



27<sup>th</sup> March 2018

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## Briefing Paper on Conference of the House of Representatives Election

### Introduction

Somaliland Non State Actors Forum (SONSAF) conducted a two-day consultative conference in Hargeisa, at the Ambassador Hotel, from 12<sup>th</sup> to 13<sup>th</sup> March 2018. The primary objective of the conference was to facilitate in depth discussions about the Somