the parliamentary election, the House of Elders believe that this type of election strengthens clan affiliation and is a burden to local economy as lot of money was spent during the campaign

¹⁹⁵ Woman participant, Focus Group Discussion, Gebiley, 17 January 2010.

there were atleast three or four women in each local council. This was explained by a woman¹⁹⁵ in one focus group discussion as follows: *“Women are more responsive to the needs and priorities of family than men. So I believe women can bring changes in the way men see the provision of social service when it comes to local governments.”*

The Mayor: The Ultimate Political Prize

Article 62 of Law no. 23 of Regional and Districts Self-administration states that the Mayor and the Deputy Mayor are elected by the councillors within 15 days after the results of the local elections. Article 66 under the same Law gives the council the authority to dismiss the Mayor and the Deputy Mayor. However, the post of Mayor has become an ultimate political prize yielding enormous powers making it impossible for local councils to hold the mayors accountable.

The competition over the post of the mayor has become a challenge to stable local government administration. Due to the lack of understanding in the division of roles between the Mayor and councillors, combined with the power vested in the office of Mayor, Mayors have been removed of their position in all the districts with the exception of Hargeysa and Ceerigaabo¹⁹⁶. Within the first two years in office, 15 Mayors were impeached in five major districts creating widespread public frustration and disappointment. To address this problem, the Ministry of Interior decreed¹⁹⁷ against the impeachment of mayors for 18 months. However, once the ban was lifted by the Ministry, the impeachment of mayors resumed.

The competence and the qualifications of elected Mayors was another issue raised during the Mapping Exercise. Respondents of the Mapping Exercise believed that the Mayors were elected on the basis of clan rather than merit. The general public view was that in all districts the Mayor’s post belonged to the dominant clans in the districts and that no other clan could compete for the post. This arrangement was based on an understanding agreed among the clans in that area¹⁹⁸ which was acceptable to the councillors and to a certain extent the public as well. For instance, in districts such as Burco and Berbera the posts of Mayor and deputy Mayor were always occupied by specific clans.

Selection of Mayors from ruling the party UDUB was another concern raised by many councillors from the opposition parties in all the districts visited during the mapping exercise. They accused the central government, particularly the Minister of Interior, of orchestrating this practice through political manipulation and financial support. In the words of a councillor from Berbera: *“This practice existed in every district as the government wants to have a control over the local government resources. And that is why the position of the mayors always belongs to UDUB and the central government pushes to get it.”*¹⁹⁹

In places where the opposition had the majority, like the district of Ceynabo, the opposition refrained from electing a non UDUB member because the government would indicate to the

¹⁹⁶ *Ibid.*, APD/ Interpeace, Local Solutions, p.12.

¹⁹⁷ *Ibid.*

¹⁹⁸ On the basis of clan’s numeric size and their domination in the area.

¹⁹⁹ Focus Group Discussion, Berbera, 5 July 2009.

councillors their unwillingness to work with a Mayor from an opposition party. In the words of a local councillor in Ceynabo: *“There has been a lot of conflict within the council when selecting the mayor’s post. As the Ministry (of Interior) undermined the operation of the office [if opposition mayor was in charge], we then advised them to step down in order save the office.”*²⁰⁰ However, this accusation levelled at the government was denied by the Mayor of Berbera who reminded the councillors that the procedures and criteria of the mayor’s election was agreed upon and written in the local council’s by-laws. He further argued that the mayor’s position belonged to the majority party and that should be respected.²⁰¹

The authoritarian powers of the mayors were echoed in the NPGM where it was repeatedly noted that the mayors rebuffed any attempt to unseat them by buying off support from some of the councillors with the use of public resources. A businessman from Hargeysa²⁰² deplored: *“an incumbent Mayor confessed to me that he had used a lot of public resources to abort attempts by other councillors who were all vying to replace him as a mayor.”* In areas where local elections did not take place, Mayors, nominated by the central government, exercised formidable power in local government affairs. A participant from Lasanod²⁰³ explained that: *“the local authorities charge taxes blindly on the town dwellers and often behave as if they have got blank check from the central government.”*

The poor performance of the current local government under the leadership of the elected local council received strong public criticism during the consultations. Some participants’ preferred the previous arrangement in which the Mayor was appointed by the central government²⁰⁴. Others thought it was too early to make a conclusion and they suggested continuing with the current arrangement, but with reforms in the election procedures and electoral systems. Many intellectuals inclined to reforms argued that the Mayors should be elected directly by the electorates to give the Mayors direct public mandate and to make them accountable to the public²⁰⁵. They argued that this type of election would promote the public confidence in the local government leadership as a participant explained: *“it is in the interest of everyone to elect individuals with knowledge and experience. This will enable the public elect a Mayor with integrity whom they can hold accountable for his/ her misconduct.”*²⁰⁶

The District Executive Secretary: Powerful and Controversial Position

According to Article 45 of Law no. 23 of District and Regional Self-administration, the District Executive Secretary (DES) is an official from the Ministry of Interior. He is appointed by the Ministry of Interior and can be dismissed by the Minister. However, the presence of an appointed official within the decision-making structure of local government is viewed to undermine the independence of the local government institutions²⁰⁷. The DES is a very powerful post under the

²⁰⁰ Focus Group Discussion, Caynabo, July 2009.

²⁰¹ Focus Group Discussion, Berbera, 5 July 2009.

²⁰² National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁰³ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁰⁴ In their arguments, people were reflecting on the some of the major progresses made by the previous mayors.

²⁰⁵ Focus Group Discussion, Burco and Borama, January and February 2010 respectively.

²⁰⁶ Focus Group Discussion, Borama, 25 February 2010.

²⁰⁷ *Ibid.*, APD/ Interpeace, Local Solutions, p.9.

current structure of the local government. The Secretary is a member of the Executive Committee, the permanent committee and secretary to the local council meetings²⁰⁸. In addition, the DES is also a signatory to all the financial transactions and manages the day to day administrative tasks of the local government.

However, there is widespread dissatisfaction by some of the councillors across the country about the huge authority/ responsibility awarded to the centrally appointed DES. The growing concern amongst the councillors is that the position has turned from being professional to one of political appointees lacking the required qualifications and competence leading to poor performance and inefficiency in the local government. A Councillor in Burco emphasized that “the Secretary should be someone who is able to develop and implement plans effectively. However, the current secretary is someone who can’t even plan for his own revenue and that is why we always failed in everything we do”.

The accountability and dismissal of the DES has been a bone of contention between the local government officials and the central government. Local officials believe that they cannot hold DES accountable since they are central government appointees. Several amendments have been made to Law no. 23 in order to give the local officials more power in the dismissal and appointment of the DES²⁰⁹ yet these changes have been seen as cosmetic with the issue of the appointment and of the DESs remaining a highly contentious issue between the local officials, particularly the Mayors, and the Minister of Interior.

Since the DES is a technical position that requires specialised skills and knowledge, there had been proposal to recruit DESs’ from local governments. This proposition had been presented by a Sub-committee of the House of Representatives while reviewing and amending²¹⁰ Law no. 23. However, the amended bill failed to pass through the House of Representatives due to stiff opposition from the Ministry of Interior.

Local Government Fiscal Autonomy

Currently, the local governments in Somaliland are struggling to raise sufficient funds and resources to provide basic services. According to some local councillors,²¹¹ the generated revenue does not cover the provision of the required services²¹². Local councils attributed this financial shortfall to the existing revenue collection legal framework, particularly Law no. 12/2000 of Unified Tariffs for local governments. According to the local councillors, this law undermines the fiscal autonomy of the local governments since it limits their authority to generate revenue through taxation at local level.

²⁰⁸ Article 53 of Law no. 23 of Regional and District Self-administration makes the DES responsible for managing all council meetings, internal committee meetings, preparation of agenda’s and the meeting minutes.

²⁰⁹ Executive Committee (Mayor or the Deputy) can request the Minister of Interior to replace the DESs in case they can not work them.

²¹⁰ The issues were discussed in consultative meetings organized by the internal and security committee of the parliament during the process of reviewing Law no. 23 in 2006.

²¹¹ This issue was raised in APD’s dialogue workshops on Local Revenue and Land in the five major districts of Hargeysa, Burco, Berbera, Borama and Ceerigaabo in 2008.

²¹² This issue was discussed at length in the dialogue workshop organised by APD in November 2007. The workshop brought together around 60 councillors and local staff from all the regions and government representatives, the parliament and the civil society.

The Law no. 12/2000 provides a degree of fiscal authority to the local administrations. The Articles 1 to 17 specify categories and tariff rates. It also defines the area in which local government can levy tax. Articles 18 and 19 give local governments the power and the freedom to levy duties on goods and services. But there is a caveat. The fiscal authority granted to the local governments is subject to the approval of the Ministry of Interior.

According to the former Minister of Finance²¹³, Law no. 12/2000 was enacted to deal with overlapping taxation or revenue collection systems at the local level and central level and to address a prevailing problem of multiple taxations on goods going through many of these districts. According to the former government official, the Law succeeded in eliminating these multiple taxations problem as it allowed the Ministry of Finance to collect custom duties on these goods at the port of entry for both the central and local governments. As for the proceedings collected for the local governments, it is distributed proportionally to the local authorities in terms of their sizes.²¹⁴

Regardless of the merits and the good intention behind the Law no. 12/2000, some local councillors consulted during the Mapping Exercise argued that this Law is against the spirit and the intent of the decentralisation principles described in the Constitution and that the existing laws are a deliberate plan on the part of the central government to deny fiscal autonomy to local administrations. These local councillors believed that the Constitution provides the pretext for the government to enact laws and regulations that can undermine their autonomy since the Articles 122.1, 112.2 and 112.3 pertaining to decentralisation are not comprehensive enough to guarantee the fiscal independency of the local administrations. In that regard, the councillors considered some of provisions in the Constitution as a major obstacle to decentralised fiscal arrangement.²¹⁵

Despite the existing legal hindrance, local governments have developed informal means to generate revenue. In practice, many local officials admitted that they had increased tariffs, taxes and other charges in an ad hoc manner. Some of the taxes that were increased from time to time included duties on petty traders, land and property tax, registration fees and license fees, and all other services charges. According to the same officials, the fiscal problem had more to do with mismanagement and poor tax collection systems rather than with deficiency in the legal framework.

Currently, there are two types of financial transfers to the local governments. According to Law no. 12, the districts with custom posts such as Berbera and Seylac should receive 10% of the custom duties collected by the central government. According to an official from the Ministry of Finance, this money goes to a designated local government account every ten days to the concern districts²¹⁶. In addition, there is a transfer of 12.5%, from the proceedings collected from

²¹³ Interview, 21 May 2010.

²¹⁴ C. Jimcaale, *Rebuilding Somaliland: Issues and Possibilities*, p.105.

²¹⁵ Interview, Hargeysa, December 2009.

²¹⁶ Interviews of Directors of Inland Revenue departments in Borama, 28 June 2009, Burco on 1 July 2009 and Hargeysa in 2008.

custom duties on import and export goods, to local administrations for economic development. According an official at the Ministry of Interior, this money is distributed to all districts based on an assessment conducted in 1999 on the revenue generated by seven major towns of Hargeysa, Gebiley, Borama, Berbera, Ceerigaabo, Baki and Sheekh²¹⁷. This transfer of funds is also known as financial subsidy to local governments (Kabka Dawladdaha Hoose). However, there are disagreements over the actual amount the local government receives from this fund. Councillors maintained that they received about 50% of this money over long intervals and often it is not reliable or guaranteed.²¹⁸

As indicated by the table below, the main beneficiaries of the monthly allocation are the four major districts²¹⁹: Hargeysa, Gebiley, Borama and Burco. These four districts receiving about 63% of the total allocation while the rest of the districts²²⁰ share the remaining 37%, which barely covers their running cost.

Table 1: Analysis of monthly distribution from Central Government transfer to the local government for the different district categories

No	District	Category	Amount in SLSH	Amount in USD	Percentage
1	Hargeysa	A	397.356.758	63.072.501	35.22%
2	Burco	A	163.590.943	25.953.959	14.50%
3	Ceerigaabo	A	12.297.526	1951.9	1.09%
4	Borama	A	77.286.217	12.267.662	6.85%
5	Laascaanood	A	12.297.526	1951.9	1.09%
6	Gebiley	A	77.286.217	12.267.662	6.85%
7	Sheikh	C	29.333.549	4.656.118	2.60%
8	Mandheera	D	21.744.519	3.451.109	1.93%
9	Seylac	B	17.036.022	2704.13	1.51%
10	Baki	C	13.087.275	2077.34	1.16%
11	Other districts	--	26.049.189	8269.6	27.3%
TOTAL			1.128.213.396	179.081.491	100

Source: Ministry of finance, December 2008.

The public and the local officials have different explanation for the failure of the local administrations to provide basic services to the people. According to the local councillors consulted, insufficient funds have hampered their ability to meet public responsibilities especially regarding the delivery of basic public services. Furthermore, they believed that ordinary people had no clue regarding the linkage between the performances of local government in terms of service delivery vis-à-vis the financial capacity of the district. According to a local official in Borama, the poor relationship

²¹⁷ Director of Districts and Regions at the Minister of Interior, Interview, Hargeysa, 7 April 2010.

²¹⁸ Official from the Ministry of Finance, Personal interview, Hargeysa, 6 September 2010.

²¹⁹ The category refers to the grading given by law no. 23 to each district in accordance with the size, population and income level.

²²⁰ With the exception of Baki, Sheekh, Laascaanood, Mandheera and Ceerigaabo that get 2.60%-1.16%, the rest of the districts of categories B, C and D receive as little as 0.95% - 0.70%.

between the council and community was due to the lack of funds and resources by the local authorities to provide basic services.²²¹ Yet, from the public's point of view, sufficient taxes are being collected but it is gross mismanagement that prevents local officials from providing decent basic services. *"When there is no service, you immediately get to know that the money you paid has gone directly into their pockets [local authorities], otherwise we would get it back in some kind of service."*²²²

There is a wide public dissatisfaction with the local government's service provision. *"The services provided by the local government are very minimal and poor. But we can't say that the councillors did not do anything at all. For example in Borama, there are no roads, no health center provided by the local council, even garbage is not collected properly and is everywhere"*²²³ complained a woman participant in Borama.

Revenue Collection and Management

Although local governments are struggling to establish reliable revenue collection systems, most of them have succeeded in setting up a rudimentary revenue collection system, which is based on sales tax and services charges. As admitted by many local councillors consulted during the Mapping Exercise, some revenue was being collected locally though it was relatively minimal and was mainly from sales and service charges²²⁴.

Other than the drawbacks associated to the unified tax²²⁵ (Law no. 12), there are other challenges hindering the expansion of the local government revenue base. One of these challenges was highlighted by a person in Diaspora: *"Local authorities do not understand that the essence of taxation is to improve service delivery and enhance development. Citizens will pay tax promptly only when they receive and are assured of improved services from the authority."*²²⁶ In the Somali context, the collected revenue is mostly spent on administrative costs such as salaries for burgeoning local government employees. A participant in Borama was surprised when one of the tax collectors told him that the money collected was actually being used for their salary.²²⁷

The property tax is the main source of taxation for local governments across the country. However, the absence of tax brackets based on property values has diminished the local governments' tax returns since they use a flat rate per square meter regardless of the value of the property.²²⁸ Similarly, flat rates are applied in other local government taxation and charges and most of these taxes are set in an arbitrary or ad hoc manner. For example, the daily tax collection from women petty traders is equal to the license fee of an export and import company²²⁹. However, some councillors maintained that this was not the general practice in all local administrations. According to one of the councillors consulted²³⁰, in practice, the tax is levied on the basis of business value.

²²¹ Focus Group Discussion, Borama, 25 June 2009.

²²² Focus Group Discussion, Hargeysa, 13 February 2010.

²²³ Focus Group Discussion, 23 February 2010.

²²⁴ Taxes such as property tax, market dues, service fees, license and rental income.

²²⁵ See above 4 *Local Government Fiscal Autonomy*.

²²⁶ Focus Group Discussion, Borama, 25 February 2010.

²²⁷ Focus Group Discussion, Borama, 25 February 2010.

²²⁸ Councillor Interview, Hargeysa, December 2009.

²²⁹ *Ibid.*

²³⁰ *Ibid.*

The arbitrary or the ad hoc nature of the existing local taxation systems allows local officials to increase tax rates unexpectedly. Since the 2002 local elections, all municipalities have increased their tariff rates more than once without the knowledge or the consultation with local residents thereby leading to widespread public discontent, tax evasion and loss of revenues.

Weak revenue generation and collection system is another major challenge to expand the revenue base of the local governments. According to the Head of Inland Revenue department of the Ministry of Finance in Borama, the law is not the obstacle but it is rather the inadequate capacity of the local government institutions and their staff to collect revenues in an efficient manner. He added that: *“the local councillors always use Law no. 12 as an excuse for not generating or collecting revenues, but it is rather their inability to collect their own taxes given by the Law. Because there is no proper registration about the sources of revenue, the system of collection is underdeveloped and there is a widespread corruption and misuses within their institutions.”*²³¹ A similar point of view was expressed by a local council in Sheikh: *“The local capacity in revenue collection is poor because of lack of knowledge and experience of the district secretary.”*²³²

However, local councillors across Somaliland believed that reforming the existing taxation law would allow the increase of the revenue base of local governments, particularly a reform that allows local administration to have an independent tax collection authority and mechanism. In fact, most of the councillors met during the Mapping Exercise were against the Unified Tariff Law which allows the central government to collect certain taxes on their behalf. According to some of them, the amount of money the local governments receive is well below the percentage allocated to them – if any of it actually makes it to the local government’s accounts at all.

The realisation of such legal reform would depend on the political will of the central government because there is no way the local government can challenge the central government with the absence of an independent and impartial judiciary.²³³

According to the respondents consulted during the mapping exercise, some of the major obstacles to increasing the revenue base of the local governments’ includes²³⁴:

- Lack of proper information and data base;
- Lack of proper accounting system;
- Unqualified tax collectors;
- Absence of public accountability;
- Weak economy and poverty.

Despite these many challenges, local officials in some districts such as Hargeysa and Borama said that they had made some progress in expanding their revenue collection base through a revenue collection campaign that included: increasing the number of revenue collection points, public

²³¹ Interview, Borama, 28 June 2009.

²³² Focus Group Discussion, Sheikh, 6 July 2009.

²³³ Personal Interview, Hargeysa, 7 April 2010.

²³⁴ These are compiled issues regarding local revenue which came out during the Mapping Exercise (2009/10) and the local government dialogue workshops APD facilitated in six major capital districts of Berbera, Borama, Hargeysa, Burco, Berbera and Ceerigaabo in 2008.

awareness campaigns to encourage people to pay their dues, improvement of the relationship between the public and the local council, increasing tax rates and making local officials closely supervise officers at the collection point.²³⁵ Revenue generated through these schemes was used by these two districts to rehabilitate several roads inside Hargeysa, while in Borama a kilometre long tarmac road was built inside the city for the first time in its history.

Revenue Management and Expenditure

Proper collection, management and disbursement of revenue are essential for the financial viability of local governments. However, in the case of Somaliland, the system of revenue projections and management is underdeveloped and there is no strategy in place to improve it. So far in all the districts, revenue projection by the local municipalities is based on speculations of the revenue generated in the previous fiscal year, thereby making it difficult to project accurately the annual income of these local governments.

For reliable revenue projection, the local governments need to have proper data and information on their sources of income²³⁶. Something many of the local administrations are lacking. In the words of one customs officer in Borama: *“None of these [information and accurate data] are in place.”*²³⁷

A General Information System (GIS) programme was introduced in 2005 in Hargeysa and later Borama district through a UN Habitat Programme. The aim was to register the properties in order to ease the tax collections. However, due to technical errors, both districts have not been able to fully utilise the new system and it is only partially utilized.

A computerized double entry financial system was introduced in several local governments in order to improve the budget accounting system and to promote transparency. Local officials found this system quite useful since it provided the balance sheet for both income and expenditure for each fiscal year and assisted local councillors to follow the implementation of the budgetary plan.

2.4 Democratic Local Government

Democratic local government applies when *“the local governance is carried out in responsive, participatory, accountable, and in an increasingly effective fashion.”*²³⁸

In Somaliland, the local governments are far from being democratic. The public are neither engaged nor fully aware of the decisions made by the local councils. The legacy of the highly centralised rule, low public understanding of their political rights and the absence of the political tradition that allows public discussions and consultations, are attributed to the lack or weak public participation in the local decisions.

²³⁵ Focus Group Discussion, Borama, 26 June 2009.

²³⁶ Chair of the Financial Committee and Member of Hargeysa Council, Dialogue Workshop, Hargeysa, November 2007.

²³⁷ Director of Inland Revenue, Interview, Borama, 26 June 2009.

²³⁸ USAID, *Decentralisation and Democratic Local Governance programming*, Handbook, Washington DC, p.7.

Many people are unaware of the concept of decentralisation and its importance to public participation. The understanding of decentralisation varies according to the person. As a woman who participated in a focus group discussion explained: *“Most of the people I know are not aware about the concept of decentralisation. In my opinion, I think decentralisation is a process that allows people to participate in the decision-making of all the projects that are beneficial to the community. Honestly, we are not part of that process.”*²³⁹

Accountability, which is an important feature in a democratic local government, is lacking according to many participants in the focus group discussions. To them, local councils are neither accountable to the electorate nor are they accountable to their respective political parties. Participants admitted that low public interest in local government affairs limits the people from acting as watchdog to the system.

According to the Law no. 23 of Regions and Districts Self-administration²⁴⁰, the local council shall have four sub-committees: social affairs, economic development, security and reconciliation and public works. Many citizens believed that these sub-committees failed to serve as the link between the public and the local administration, monitor the activities of the local administrations on behalf of the public and formulate programmes and projects that reflect the priority needs of the community. The councillors consulted during the Mapping Exercise acknowledged that there are some improvements in social services delivery, though they could confirm whether the link between them and the public was working.

Public Participation in Local Government Affairs

With the support of UN Habitat, the local governments in the five major municipalities (Hargeysa, Borama, Burco, Berbera and Sheikh) were able to carry out a participatory budgeting planning through which small projects were implemented in 2005. In addition, there is an ongoing process known as ‘participatory integrated community development’, in which various local committees are being established to work closely with local officials to formulate the needs of their respective communities²⁴¹. Public and private partnership (PPP) is another initiative in which the local government is trying to partner with the public on development projects and service delivery²⁴².

Participants in the Mapping Exercise were repeatedly saying that their interaction with the local government was very limited. Some of the participants blamed the public for this poor contact between the two sides. In the words of one of the professors in Camuud University: *“None of the public including the intellectuals is trying to find out why the system is not functioning properly, we always criticise them (the councillors) without facts. No one of us is even bothered to come and discuss challenges facing the local government in Borama.”*²⁴³

²³⁹ Committee Member of one of Hargeysa’s internally displaced People, Focus Group Discussion, Hargeysa, 14 January 2010.

²⁴⁰ Law no. 23 (2002), Article 34 - amended in November 2007.

²⁴¹ UN/ JPLG, *Programme on Local Governance and Decentralized Service Delivery*, Quarterly report, Hargeysa, April-June 2009.

²⁴² This refers to the Public and Private Partnership on water in Borama, road building and repairing in Hargeysa and slaughtering house in Hargeysa.

²⁴³ Focus Group Discussion, Borama, 24 February 2010.

Furthermore, councillors had difficulties in finding organised groups at the local level to work with on local government affairs as there were no strong civic organisations or neighbourhood committees. Observations made during the Mapping Exercise highlighted that the only organised group that could work with local council were the local Non-Governmental Organisations (NGOs). Most of these NGOs had little experience on governance issues. However, many decentralisation pillar stakeholders, including the councillors, believed that a continuous public awareness would enable the citizens to gain better understanding of their rights and to raise local concerns otherwise change would never occur.

However, others blamed the local councils for showing little commitment to reach out or consult the community. The councillors justified their lack of public consultations by stating that they were aware of the needs of their respective communities since they were the communities' elected representatives²⁴⁴. According to women participants, these local councillors were unaware of the living conditions and needs of their respective districts or communities. As explained by this housewife in Hargeysa, community priorities are quite different from what the local councils are dealing with: *"Neither do we have running water nor are there any public kiosks near our area and we end up spending 10,000 SLSb [equivalent to \$1.6] on water every day. This is difficult for us as poor families but we have to live with this as there is no other alternative. I have never met a councillor complaining about this problem."* She also admitted that this was the first time she ever raised this issue as she never saw a forum like this where she could raise such issues.²⁴⁵

Participants in these focus group discussions expressed that they found it difficult to hold the local councillors accountable to the public and they offered several explanations for the lack of accountability. Most of them faulted the electoral system which requires the public to vote for a party instead of a person thereby allowing the elected not to be accountable to its electorates. Others attributed the difficulty to the pervasive clan allegiance as people voted along clan lines or clan basis²⁴⁶ making it hard for the public to hold the elected responsible.

A business man from Borama who participated in a stakeholders' workshop²⁴⁷ elaboration further on the clan issue: *"We voted for our clan candidate because we thought that having representatives from our clan in the council will make them meet our needs."* Another participant offered a similar explanation²⁴⁸: *"Everyone voted for his/her clan candidate hoping to benefit from them."*

During the NPGM, most of the participants highlighted the fact that the public were unaware of what the local government owes them. Civic education was underlined as a strategy of raising public's participation in local government's affairs. The representatives of Somaliland's stakeholders expressed that public participation was an indispensable for the decentralisation process to be fully delivered.²⁴⁹

²⁴⁴ This represents the view of the councillors at large who attended the local council dialogue workshops held in Hargeysa and other four districts from April – August 2008.

²⁴⁵ Focus Group Discussion, Hargeysa, 13 February 2010.

²⁴⁶ Focus Group Discussion, Borama, 25 February 2010 and Focus Group Discussion, Burco, 11 January 2010.

²⁴⁷ APD, Dialogue Workshop, Borama, 24 May 2008.

²⁴⁸ *Ibid.*

Public mobilisation and motivation was also limited when it came to development issues. The councillors across Somaliland had failed to mobilise the public to contribute to local development. This problem was highlighted by a participant in one of the focus group discussions²⁵⁰: *“The most critical challenge facing the council is not the resources but rather the lack of public mobilisation. A lot can be achieved through public mobilisation – one good example is how the previous government [Siyad Barre] initiated public cleaning-up programmes in which the public were involved. Therefore, the concept of community engagement in activities such as cleaning campaigns, road maintenance etc. could be useful for the council.”*

There was an indication of a growing public interest in local government’s affairs. Many communities were able to form ad hoc voluntary committees to create a relationship between the public and the local administrations to have some influences in the decision-making process. The members of these committees were elders who believed that they had a stake in the local affairs and mostly worked on urgent and pressing issues. Though the exact number of the committees is unknown, the observations made during the Mapping Exercise showed that at least one such committee exists in every district or sometimes in a sub-district. According to some members of these committees, they mainly act as liaison between the local council and the community with regards to public priorities and concerns. However, what was not clear was how active and effective these committees were. Participants in some of the focus group discussions explained that some of these committees were more active than others when it came to dealing with local issues. Yet at the end of the day, their effectiveness depended on the level of cooperation they got from the local administrations, which was mostly low.

The Role of Women, Minorities and Youth in Local Government

Women are very active in mobilising the communities and raising funds for various social developments. Furthermore, women are arguably the segment of the society that are impacted more by the local governments conduct since women are deeply involved in almost all critical areas under the domain of the local government (water supply, small businesses, sanitation and service deliveries such as education, health, market facilities including slaughterhouses and market stalls). However, women’s involvement in the local government affairs still remains very low in Somaliland. Women who participated in the focus group discussions believed there was little recognition from the side of the council about the importance of women to local government, and the need for including women in the local government’s decision-making process. One woman petty trader described the kind of relationship they have with local government: *“they [local government] come to us and collect money from us”*. A similar sentiment was expressed by another women community activist: *“Whenever we meet with the council and asked assistance, they never listen to us and if they do listen, they will first ask us to bring money to do the job. So instead we do it by ourselves”*.

A councillor, who worked with some women on development projects, found women to be more informed than men on social service issues²⁵¹. However, despite the importance and relevance of their inputs to any local government undertakings, women are underrepresented in the local councils. Currently, out of the 300 councillors in Somaliland, only three are women.

²⁴⁹ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁵⁰ Focus Group Discussion, Borama, 25 February 2010.

²⁵¹ APD, Dialogue Workshop, Burco, 26 June 2008.

Women are more represented in community or neighbourhood committees. For example, women are members of security committees established by the Ministry of Interior in 2004²⁵². In addition, some women are members of a recently established local committee in Berbera and Borama and they constitute 25-30% of the members²⁵³. These committees work closely with the local administrations on development issues and service deliveries.

The existing legal frameworks do not favour the promotion of women's participation in the decision-making process. At the same time, attempts by civil organisations to promote women's political rights have not been very fruitful. A woman participant described some obstacles women face²⁵⁴ as follows: *"I had the courage to take part in the local council elections, I was about to pay the application fees when one of my husband's cousin, who works at the local government saw me, he then told me that there was a man from the same clan who was running for the election. 'He mentioned a name' and how bad it is to even think of that (running for councillor). That is when I realized that no one will vote for me."*²⁵⁵

For the minorities, the relationship with the local council is almost non-existent. The minorities usually live in segregated areas where it is difficult for them to integrate with the other communities. They feel that they are not part of the society since they are not included in local committees. An elder from the minority groups speaking about their political marginalisation said²⁵⁶: *"In Burco you will not find a single person from the minority holding official positions in the local government or as members of local committees that work closely with the council. But you may get one or two sweepers."*

The situation is less encouraging for the youth participation in the local government politics. The youth have no space to participate in local issues mostly due to the prevailing clan structures. The youth believed that since clan structures pervade local government politics, the preference is usually given to the elderly man. Some youth participants argued that their absence from the decision-making process denied them the right to promote their own priorities at the local level such as access to better education and sports facilities. Besides, the access to the local government officials and office of youth affairs was also hard as a participant deplored: *"the youth can't pass through the first gate of the local government buildings unless you are accompanied by an elder or influential man."*²⁵⁷

²⁵² This group's main focus is neighbourhood security and they operate under the local council.

²⁵³ UN/ JLPG, p.11.

²⁵⁴ Woman Councillor, Focus Group Discussion, Berbera, 4 July 2009.

²⁵⁵ Though she dropped her candidacy before the election, she remained on the reserve list of the party and took over a male councillor who vacated the seat at a later stage.

²⁵⁶ Focus Group Discussion, Burco, 19 January 2010.

²⁵⁷ Focus Group Discussion, Borama, 24 June 2009.

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

Decentralisation Pillar: Possible Strategic Interventions?

- **Deficiency in the existing legal framework of the decentralisation process in Somaliland**

The Constitution of Somaliland defines the nature and the level of decentralisation that it envisions for the country in the Articles 109, 110, 111 and 112. For instance the Article 110 describes the local government as part of the central government while Article 111.1 says: *“The regions and the districts of the country shall have legislative councils, whose power are limited to passing by-laws which do not conflict with the laws of the county, the executive and councils.”* As for the Article 111.4, it states: *“The regional and district councils shall have the power to plan their economic and social affairs.”*

However the problem is that there are no secondary legislations that fully guide the realisation of the decentralisation envisioned in the Constitution or reflect the aspiration of the local people. Furthermore the existing laws tend to be insufficient, confusing, selectively applied and against the spirit of decentralisation. For instance Law no. 23 of Regions and districts Administrative Law, Law no. 12 of Unified Municipal Tariff Law and Law no. 17 of Urban Land Management Law have limited authority of local government in terms of sufficient authority to manage local issues.

In addition, these failures to define relationship/ roles between the central and local government, particularly the involvement of central government in certain decision-making in the provision of social services, management of local revenue and public land constitute major challenges to the autonomy of local governments in Somaliland.

- *What is needed to develop a comprehensive legal framework that ensures a decentralisation process that is consistent with the principles articulated in Somaliland’s Constitution and reflecting the aspirations of the local people?*

- **Inadequate fiscal authority for Local Governments**

The fiscal authority for the local governments remains an area of high contention between the local and central government. Although Law no. 23 of Regional and Districts confers on local governments the power to raise their own resources to support local services, the problem is that the current legal framework do not clearly define the taxation jurisdiction between the central and local government because in some case the central government is collecting taxes traditionally designated to the local governments. Weak local government capacity and improper financial systems and local procedures have also hampered the ability of local governments to collect and manage revenue.

- *What stop-gap measures can be taken to strengthen the current financial regulations and procedures of local government until more effective legislation is passes?*
- *What is needed to enact laws that clearly define the fiscal oversight of local government?*

- **Weak local government institutions**

Somaliland local governments have some kind of tax collection systems which allows them to provide some municipal services. However, the lack of technical capacity and overstaffing have hampered the ability of the local government to raise sufficient funds and resources thereby making it difficult to deliver the basic services to their communities. There is also a lack of accountability and transparency mechanism within the system that ensures the responsiveness of local governance institutions to the needs and priorities of the citizens.

- *How can the capacity of local government institutions be enhanced to effectively deliver basic needs to their communities?*
- *How can more responsive, transparent and accountable local government institutions be developed?*

- **Weak public participation in Local Government affairs**

The public engagement in major local government decision-making process such as the annual budgeting, revenue collections, resource distributions and land use management is very poor. Therefore public confidence in local government is very low. However in Somaliland, neither is the public engaged nor is it aware of decisions made by the local council.

Weak civic association and lack of neighbourhoods plays an important role in the poor public participation in local government affairs. Moreover, there is a lack of mechanism that allows public participation within the system of local government such as town hall meetings and publications, etc.

- *How can public engagement in local affairs be strengthened?*



3

Social Reconciliation Pillar: Consolidating the Peace Gains

3.1 Introduction

The multiple concepts linked to social reconciliation in post conflict situations ranges from harmonising relationships between people along religious, ethnic and even colour in given settings. The case of Somaliland is not uniquely different by being a post-conflict state where the conflicts at play are neither colour, nor ethnic nor religious based. It is a close knit community of clan families intricately bonded by blood relations and intermarriage. However, it experiences great strains and sometimes violent clashes at the junction points of neighbouring territories of respective clan settlements.²⁵⁸

In this pillar note, the concept of social reconciliation aims at understanding the social relationships between the societal groups organised in the form of clan groups. In this case, it aims at improving social harmony and understanding through dialogue and the building bridges of mutual trust through the Pillars of Peace Programme.

Siyad Barre's oppressive regime exploited, more openly in the latter part of his regime, clan politics to remain in power and used the clans of the Somaliland territories against one another. The Isaaq clan were on the receiving end of the brunt of the oppression which led to their flight to neighbouring Ethiopia and the mobilisation of the populace into what became the Somali National Movement (SNM). The SNM led a war of liberation that, along with the efforts of other movements and supporting factors, successfully toppled the regime and spearheaded the formation of an independent state – the Republic of Somaliland. This formation ushered in a period of uncertainty and, in the absence of a centralised authority that would give assurances to every citizen for sanctity of life and property, the clan association and mutual defence became more manifested. The inheritance of a 'deepened distrust'²⁵⁹ between the clans of the Northern Region from the Siyad Barre regime served as the basis for the formation of clan enclaves and clan militias.

Peace initiatives sprang immediately after the SNM insurgency culminating to the Burco Conference declaration. These initiatives included the Oog Conference (2-8 Feb. 1991), the Tulli (Dila) Conference (Feb. 1991), the Berbera Conference (15-27 Feb. 1991) and eventually the Burco Conference (27 April - 4 June 1991). The communities of Erigavo handled separate peace initiatives to thwart separate incidents of violence since 1991 but eventually the Sanaag Grand Conference began in 19 August - 11 November 1993.²⁶⁰ As a participant of the NPGM also underscored: *"The traditional reconciliation process started by the late Garad Abdiqani Garad Jama at Danod, continued at Qararo, then Gowlalaale, then Gaashaamo and eventually ended up at Balligubadle."*²⁶¹

²⁵⁸ Krishna Kumar, *Promoting social reconciliation in post conflict societies*, Assessment Report, USAID, No.24, January 1999, p.9-10.

²⁵⁹ APD/ Interpeace, *Peace in Somaliland: An Indigenous Approach to State Building*, The Search for Peace, Hargeysa, 2009, p.13.

²⁶⁰ *Ibid*, p.20.

²⁶¹ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

The Presidency of Cabdirahman Axmed Cali (Tuur) was undermined by the legacies of his period as Chairman of the SNM and by the problems associated with this fire-fighting stage and failure to reconcile differences and forge alliances among the communities. The Sheikh Conference held from 23 Oct. - 8 Nov. 1992 ended the hostilities and laid the foundation for an all-inclusive conference in Borama in 1993. The Gadabursi role in mediating between warring Isaaq factions was essential in bringing about successful peace and placing them firmly as neutral partners in the stakes of the territory. Cabdirahman Tuur's tenure ended at the Borama Conference (Jan. - May 1993) where the late Maxamed Ibrahim Cigaal assumed the leadership. Immediately, he was confronted by resistance from the Garhajis sub-clan of the Isaaq, a confrontation that persisted until 1997, when the government organised the Hargeysa Conference. Although not attended by the Garhajis, the conference addressed some of their grievances which eventually led to their returning to the fold once again.

Since then, no other national conference has been held in Somaliland to address grievances emanating from a particular clan family. The government acted upon its responsibilities enshrined in the Constitution to form harmonised institutions to accommodate or appease the different strata of clan families. The representations followed no particular pattern and were often referred to as the 'Xal stage' of state formation²⁶².

Today, Somaliland is relatively peaceful and enjoys some degree of stability. The institutions of governance established in post war Somaliland are primarily based on improving inter-clan harmony and mutual trust. Consequently, the power sharing arrangements of the Guurti and House of Representatives is also reflected in the nomination of Ministers and other key positions of the Executive branch such as the Supreme Court, the Police Commandant and the Chief of Army. Out of the 150 original seats in Parliament in 1991, 95 seats were for the Isaaq and 55 for the other clans as dictated by the National Charter of Borama signed in 1993²⁶³. It later grew to 164 seats in order to also accommodate the Garhajis sub-clan as a consequence of the internal strife that ended in 1996/97. The meagre representation of the Harti²⁶⁴ has remained a sticking point of resentment. Though their number is very limited, the minority clans are also represented in the Parliament.

Despite the overall will to balance clan representation at that stage, the holding of free and fair elections in September 2005 opened new avenues of contest and power sharing imbalances. However, it is worth mentioning that these initial endeavours have laid the foundation for the creation of a peaceful and trusting atmosphere.

Other initiatives such as the increasing number of the Somaliland's traditional leaders²⁶⁵ - the Aqils and Sultans - as well as the continuous creation of new districts and regions solely based on clan

²⁶² Traditionally, there are two stages: the first stage is the *Xal stage* which constitutes the solutions and the second one is the *Xul stage* that refers to the merit.

²⁶³ *Ibid*, APD/ Interpeace, *Peace in Somaliland et al*, p.49.

²⁶⁴ Warsangeli and Dhulbahante and Gadabursi clan families in both the Parliament and Cabinet nominations – average of two per group over the years.

²⁶⁵ This phenomenon has been given the nickname 'milk powder' in some areas which refers to the ill-natured addition of water to milk in order to increase the quantity at the expense of quality. Thus, the 'quality' of traditional Aqil or Sultan is believed to have diminished with the increase of its number – like for the milk powder.

enclaves have to a good degree revived the inter-clan rivalry and demonstrated deepening cracks of inter-clan relations. Similarly, the onset of electioneering rivalries has further divided the fragile relations built up over the years of state formation. A typical example is the voter registration process carried out in 2008/09 where the clan rivalry motivated people to openly violate the rules in order to increase the number of registered voters from each clan which eventually drove the process to drag for months.

Lastly, over the years, hostilities have emerged at the junction of clan boundaries over sedentary farming areas in Ceelberdaale, and over pastoral land for grazing livestock in Qabricad, Biyoguduud and Gal-gal.

3.2 The Social Reconciliation Pillar

The Social Reconciliation Pillar's priority task is to highlight the state of the reconciliation among communities in Somaliland at large and in Togdheer Region in particular. In a society where clan politics is entrenched, the process of reconciliation by means of holding traditional conferences and developing a social contract has managed to achieve the relative peace and tranquillity that Somaliland currently enjoys. Subsequent actions that paved the way for a democratic process have furthered the ambitions of building a stable state based on democracy and respect for individual civil rights. The state of social harmony among the different communities in Somaliland at both the urban and rural levels has traversed great leaps since the founding of Somaliland. The different clans have, according to tradition, devised intricate norms to suppress violence and forestall the spiralling effects of conflicts to wider circles, such as clan-versus-clan clashes, beyond the regular and often repeated incidents of murder or violent acts committed by individuals. Despite this, different clan groups have congregated in certain areas of the urban centres or former areas of settlement in 1991 where they had roots before the war, and established businesses, schools and other social service centres which cater to their kinsmen alone in their sections of the town.

3.3 Pillar Mapping Exercise

The Pillar Mapping Exercise revealed a wide range of challenges that has relevance in bringing to surface the social reconciliation status in the country. The countrywide tour enabled the APD team to gather wide-ranging perspectives from the various people who expressed their views in the focus group discussions and/or the interviews. Besides allowing participation of the relevant stakeholders, the consultations highlighted inherent clan antagonism that is gaining profundity in many aspects and could be potential for inducing social conflict and clan rivalry.

The social reconciliation Pillar Mapping Exercise began early 2009 with the objective of examining the existing conflicts in and around the country: their root causes versus the dynamics of societal transformation from clan paradigms to democracy. It also aimed at providing early warning signs of conflicts in the making and the provision of immediate intervention to ease tensions when and where possible. The outcome revealed that the achievements reached could be eroded inadvertently or in some cases by deliberate actions from both governmental and non-governmental bodies. The contributing factors being inter alia: the proliferation of Aqils and Sultans; the formation of districts and regions; and the offering of a significant status to clan entities in politics.

3.4 Objectives of the Exercise:

- To provide key understanding of the current challenges to social reconciliation mechanisms and pave the way for further dialogue towards the consolidation of the hard won peace and security;
- To speak openly and discuss Somaliland's social ills that would allow better approaches to ease tensions and overcome hurdles to the process of ensuring greater social harmony;
- To voice the concerns of marginalised and disenfranchised sections of the community;
- To pave the way towards the realisation of a Somaliland that will embrace a transformation on merit, qualification and regulation at all sectors (*xul phase*)²⁶⁶.

During the Mapping Exercise, the key challenges relevant to social reconciliation were identified and discussed. The many issues raised included the growing vengeance cycles, the establishment of new clan-based villages in the suburbs of towns, the development of exclusive schools, markets for different communities and the ever growing competition in state and private enterprises for services and employment. It also highlighted the actions of the government as well as opposition which are encouraging the reinforcement of the clan sentiment.

The following issues were seen by the participants as being core to understanding the problems of the process of social reconciliation:

- 1) Lack of shared governmental institutions
 - Weak law enforcement institutions
 - Incongruence (imbalance) in state positions of authority
- 2) Absence of cross-sectional non-governmental institutions
 - Competition among university and/or educational institution formation
 - Clan influence in the operations and formation of political parties'
- 3) Absence of formal/systematic conflict resolution mechanisms (i.e. not streamlined among the different regions/clans/etc.), the vengeance cycle (i.e. failure to pay *dia*, etc.)
 - Weakening of traditional structures

3.5 Methodology

Representatives from the civil society, the judiciary, the police, the local NGOs, the local and central government, clan elders, youth, women and minorities were consulted through focus group discussions and interviews. The exercise provided an opportunity to gather a wide perspective of opinions from all aspects of social reconciliation which revealed genuine and intimate facts about the dynamics of social change and its impact on the peace and harmonious living of the population.

²⁶⁶ The Xul phase is a common reference to an ideal scenario where the quality supersedes everything in the selection of persons to high positions in the government and other institutions.

3.6 Lack of Shared Governmental Institutions

3.6.1 A Process to Social Contract

The National Charter

The successful Conference of Sheekh on 8th November 1992 and the cessation of inter-clan hostilities in the area culminated with the holding of the Borama Conference (Jan. to May 1993). The Isaaq-exclusive SNM *Guurti* was bent on accommodating other clans and allowing them into the fold. The National Peace Charter adopted at the Conference²⁶⁷ contained many elements, including a constitutional framework for the future government formation which provided for an Executive President, a Vice-President and appointed ministers. The idea of a presidential council assuming power on a rota basis was soundly rejected. The formation of two houses (bicameral) consisting of 150 members (75 each) was agreed upon and the ascent of Maxamed Ibrahim Cigaal to power ushered in a difficult tumultuous power struggle in the first years of his presidency. The process of disarmament of militias, the establishment of institutions of governance and the management of major clans' dissenting elements were monumental considering the struggle between Isaaq factions which was the main cause of turmoil.

The division of voting delegates at the Borama Conference was based on the ratio of existing SNM *Guurti* representations and delegates reaching 500 in total. All main clans of the North (in other words Somaliland) were represented²⁶⁸ and in order to accommodate the incoming clans from the west and east peripheries, some form of reference to the clan representation was required. Consequently, the measuring guideline referred to was the 33 parliamentary seats offered to the Waqooyi (Somaliland) out of the 123 members of the parliament of Somalia in 1960.²⁶⁹ This adoption greatly undermined fair representation as it was neither demographic nor territorial based but merely based on the seats sent to the then parliament of Somalia. Since the SNM institutions were in operation for the first two years of Mr. Abdirahman Axmed Cali (*Tuur*) tenure (1991-1993), the motto was simply to accommodate into the existing framework other clans than the Isaaq.

Moreover, women particularly feel that their role has been ignored over the reconciliation process as an MP from Sanag region participating in the NPGM argued: *"The old mind set confining conflict management and social reconciliation to men is no longer valid. All our future endeavours should involve women."*²⁷⁰ A statement echoed by a woman from Sahil region: *"Men have to realise that without us you would not go far. You need us in the reconciliation process just as you need us elsewhere."*²⁷¹

See the Borama Conference clan allocation which was essentially dominated by the Isaaq clan in Annex 3.

Early government establishment began with the late President M.I. Cigaal at the helm and Sheekh

²⁶⁷ John Drysdale, *Whatever happened to Somalia: A tale of Tragic Blunders*, HAAN Associates, London, 1994, pp.143-145.

²⁶⁸ APD/ Interpeace, *Peace in Somaliland*, p.37.

²⁶⁹ The Isaaq were allocated 21 seats, the Harti 7 and the Gadabursi/ Isse 5. *Ibid.*, p.49.

²⁷⁰ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁷¹ *Ibid*

Ibrahim as Chairman of the Guurti (both representatives of Habar Awal sub-clan). The first government predominantly consisted of the key players and commanders of the SNM forces and did not allow clans from the east (Harti) and west (Gadabursi) to have a key role. The issues adopted at the Burco Conference in 1991 concluded that all government and assemblies' positions were to be justly divided among all (Waqooyi clans)²⁷². The Harti and Gadabursi role was not assertive and remained somewhat subdued as they were associated with the former regime and constantly reminded of it despite the general amnesty and forgiveness adopted in all the national conferences. The general Isaaq feeling was one of hostility towards former clans associated with the former regime.

As far as the parliamentary representation is concerned, the number of Isaaq members of Parliament has increased while the other clans have seen their share diminish.

See Annex 4 – Evolution of the Parliamentary Presentation from 1960 – 2009

The Gadabursi, Dhulbahante and Warsangeli sub-clans had an average of two Ministers in both the Cigaal and Rayaale governments, which represent approximately a mere tenth of what the Isaaq received in totality during both administrations²⁷³. In addition, a diminution in the importance of portfolios held by the Dhulbahante particularly has been noticed. During M.I. Cigaal's reign they were granted the Foreign Ministry post, the Chair of Parliament, and the Ministries of Environment and Justice. The all important post of State Printing Director was also held by the Dhulbahante while in Riyale's administration, the Dhulbahante held only three portfolios (two ministers and one assistant minister)²⁷⁴. Presently, this is kept the same with respect to both the Warsangeli and Dhulbahante in Ahmed M. Mahamoud 'Silanyo' administration, although its overall representation is proportionally higher in the smaller cabinet ratio.²⁷⁵

The Current Government

The Government institutions are generally described as being in a budding state considering their effectiveness, quality of work and organisational set-up, a description that fits all levels of governance according to the population consulted during the Pillar Mapping Exercise across Somaliland.

Government ministers were close to sixty under the administration of Dahir Riyale Kahin with regular appointments up to the election campaign period. Considering the financial ramifications, the sheer numbers alone constitute an added burden to the state's efficiency.

The recently-elected President A.M. 'Silanyo' appointed 26 ministers despite the advice of the Task Force appointed by President Silanyo to appoint 15 ministers only. The appointments of Ministers often results overt lobbying by the different clans for the nominations of one of their

²⁷² Declaration of the Burco Conference, 18 May 1991, Article 6.

²⁷³ To date (2010), the Dhulbahante have 2 ministers and an assistant minister, the Warsangeli only one and the Gadabursi 2 ministers and an assistant minister. Similarities are drawn with the Arap clan of Isaaq who have two ministers and an assistant minister.

²⁷⁴ Namely the Ministries of Post and Telecommunication, Health, Labour and Environment.

²⁷⁵ Former Assistant Minister and Member of Parliament, Interview, Burco, January 2010.

members. However, some people believe that the practice of each clan having a minister should be dispelled as one Kulmiye party official argued: *“It was the accepted norm that a given Minister would work for the benefit of his own clan first and would unabashedly execute duties in the interests of the clan and put aside national interests.”*²⁷⁶

See Annex 5 on the clan affiliation of the newly appointed Cabinet and Annex 6 on the clan affiliation of the newly appointed Governors (under A. M. Mahamoud ‘Silanyo’'s administration).

The Judiciary

The general public regard the courts as essential in ensuring the law and order of the land is respected. However, the public felt that the courts were plagued by factors similar to the ones facing other government bodies, this include lack of skilled personnel, low salaries, limited control mechanisms to curbing favouritism, etc. In interviews and focus group discussions held in Burco and other regional capitals, the participants were in agreement on the need for improving the court systems despite their varied opinions on the means of doing so.²⁷⁷

The Supreme Court, a supposedly consensus-based panel, is controlled by the Supreme Court Judge who also nominates the judges. Similar oddities are seen at the Court of Appeals which is said to be responsible for all administrative tasks including payroll. The role of the Ministry of Justice is confined to administrative tasks in the form of finances and does not interfere in matters of evaluation and staffing.

In Ceerigabo, elders and women deplored that the courts are biased and are dominated by one clan. Sanag region is a large region with multiple clans and these unbalanced nominations are resented by those left out.²⁷⁸ In Togdheer region, a similar phenomenon prevails. The Regional Court Judge, who used to be a police officer, explained some of the dilemmas they face such as the fact that the Regional Court being the main institution legally responsible for upholding the law of the land is confronted with the existence of self-appointed religious courts. Such courts have been operating without government control or supervision.²⁷⁹ Other officers of the Court described their tasks as ‘difficult’ requiring perseverance and a tricky balance of many aspects – a concoction of the traditional, religious and formal law in various ways as the Chief Justice of Togdheer region stated: *“One cannot rely purely on juridical precedence to bring about a settlement. One should maintain a balance between the Article of the Law and the society norms and traditions.”*²⁸⁰

The Regional Court Judge described the court staff as a cohesive group with strong inter-personnel relationships that act as a team. Court case assignments are given out to judges who pose no kinship, paternal or maternal links to the plaintiffs of the case. In instances where such link emerges, such a relationship or link offers grounds for appeal. Other considerations include the experience of a particular judge on the issue and abeyance of conflicts of interest. *“These*

²⁷⁶ Kulmiye Party Member, Burco, 08 August 2010.

²⁷⁷ Focus Group Discussion, Burco, Borama, Ceerigabo and Berbera, July 2010.

²⁷⁸ Focus Group Discussion, Ceerigabo, 10 January 2010.

²⁷⁹ Interview, Burco, 22 December 2009.

²⁸⁰ *Ibid*

matters are the typical dilemma faced by the Court in finding neutrality from the clan perspective and among the judges where choices are limited by numbers and expertise” he emphasised.²⁸¹

Other issues that the court struggles with are murder cases where the death penalty is pronounced. In some cases, the dia payment can override the verdict. The prisoner would then not be punished for the deed committed any further and thereon acquitted.

Another aspect lacking is the enforcement of the law due to the lack of sufficient funds and shortcomings in the collaboration between the police and the courts which were echoed by both the Appeals Court Judge and the Assistant Prosecutor in Awdal.²⁸²

Lawyers who participated in a focus group discussion in Hargeysa dwelt on issues critical to the neutrality of the courts which is presently jeopardized:

- The nomination of judges on the basis of clan quotas, some with no juridical/judicial experience;
- The difficulties of enforcing court rulings;
- The lack of security protection for judges and hence the reliance of judges on their respective clans for security;
- The clan omnipotence at court proceedings by the presence of prominent clan elders.

One prominent lawyer who participated at the NPGM stated that there was a need of reforming the judicial system to eliminate clan biases and nepotism. He further added that the domination of the central clans over the institutions of governance had to be ended if fair representation was being sought.²⁸³

The Police

The police force is the pride of Somaliland mainly entrusted with the job of safeguarding the safety of the people and their property. Despite the fact that the structure of ranking and hierarchy is unconventional, the chain of command functions adequately. Over the years, the expansion of the force in the regions and districts has been a major undertaking. Despite the meagre resources, the force’s commanders have managed to successfully expand the force to many remote districts.

However, the arms possessed by the general public still constitute a major concern for public safety and a hindrance to security and policing in both urban and rural centres.²⁸⁴

a) Apprehending Criminals and the Police Use of Firearms

The police greatly rely on public support in apprehending criminals. This is particularly necessary in regions where the police have logistical and manpower shortages.

²⁸¹ *Ibid*

²⁸² Focus Group Discussion, Borama, 25 June 2009.

²⁸³ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

²⁸⁴ Former Police Commissioner, Interview, Burco, 4 April 2009.

The Governor of Saraar Region²⁸⁵ cited that there was relatively widespread peace in spite of the difficulties faced by the police in apprehending perpetrators of crime because of the difficult terrain and the lack of vehicles and other equipment in his region.²⁸⁶ The elders in Burco also explained that *“the difficulty of arresting the perpetrator of a crime leads to prolonged unrest and insecurity. Everybody is armed so it is difficult to apprehend a criminal. He gets support from his own clan who are also armed. The police are powerless in such circumstances.”*²⁸⁷

Moreover, an elder from Burco District explained that the use of firearms by the police raised concerns as *“the police cannot easily apprehend the perpetrator of a criminal act because such an apprehension cannot involve ironically the use of firearms. If the police officer uses his weapon to cause injury or death in a legal fashion such injury or death is not a liability the police institution takes responsibility for.”*²⁸⁸

b) Vengeance cycle

In a scenario such as the one described above, the government sometimes also agrees to pay the criminal's *dia* which amounts to between 40 and 50 million Sh.Sld²⁸⁹. However, often *“the government does not pay the full amount or the payment drags for years before it is made. The clan of the officer often pays the dia and hence duty and institutional loyalty is jeopardized.”* In addition *“another difficulty is the slow pace at which ‘dia’ are paid”* as the victim's family can otherwise become impatient and commit another crime in vengeance.²⁹⁰

Other challenges faced by the police force involve the revamping of the police force into an institution bereft of clan considerations in its operations, transfers and availing the force with the equipment and auxiliary gear necessary to efficiently carry out its duties. The capacity of the security forces would also need to be increased through training and incorporation of a younger generation to forge a clan-blind homogenous force.

3.6.2 Regional and District Formations

The Increased Number of Regions

The birth of Somaliland began by recognising the districts of the Somaliland Protectorate era as regions, namely Ceerigabo, Laascaanod, Burco, Berbera, Hargeysa and Borama. These regions were then given new names: Sanaag, Sool, Togdheer, Saaxil, Maroodi-jeex and Awdal respectively. During President Riyale's tenure, new enthusiasm for increasing the number of regions appeared and was encouraged as a way of satisfying clan interests. Thus, Salal, Gabiley, Hawd, Oodweyne, Buuhoodle, Saraar and Badhan were given the status of region bringing the total number of regions of Somaliland to 13.

²⁸⁵ One of the 7 regions nominated, but not ratified by Parliament.

²⁸⁶ Governor, Interview, 10 May 2009.

²⁸⁷ Focus Group Discussion, Burco, January 2010.

²⁸⁸ Interview, Burco, June 2009.

²⁸⁹ Approximately USD 7500.

²⁹⁰ Elder, Interview, Burco, June 2009.

The nominations of the new regions were accompanied not only by an increase in the number of civil servants, but also by an additional cost of service provision such as vehicles for key officials and other requirements. Furthermore, the nomination of governors for the new regions, made the proportionality variance between the Non-Isaaq and Isaaq even more pronounced (from 2-6 to 4-13). In Silanyo's administration, the status quo in proportionality was maintained, each being replaced with one of the same clan.

Some officials consulted regarded the increase as positive since nominations created employment and rendered better attention and access from the central government to particular localities previously ignored²⁹¹. Others saw these additional nominations as cumbersome to an already top-heavy bureaucracy and as nothing more than political expediency at a period of electioneering.²⁹² See *Annex 6 on the Governors' Clan Affiliation*.

The Districts Formations

From the six original regional capitals (see above), the districts grew to 41 during the Presidency of M.I. Cigaal. President Riyale then decreed the formation of 16 additional districts on 23 March 2008²⁹³ - bringing the total districts carved out of the regions to 57. Many more were promised particularly by the then incumbent government of Riyale as most communities raced to have a district nominated to keep up with others who had done so before them. However, many of these districts, and even some of the regions, cannot be self-sustaining and no criteria for selection have been developed for these to qualify. Besides, many of these nominations, totalling 28, are yet to be ratified by Parliament.

The challenges that exist involve the re-evaluation of these districts to set up of criteria for district's qualification, which includes the viability of the districts. Furthermore, the notion of unfettered clan competition and its influence in these formations without due regard to demography, economy and suitability will need to be assessed.

²⁹¹ Interview, Sarar Region, May 2009.

²⁹² Focus Group Discussion, Burco, December 2009.

²⁹³ Office of the President, Presidential Decree, 23 March 2008.

Table 2: Number of Districts ratified/not ratified by parliament per Region – August 2010

Ratified Regions	Number of ratified districts	Regions not ratified formed within former region	Districts yet to be ratified by Parliament
Saaxil ²⁹⁵	5	-	3
Togdheer ²⁹⁶	6	2	12
Maroodi Jeex ²⁹⁷	9	2	7
Awdal ²⁹⁸	5	1	5
Sanaag ²⁹⁹	10	1	7
Sool ³⁰⁰	6	1	7
Total	41	7	41

3.7 Absence of Cross-sectional Non-governmental Institutions

3.7.1 Organisation/Bodies outside Government Circles

Background

Many of the existing organisations or bodies outside the government framework are categorized as community based organisations, Islamic relief organisations and cooperatives of different kinds. These bodies are engaged in one form of service or another. The Islamic organisations are engaged in the provision of relief, construction of religious schools and maintenance of mosques. Local NGOs are mostly involved in developmental issues and relief distribution.

Ever since the development aid started to trickle into Somaliland, local NGOs have been thriving. The Somaliland administration, which has not been eligible for bilateral aid³⁰¹, could not muster the clout necessary to influence the delivery of development aid and by that disposition has availed the local NGOs the opportunity to link up directly with international aid organisations. The Ministry of National Planning and Coordination, which is charged to check the authenticity of local organisations, set certain preconditions for qualifying registration and as an official from this Ministry stated: *“Local NGOs mushroomed to more than a thousand in the year 2000, but only a handful succeeded in maturing into full-fledged organisations.”*³⁰²

Today, 1776 NGOs are registered with the Ministry of Planning. Some the registered NGOs’ claim to be dealing with developmental issues, but they happened to be ‘briefcase organisations’ that exist only by name. Others failed to exist due to shortage of human resources and capacity.

²⁹⁴ Presidential Decree No. 283/2007 promulgated 12/07/2007 as Law no. 23/2007.

²⁹⁵ Sahil began with the districts of Berbera, Sheekh and Bulaxaar. Five more districts have since the reclamation been added, namely Mandheera, Xagal, Laso dacawo, Go’da weyn and Las ciidle.

²⁹⁶ Togdheer region has lost Odweyne and Buhoodle as new regions

²⁹⁷ Hargeysa has lost Gabiley and Balli-gubadle as new regions.

²⁹⁸ Former Awdal is presently split into Seel and Awdal.

²⁹⁹ Sanaag has now Badhan cut out as Badhan region.

³⁰⁰ Sool is split into Saraar whose headquarters is at Ainabo and Las Anod.

³⁰¹ Since Somaliland is not yet recognized as a state internationally.

³⁰² Mohamed Abdi, Unpublished article on Local NGOs, 2010, p.1.

The inescapable Somali way of associating an individual with his/her clan affiliation has sometimes become a major obstacle to the efficiency of these local NGOs and the maintenance of its image countrywide. Any service provision/activity in a particular region would have some clan politics dynamic attached to it.

Currently, a law to regulate the operations of the NGOs in Somaliland is being drafted and will be approved over the course 2011.

Local NGOs in the Eastern regions³⁰³

The Eastern regions are far behind the other regions of Somaliland in obtaining funding for projects due to several reasons:

- The absence of viable local NGOs in the eastern regions;
- The International NGOs and UN agencies often magnify isolated incidents that relate to their security to justify their reluctance to extend development aid to the Eastern regions;
- The development interventions are perceived as economic opportunities and often trigger conflict among the beneficiary communities;
- The regional authorities pose bureaucratic hurdles with different officials lobbying for the interests of different clans. Officials contest regularly when recruiting local personnel or hiring transports ;
- The 'brain drain' from the east to more affluent areas such as Hargeysa and Garowe.

The uneven distribution of development aid in the country shapes the relations between the communities in the eastern regions and the International NGOs and/ or UN agencies. The political implication of the issue is that the Eastern communities interpret that the incumbent administration is biased and does not encourage foreign aid agencies to reach out to these regions. Since the injection of development aid has the effect of pulling together formerly conflicting parties to share development services, its absence is the root cause of persistent tensions.

In situations where high unemployment prevails, the top management, who are usually the founders of the LINGOs, is subject to clan pressures to recruit staff from their clan ranks. Clan politics is also involved in shaping the local NGO landscape in Somaliland, because the clan-dominated organisation contributes to the political image of the clan in certain areas.

The Eastern communities sometimes also exaggerate the impact of development interventions in the western regions consequently posing further strains on the relations between the eastern local communities and the central government.³⁰⁴

³⁰³ The eastern regions include Sool and Sanaag regions and sometimes also Togdheer region.

³⁰⁴ Statements of (an eastern) key political figure, Interview, Jamhuuriya, 27 August 2010.

The challenges are inter alia the following:

- The regulation of LNGOs in terms of staffing to demonstrate across-the-board representation of the the Somaliland population spectrum;
- The presence of projects in accordance to a far-reaching national plan that does not favour specific clan, areas and/or regions;
- The establishment of a national watchdog to evaluate NGOs' operations independent of donors' evaluations and guidelines.

3.7.2 *The Business Community*

The exodus of many Somaliland citizens into the outside world, fleeing the oppression of the Siyad Barre regime, has created a large Diaspora that greatly contributes to the flow of remittance into the country. Estimated at several hundreds of millions, the remittances' turnover greatly enhances the low GDP. Somaliland's economy is essentially based on livestock exports and animal products. The imports are dimly taxed, yet there is a thriving business in the services trade particularly in telecommunications.

Presently, the most noticeable businesses in Somaliland are Dahabshiil, Telesom, Indhadeero, Oomaar and others in the goods trade, telecommunication or money transfer sectors. These businesses began with the initiative of individual entrepreneurs and still remain in the hands of the founding families as a businessman in Burco explained: *‘When family owned businesses grew, they kept the same characteristics as when they were small. The money is kept in a vault at home and guarded by relatives since no banks exist; the same age-old methods of safe keeping at home in a suitcase is still used (...) (and when expanding) the owner only uses the services of the closest of kin.’*³⁰⁵ In the absence of investments that may offer banking services, regulatory or insurance services to guarantee safety and security of investments, clan protection of individual property is here to stay and the hiring of the closest of kin to key positions will continue to be practiced.

The clan factor in business is quite extensive. Water processing plants have bloomed without considerations of the market capacity and viability. The proposed fibre-optic cable has also generated a lot of competition with clan implications. Moreover, the stringent principles of regulated shares are not followed and each particular business applies its own methods of valuation, dividend payments and incentives for the work force it employs.

Some of the main challenges are as follows:

- The safeguarding of foreign and local investment safety as well as free enterprising;
- The curtailment of business based on clan segregation and employment according to clan affiliation;
- The ascertainment of fair returns in the form of taxation to the public.

³⁰⁵ Interview with members of the Business Community, Burco, November 2009.

3.7.3 *The Political Parties*

The clan is the most poignant fact about life in Somaliland as it runs across the parameters of all sectors and walks of life in this country. In fact, Somaliland's democratic process was initially put in place to mitigate the crippling impact the clan had on the country and society, particularly concerning governance. This process was expected to prompt and foster an enabling environment for alternative structures and public organs based on interests and needs rather than clan affiliation. As a result, a number of political parties were established as part of the efforts to initiate the process.

The formation of political parties as stipulated in the Constitution³⁰⁶ and the local government elections of 2002 enabled three parties to gain national legitimacy – UDUB (United Democratic Party), Kulmiye and UCID (Justice and Welfare Party). However, the investment of these three parties has been accompanied by fierce competition along clan lines. Like many bureaucratic institutions in Somaliland, the top positions of the parties assume a clan character. Therefore, UDUB is seen as Gadabursi dominated, Kulmiye as Habar Jecllo and UCID as an Ciidagale party. Such an association is further complemented with the clan affiliation of the second man of the party (General Secretary): Habar Yoonis for UDUB party and Arab for Kulmiye.³⁰⁷

These assertions are merely subjective associations and do not reflect party following or support. However, it does reflect the public's perception that views the clan in many aspects of life as gospel.

The operational framework of the Somaliland political parties is one that is intertwined with the clan outlook. This can be clearly demonstrated by a look at the political parties' origins, previous and current operational frameworks, and the public perception regarding the campaign approaches.³⁰⁸

Apart from the few articles in the Party Formation Law (Law no. 14), and other constitutional promulgations ensuring political freedom and expression, regulatory laws determining political parties' behaviour in fundraising, clan outlook, and lifespan as well as other determinations qualifying accountability, transparency and ethics are absent. On the contrary, rather than creating an enabling environment that ensures the democratic values of fair play and free expression³⁰⁹, the political parties as well as the democratic processes have exacerbated clan-induced grievances and imbalances. Yet, as a politician argued during the NPGM: *"The House of Elders (Guurti) is the corner stone of our reconciliation. We cannot depart from that. The democratisation process is the only cure from the endemic clan problems we are facing. We have to be frank like the Burao group. Frankness is the gateway to solving our problems."*³¹⁰

³⁰⁶ Somaliland Constitution, Article 9.2: *"Political parties in the Republic of Somaliland are not to exceed three in number"*.

³⁰⁷ Focus Group Discussion with Intellectuals, Burco, November 2009.

³⁰⁸ Focus Group Discussion, Burco, January 2010.

³⁰⁹ Focus Group Discussion with Intellectuals, Burco, January 2010.

³¹⁰ UCID representative, National Programme Group Meeting, Hargeysa, 5-7 October 2010.

3.7.4 Educational Institutions

The establishment, ownership, location and operations of private universities and other educational institutions have fallen into the hands of local communities that are already defined within fixed geo-clan paradigms due to financial incentives for the privately-run institutions and competition between ‘rival’ clans. Yet, as a professor at the University of Amoud recalled during the NPGM: *“our traditional norms and the democratic ideals cannot mix in all aspects of life including the educational system.”*³¹¹

The initiation of Higher Education Institutions pioneered by Amoud University in 1998 and then the Hargeysa University during a period of extreme difficulties (during and after the civil war) gave youth a new hope. However, the tumultuous rush to establish educational institutions by private entrepreneurs with clan undertones in the absence of regulatory mechanisms assuring quality education, proper accreditation and equal allocation within the regions constitutes a major challenge in Somaliland.³¹² Nevertheless, during the Mapping Exercises, one female participant from Sanag region argued: *“Conflicts arise out of violations of rights. In order to rectify errors committed and raise the general awareness of the population, we better begin at the school level and teach the kids attending school how to become tolerant of one another.”*³¹³

3.8 Proliferation of Traditional Titled Elders

The Aqil is an important element in the Somaliland traditional social structure whose position in the clan is to handle matters related to tradition and lately to political issues within the clan. However, the politicisation of the role of the traditional leaders has eroded some of the respect and stature Aqils’ (and Sultans) had earned in the past. Indeed, while Aqils originally handled peace negotiations, the settlement of *dias* (blood compensation) and conflict management both in and outside the clan according to the set *Xeer* (customary law), they have recently started assuming additional tasks such as the lobbying for government positions and parliamentary seats.

Moreover, the exponential growth of the number of Aqils (as well as Sultans and more recently Boqors³¹⁴) commenced with the establishment of Somaliland and became a widespread practice throughout the country. In Togdheer region, there are today about 175 Aqils registered in the payroll of the Ministry of Interior.

Some participants of the Mapping Exercise actually believed the high number of Aqils is beneficial to state formation and security in Somaliland since it broke the monopoly and access to privilege and power of few segments of society. They also argued that it created employment and thus income for the elders concerned. Yet as a participant reminded them, the Aqils’ salary had gone down from 300,000 SL.Sh (approx. USD 50) to 150,000 SL.Sh (USD 25) as their number increased.³¹⁵ Others thought on the contrary that it hampered unity and social cohesion as it

³¹¹ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

³¹² College Lecturer and Educationist, Interview, Hargeysa, April 2010.

³¹³ National Programme Group Meeting, Hargeysa, 5-7 October 2010.

³¹⁴ Boqor is a new title borrowed from neighbouring clans from the Eastern regions, particularly the Majeerteen

³¹⁵ Focus Group Discussion, Burco, September 2009.

brought about the disintegration of the society into smaller units. A woman even suggested: *“The numerous Aqils and Sultans that have been established are the main cause of the disintegration of our society. This has to be revisited.”*³¹⁶

The increasing number of Aqils has greatly diminished their power within the clan. Besides, as the crowning of an Aqil happens at the expense of an existing one, it brings about the disintegration of the clan unit into factions. The coronations of Sultans, Boqors and Aqils are often being pushed by various political groups associated with either the government or the opposition. Whilst the nomination has traditionally been done by the clan members themselves, presently government and opposition groups are pushing favourable candidates from within the clan and so precipitating the nomination of two or even more titled elders.

One Chief Aqil in Burco explained that about nine Aqils were formed in the constituency he once headed which affected the prominence of the unit as a whole. It also reduced the capacity of Aqils to ensure the payment of dues (*dias*) and the fulfilment of other obligations.

The creation of new titles like Sultan and Boqor changed the social structure of the Dhulbahante and Warsangeli³¹⁷ that used to have only one kind of traditional title, the Garaad. Among the Isaaq, the multiplication of Aqils is even more pronounced and its consequences are serious as an Aqil of Abdalle Arab, a sub-clan of the Arab clan based in Togdheer region explained: *“My father was the only Aqil registered with colonial administration. The Abdalle Arab clan has now acquired another three besides me. Three of the Aqils are based in Burco and the fourth in Berbera. The expanded numbers have ushered in serious dilemmas in the ranks of the clan. Dia payments are not made on time and sometimes drag on for years. Some of the new Aqils possess no background knowledge of traditional norms. Their interaction with the clan members is often counter-productive.”*³¹⁸

(See Annexe 8 for further details on the multiplication of Aqils/ Sultans per clan).

3.9 Somaliland Clan-based Conflicts

While conflicts over land in Somaliland are quite limited, the ones that exist have the potential to disrupt the prevailing security in Somaliland; situations that can be exacerbated by the challenges to effective and sustainable conflict resolutions.

³¹⁶ Participant from Burco, National Programme Group Meeting, Hargeysa, 5-7 October 2010.

³¹⁷ The Warsangeli used to have during the colonial period one Sultan only: Garaad Cali Shire. He was the overall sultan, whose lineage descendants in Somaliland date from centuries. Recent multiplication of sultans has not succeeded in dividing their ranks.

³¹⁸ Focus Group Discussion, Burco, September 2009.

³¹⁹ ‘Ashes over ashes’ is the true nature of the problem – an allegory that implies that someone built a house over the ruins of an old one. Yet the legitimate owner remains the first owner.

3.9.1 Limited but Acute Conflicts

The Sedentary Conflict in Ceel-Berdaale

“Dambas dambas lagu dul shiday is the true nature of the problem.”

Since the early sixties, a series of violent incidents occurred from the areas bordering Gabiley and Borama districts³²⁰ between two sub-clans of Jibril Abokor and Reer Nur (Isaaq and Gadabursi respectively). The conflict, that stretched from Wajale, Aada to present Ceel-berdaale, went through periods of intense confrontation and violence (1961-63, 1992-94 and 2009) and times of lull and relative peace. However, while some mediation efforts, such as the one engaged in Wajaale and Aada areas brought about a settlement, others, including the ones supported in the early nineties (by the late President Egal) and in 2009 did not bear fruit. Indeed, both times, the Rer Nur walked out of the negotiation table claiming that the Guurti led mediation was not neutral enough.

The Pastoral Conflicts in Gal gal and Yayle

Gal gal³²¹ is the location of many wells³²² and therefore has fertile pasture land that lies at the borderline between the Habar Jeeclo clans (Solo Madaw mainly) on the one hand and the Dhulbahante (Aden Ahmed) on the other hand. These parts of land have been contested since the 1950s by both clans on the pretext that on one side the Habar Jeeclo are expanding their grazing lands too far and that on the other side the Dhulbahante are constructing too many berkads and other dwelling structures.

Over the past decades, three major reconciliation processes took place³²³. Peace agreements were signed by the parties in conflict which provided for the permission to use water as long as no additional wells or other physical structures are being constructed in the environs.

In March 2009, renewed fighting over a stretch of land that lies between Buuhoodle and Qorilugud was averted by elders from both sides. Yet despite the willingness shown by the elders, the final peace negotiations have been postponed and new clashes expected.

The conflict in Yayle has similar characteristics as it involves Habar Jeeclo's and Dhulbahante's clans. The building of a berkad by the Solo Madaw (Habar Jeeclo) was obstructed by the Dhulbahante (Jamac Siyaad) and resulted in the death of two persons. A successful mediation was conducted by the elders towards the end of 2009, which resulted in the signing of a peace agreement.³²⁴

³²⁰ No official juridical demarcation of the border between the two regions of Gabiley exists. The disputed border is currently based on the old demarcation made between the districts of Borama and the then sub-districts of Gabiley during the British colonial era.

³²¹ Gal gal is situated at about two kilometers from Gorulugud and twenty kilometers from Buuhoodle town and neighbouring Hurufadhi. The place consists of one single house, two berkat (water cistern) – one being incomplete and an unfinished mosque. There are about 1500 hand dug water wells, belonging to Habar Jeeclo and Dhulbahante animal herders.

³²² Gal gal is situated at about two kilometers from Gorulugud and twenty kilometers from Buuhoodle town and neighbouring Hurufadhi. The place consists of one single house, two berkat (water cistern) – one being incomplete and an unfinished mosque. There are about 1500 hand dug water wells, belonging to Habar Jeeclo and Dhulbahante animal herders.

³²³ These wells were previously dug by pre-Somali ancient people. Camel herders from both the Dhulbahante clan and Habar Jeeclo clan excavated the first wells (full of debris and sand) in 1943.

³²⁴ The first one took place under the British colonial rule in 1952, the second during the late Aadan Cabdulle Cisman's tenure and the last one during the Siyaad Barre regime.

³²⁴ The payment of a dia-payment is yet to be completed which could be grounds for renewed hostilities.

The conflict in Gal gal has presently reappeared at a location midway between Buhoodle and Qorilugud. Fighting erupted and deaths occurred, especially among Habar Jeclo's. The issue has been complicated by the appearance of an organisation called the Sool Sanaag and Cayn militia (SSC) which strives for the liberation of the Dhulbahante territory. Somaliland forces and administration are also present in the area.

Other Prominent Land-based Conflicts

The Biyi-Guduud violent conflict, located in an area east of Ceerigabo (Sanaag Region), emerged in 2008 over the building of the shack by the Urursuge against the consent of the Riig Haye and is still unresolved to date.

In January 2010, Qabri-cad or Ceeldheere became the centre of intense conflict when the Warsangeli and the Naaleeye Axmed of Dhulbahante started fighting over their territory. Although the area remains volatile, the situation has calmed down since then thanks to the successful mediation of elders.

3.9.2 Challenges to Effective Conflict Resolutions

Absence of Formal Conflict Resolution Mechanisms

The mitigation and mediation of conflicts are weakened by the absence of a formal mechanism for social reconciliation processes that is recognised and supported by the government. Indeed, without the support and acceptance of the social reconciliation initiatives by the relevant law enforcement authorities the process is likely to fail.

Recurrent Revenge Killings

Frequent revenge killings were referred by the participants in the Pillar Mapping Exercise as a major concern due to its unpredictability and potential to easily disrupt the peace and security; a phenomenon that mostly occurs when *dia* payments are being delayed or obstructed whether voluntarily or not.

In 2010, three cases of vengeance killings were reported between the Reer Yoonis and Cumar (both from Habar Jeclo clan) in Togdheer region, between Sa'ad Yoonis and Dhulbahante in Sool region and between Reer Biniin (Habar Jeclo) and Rer Cawl (Habar Yoonis) and also in Togdheer region respectively.

Absence of Formal Ways of Resolving Political Feuds

Individuals and groups consulted during the Mapping Exercise repeatedly referred to the lack of mechanisms to resolve the common political disagreements in Somaliland. More specifically, the

aspects deplored in the current system were shortcomings in the laws that allow the re-occurrence of past political events and the absence of an official mediation mechanism that can prevent some biased political reconciliation attempts.

3.10 The Marginalised Gabooye

The *Gabooye* constituted of a specific group of stakeholders consulted during the Pillar Mapping Exercise. Whilst it was not always possible to identify the participants from that group, those speaking on their behalf felt that they are the most disadvantaged clan group in Somaliland. Their numbers are quite large, yet their role is limited by traditional barriers and discrimination.

Several issues were regularly mentioned as far as these barriers and discrimination were concerned:

- *Access to education* - The *Gabooye* representatives reported that they do not have equal access to schools in comparison to the rest of the society, mostly due to the lack of financial resources. They argued that they need their children to generate income for the family from an early age. In Togdheer region, one student from this group used to attend secondary school but dropped out due to peer pressure among other factors.
- *Lack of intermarriage* –In the Somali tradition, intermarriages between different clans are frequent and contribute to social cohesion. However, intermarriage is rare with members of the *Gabooye* community which further contributes to their alienation. As an Aqil in a focus group discussion for elders expressed³²⁶: “*The Gabooye are neutral to all clans but are deprived of due respect.. (...) Your clans are all related to one another through marriage, some are nephews, nieces, uncles and in-laws. We have no relation with you.*”
- *Stereotypes* – *Gabooye* are often engaged in menial jobs despised by other clans. In addition, some of the persons consulted deplored that aid agencies attempting to assist them do not deviate from traditional stereotypes and tend to provide men with barbershop gear and women with pottery supplies only, something that perpetuates their status in society.
- *Recognising their rights* – the *Gabooye* are under-represented in the government. A Sultan of the *Gabooye* emphatically stated that they are not represented at any level of the government. Land owned by the *Gabooye* community has been usurped and no one is willing to address the problem. “*As far as the Gabooye are concerned, the Somaliland reconciliation process is still incomplete*” he added.³²⁷

³²⁵ Gabooye Aqil, Focus Group Discussion, Burco, July 2009.

³²⁶ Focus Group Discussion, Burco, July 2009.

³²⁷ Interview, Borama, June 2009.

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

Social Reconciliation Pillar – Possible Strategic Interventions?

The prevalence of Somaliland's peace and stability has its roots in the reconciliation conferences and other numerous peace accords reached at the regional and national levels. These conferences and reconciliation agreements led to the formation of a unifying government and related institutions. It also led to the holding of free and fair elections. However, traditional or emerging resource or interests associated social conflicts and other violent confrontations among clans and clan groupings exist and remain a threat to the hard-won peace gains. Several factors can be pointed out as being the underlying cause of these tensions.

- **Recurrence of Violent Conflicts**

Violent conflict occurrences constitute a driver of instability and a hindrance to the development and progress of Somaliland. They can take different forms:

- Vengeance killing is the most recurrent type of conflict that often occurs due to the failure of 'dia' payments.
- Land ownership claims at clan settlements junctions also occur every now and then at different locations among pastoralists in the rural areas where pasture and water are vital for the survival of the communities;
- Violent conflicts between more sedentary communities are equally endemic. Its recurrence has been a result of inappropriate mediation mechanism used to resolve conflicts.

All these conflicts have caused death, destruction and a lot of suffering to affected communities. By reviving old wounds it has also become a threat to peace and stability. These conflicts would need immediate interventions to counter the absence of mitigation mechanisms, effective fire-fighting and regulatory laws as well as the strengthening of the law enforcement capabilities of the government.

- *What mechanisms could prevent the occurrence of violent conflict over the short, mid and long terms?*
- *How could a culture of peaceful and constructive dialogue be instituted in Somaliland as a way of preventing future violent conflicts?*

- **Weak Institutions in Law Enforcement- Police and Judiciary**

The Police and Judiciary have traversed noticeable growth both quantitatively and qualitatively since Somaliland's establishment. However, the way conflicts are been addressed remains an important challenge due to the omnipresence of clan politics within the law enforcement institutions. Both the police and judiciary are weakened by low capacities, lack of training and adequate equipment as well as low salaries, etc. As many challenges affect their efficiency and reduce their liability in the happening of incidents:

- *How can the police and the judiciary roles be further strengthened in order to become neutral institutions capable of effectively addressing conflict?*

- **Weakening Traditional Structures**

Traditional structures are the only bodies that the people of Somaliland could resort to in the aftermath of the collapse of the Siyad Barre regime. These leaders, traditionally called Aqils or Sultans, have been the pre-eminent force responsible for maintaining the peace and stability and for settling disputes among the general population. However, these noble responsibilities have today been eroded due to the crowning of multitudes of Aqils and Sultans. Their increasing numbers, which do not necessarily follow population growth, have complicated dia payments, the financial burden having to be settled among narrowed clan groupings.

- *Can the society's cohesion and unity be strengthened through traditional structures, and if so, how?*
- *The expansion of governance institutions and the utilization of the traditional structures for that purpose are challenges that need streamlining. In what way can that collaborative relationship be advanced?*

- **Imbalances in the National and Regional Representations**

Clan representation discrepancies have been a recurrent challenge mentioned by the participants in the Pillar Mapping Exercise. The Isaaq constitute the dominant clan in institutions of governance at the ministerial, regional, district levels that reflects proportions inherited from past ratios not necessarily applicable anymore today. Yet this dominance seems to have alienated some other clans, particularly the Harti, which has led to governance challenges.

Furthermore, minorities and/or marginalised groups, including the Gabooye and women claim tangible and incremental political, economic and social accommodation.

- *What appropriate safeguards could be established to effectively address grievances that would guarantee equitable representation across clans and gender?*
- *What considerations should be included in determining the viability of districts and regional proliferation and how can they be ensured so that expansion does not lead to clan tensions, imbalances and aggravations?*



4 Conclusion

The Pillar Mapping Exercise conducted throughout Somaliland has offered neutral space for dialogue on the achievements and challenges to the democratisation process, the devolution of power to local authorities (decentralisation process) and social reconciliation mechanisms.

From these consultations some possible key areas of future interventions emerged and were presented, together with the pillars' related challenges, to stakeholders' representatives at the National Programme Group Meeting for validation and prioritisation.

Over 120 participants from throughout Somaliland, director-generals and civil servants, regional and districts officials, leading civil society actors, traditional elders, religious leaders and numerous representatives of youth, women groups, IDPs, minorities groups, the business sector, professionals, and NGOs gathered for three days in Hargeysa.

After discussing and validating the draft Pillars of Peace Note, the participants of the National Programme Group Meeting were asked to recommend the challenges in the three Pillars that required prioritization and further action-research in order to identify solutions that can be adapted to the Somaliland context and propose the necessary support to implement these.

In the next phase of APD/ Interpeace's Pillars of Peace Programme, as an integrated part of the Participatory Action Research methodology, the steering committees will be formed and mandated to take lead on the process of identifying solutions and the implementation plan. The steering committees shall consist of all the key stakeholders of the prioritised issues with specific attention being drawn to regional and social representation.

The participants consented to the prioritization of the following challenges of the Democratisation Pillar, the Decentralisation Pillar and the Social Reconciliation Pillar (arranged in order of priority):

Democratisation Pillar

The challenge that will be addressed in priority for the Democratisation Pillar is:

Gaps in the Legal Framework Related to the Electoral Process

Somaliland was able to successfully hold three rounds of elections. However, these elections faced legal challenges that cast doubts over the election processes. Similarly, the current election cycle has encountered numerous legal disputes that have posed a constant threat to the whole electoral process. Disagreement over the extension of the mandate of the government without an election and the right to form political parties or be independent candidates has emerged. Moreover, the existing legal provisions and procedures pertaining to the elections are weak and not compiled in one comprehensive legal document. For instance, there are no legal provisions that specifically deal in detail with electoral issues, there is no explicit measure to enhance

the representation of the marginalized groups such as women, youth and minorities, and the Guurti electoral law and legal provision are not compiled in one chapter but rather in two different secondary laws which are not aligned.

How can a comprehensive legal framework be formulated that serves as the basis for the conduct and delivery of free, fair, credible and legitimate elections and what would it include?

Below are two considerations that emerged in the discussions of the NPGM in which the legal framework could be formulated:

- *A fair and equitable electoral law containing detailed instructions on electoral management, which are aligned with Somaliland's political dispensation and history. This law should also comply with globally accepted standards on democratic multiparty politics, and balanced representation for all sectors of society.*
- *Conflict management mechanisms should be built into the electoral system*

Decentralisation Pillar

The challenge to be addressed as first priority for the Decentralisation Pillar is:

Absence of a National Policy on Decentralization

This challenge was not in the proposed list that emerged through the Pillar Mapping Exercise but was raised by participants at the National Programme Group Meeting (NPGM) during discussion on areas for further research on concrete and sustainable solutions. As a result of these discussions, participants at the NPGM consensually agreed that this challenge should be the focus of attention for the pursuit of actionable change for the decentralisation pillar.

The return of peace to Somaliland enabled the country to establish local administrations – headed by presidentially-nominated mayors. The election of local councils in 2002 provided the public, for the first time ever, with the chance to elect their own local leaders. Along with various parallel efforts implemented by a diverse set of actors—both internal and external—to strengthen the capacity of local administrations, these elections represented positive development in the country's decentralisation process. Nevertheless, the establishment of effective and democratic local governments still remains an uphill battle. The Constitution of Somaliland defines the level and nature of decentralisation that is envisioned for the country in articles 109, 110, 111 and 112. A number of deficiencies are, however, apparent in key areas of the process, which justify the formulation of a National Decentralisation Policy that fully guides the realisation of the decentralisation envisioned in the Constitution and reflects the aspirations of the local population.

- *How can a comprehensive national policy that serves as the basis for the realization of Somaliland's decentralization process—as envisioned in the constitution—be formulated?*

Social Reconciliation Pillar

The challenge that will be addressed in priority for the Social Reconciliation Pillar is:

Weak institutions in law enforcement – police and judiciary

The police and judiciary have developed quantitatively and qualitatively since Somaliland's establishment. However, the way conflicts are addressed remains an important challenge due to the omnipresence of clan politics within the law enforcement institutions. Both the police and judiciary are weakened by low capacities, lack of training and adequate equipment as well as low salaries. These challenges affect their efficiency and reduce their effectiveness in addressing incidents.

- *How can the police and the judiciary roles be further strengthened in order to become neutral institutions capable of effectively addressing conflict while fully assuming their responsibility?*



Annexes

Annex 1: Memorandum of Understanding of the Presidential Election (June 2010)

The three registered political parties in Somaliland, together hereafter referred to as the “parties”.

Committed to preserving the peace, stability and credibility that Somaliland has achieved over the last decade and half;

Conscious of their responsibilities to safeguard the welfare of the people of Somaliland in a sub-region where the preservation of peace and stability in any country is not an easy exercise;

Fully cognizant of the imperative necessity of creating the conditions for fair, free and peaceful elections, without which the preservation of peace, stability and credibility of Somaliland will not be possible;

Fully convinced that the ruling party and the two opposition parties have historic responsibility to make the upcoming election free, fair and peaceful; Have reached the following understanding:

Paragraph 1

Given the shortage of time remaining before 27 September 2009, which is the jointly agreed time for the next election, the parties accept that the Election be postponed, the new time for the election to be decided as per what is stated in paragraphs 4 and 5 below.

Paragraph 2

The parties agree that all options, including changes in the leadership and composition of the National Election Commission, need to be considered to restore public confidence in the Commission and to make sure that the Commission is able to perform the role expected of it under the Constitution.

Paragraph 3

The three parties have agreed that there is a need for a Voters Registration List as legally provided for, for this and future elections. In this regard, taking note of the shortcomings of the existing Voter Registration List, the three parties accept that there is a need to further refine the list and to consider whether further safeguards are required to avoid multiple voting.

Paragraph 4

The parties have agreed to invite independent international experts to assist the

National Election Commission in reviewing Somaliland's electoral preparations. The Experts will be invited to submit their recommendations to the Commission including on how to refine the provisional voter list, and on the timetable under which the remaining preparations for the election can be held. The Commission shall then fix the new date for the election based on the amount of time required for the final election preparations to be made.

The parties also decided that detailed Terms of Reference for the experts should be agreed with the political parties and the Commission.

Paragraph 5

On the basis that the determination of the date of the election is depoliticized, with the date to be fixed by the Commission, in light of the recommendations by the experts as set out in paragraph 4 above, the parties have agreed that the term of office of the president and Vice-President should be extended to a date not more than one month after the date to be fixed by the Commission for the elections.

Paragraph 6

The parties underline the need for Friends of Somaliland to continue their engagement with the three parties with the view to contributing to the faithful implementation of the understanding contained in paragraphs 1 and 5 above and assisting the Somaliland authorities to carry out a free, fair and peaceful election critical for preserving the stability, security and credibility of Somaliland

Annex 2: List of Regions and Districts in Somaliland

Name of the Region		Districts	Grade	Total number of districts
1	Maroodi Jeex	Hargeysa	A	8
		Salaxlay	C	
		Sabawanaag	D	
		Cadaadlay	D	
		Dar slaam	D	
		Las-Geel	D	
		Dacarbudhuq	D	
		Farawayne	D	
2	Togdheer	Burco	A	10
		Duruqsi	D	
		Sh Xasan Geele	D	
		Warcimraan	D	
		Waraabeeyee	D	
		Dhoqoshay	D	
		Riyo-xidho	D	
		Kal-barre	D	
		Qoyta	D	
		Qoryaale	D	
3	Awdal	Borama	A	6
		Baki	C	
		Qolo-jeed	D	
		Dila	D	
		Lughaya	C	
		Magaalo-cad	D	
4	Saaxil	Berbera	A	8
		Sheikh	C	
		Bulaxaar	D	
		Maandheere	D	
		Xagal	D	
		Laasciidle	D	
		Go'da wayn	D	
		Laasa dacawo	D	
5	Sanaag	Ceerigabao	A	12
		Ceelafwayn	B	
		Gar adag	C	
		Xiis	D	
		Maydh	D	
		Dararwayne	D	
		Fiqifuliye	D	

Annex 2: List of Regions and Districts in Somaliland *(Continued)*

Name of the Region		Districts	Grade	Total number of districts
5	Sanaag	Laasa surad	D	12
		Huluul	D	
		Yubbe	D	
		Yufle	D	
		Goof-Banadarsalama	D	
6	Sool	Laascaanood	A	7
		Boocane	D	
		Yagoori	D	
		Kalabaydh	D	
		Dharkayngeeye	D	
		Xudun	C	
		Taleex	C	
7	Buhoodle	Buhoodle	B	4
		Widh-widh	D	
		Xamar-lagu-xidh	D	
		Qurulogod	D	
8	Gabiley	Gabilay	A	6
		Wajale	D	
		Agabar	D	
		Geed-balaadh	D	
		Arabsiyo	D	
		Allaybaday	D	
9	Oodweyne	Oodwayne	B	4
		Harrosheikh	D	
		Raydab khaatumo	D	
		Xaaji saalax	D	
10	Selel	Saylac	B	4
		Boon	C	
		Xariirad	D	
		Garbodadar	D	
11	Saraar	Ceynaba	C	5
		War idaad	D	
		Dhanaano	D	
		Oog	D	
		Ceelal	D	

Annex 2: List of Regions and Districts in Somaliland (Continued)

Name of the Region		Districts	Grade	Total number of districts
12	Badhan	Badhan	B	5
		Las qoray	C	
		Dhahar	C	
		Xiin galool	D	
		Ceelaayo	D	
13	Hawd	Bali gubadle	C	3
		Hawd	D	
		Sayla beri	D	
Total Number of Regions: 13			Total Number of Districts: 82	

Source: The Ministry of Interior of Somaliland, 2010.

District Categories			
A	B	C	D
7	6	10	59 ³²⁸

Source: The Ministry of Interior of Somaliland, 2010.

³²⁸ Most of the 59 districts are the new districts and they are all category D.

Annex 3: Borama Conference Clan Representations

Clan	Number of seats allocated per sub-clans		Total number of seats allocated
Isaaq	Habar Awal	17	90
	Garxajis	18	
	Muse Sh.	20	
	Toljeclo	6	
	Sanbuur	4	
	Arab	13	
	Cimraan	6	
	Ayuub	6	
Harti	Dhulbahante	27	34
	Warsangeli	7	
Gadabursi	-	-	20
Ciise	-	-	6
TOTAL			150

Source: Togdheer Regional Authority, 2010.

Annex 4: Evolution of the Parliamentary Presentation from 1960 – 2009

	1960		1998		2009	
Isaaq	21	64 %	52	63 %	57	70 %
Non-Isaaq	12	36 %	30	37 %	25	30 %
Total	33	100 %	82	100 %	83	100 %

Source: APD/ Interpeace, Vote for Peace, Dialogue for Peace Programme, September 2006.

Annex 5: Government Ministers (M), Assistant Ministers (A/M) and Ministers of State (MS) clan affiliation under Former President Rayaale

Portfolio	Habar Awal	Habar Yunis	Habar Jeeclo	Arap	Ayub	Gad-abursi	Dhul-bahante	War-sangeli	Isse	Madi-gan	Gabooye
Foreign Affairs		A/M MS	M								
Interior	M		A/M MS								
Finance		M		A/M							
Public Works		M				MS					
Posts and Communication		M									
Health		MS					M				A/M
Information						M			A/M		
Mining & Water			MS			M					
Environment						A/M	M				
Fishery			A/M				MS	M			
Sports			A/M					M			
R & Resettl.	M		A/M								
Education	M					A/M	MS				
Defence			M		A/M						
Family Affairs		M									
Justice		M A/M									
Planning	A/M										
Livestock	M			MS							
Commerce & Industry	M	A/M	MS								
Civil Aviation	A/M	M									
Presidency			M								
Parliament						M					
Culture & tourism									M	MS	
Agriculture	A/M			M							

NB: The following are not yet determined: A/M Public Works, A/M Livestock and A/M Family
 M stands for Minister A: stands for Assistance Minister

Annex 6: Government Ministers (M), Assistant Ministers (A/M) and Ministers of State (MS) clan affiliation under Ahmed M. Silanyo’s Government – August 2010

Ministers and Assistant Ministers for the Silanyo Government³²⁹

Portfolio	HA	HG	HJ	Arap	Gad-abursi	Dhul.	Warsangeli	Isse	Tumaal/Gabooye
Foreign Affairs	M			A/M					
Interior		M				A/M			
Finance	M	A/M							
Public Works & transportation				M					A/M
Posts and Communication						M			
Health		M A/M							
Information		M							
Mining & Water			M						
Livestock/ Environment	M								
Fishery& Ports		M							
Religious Affairs				M					
Education	M				A/M				
Defence							M		
Agriculture					M				
Justice					M				
Planning	M								
Commerce& Industry & tourism						M			
Labour and Social Affairs			M						
Civil aviation			M						
Sports/Youth & Culture								M	

329 ??????

Annex 7: Regional Nominations of Somaliland Territory - June 2010

1960 (after independence)	1989 - Siad Barre era	2002 - Egal's administration	2010 - Rayaale's Administration
North-West (Hargeysa)	Awdal (Borama)	Awdal (Borama)	Buhoodle
North-East (Burco)	North-West (Hargeysa)	Hargeysa	Selel
	Togdheer (Burco)	Togdheer (Burco)	Gabiley
	Nugal (Laascaanod)	Saaxil (Berbera)	Hawd (Balli-gubadle)
	Sool (Ceynabo)	Sanaag (Erigavo)	Oodweyne
	Sanaag (Ceerigaabo)	Sool (Laascaanod)	Badhan
			Saraar

Annex 8: List of the Laws Related to Decentralisation in Somaliland

- Somaliland Constitution, 2001 , particularly articles 109 – 112
- Law No. 23/ 2002;; The Regions and Districts Self – Administration Law), amended and approved 2007,
- Law No: 17/2001; The Urban Land Management Law,
- Law No: 12/ 2000; Unified Local Tariff Law,
- Law No. 12/2000 ; Local Taxation Law,
- Law No. 20/2001; Presidential and Local Councils Election Law.



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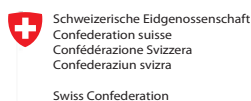
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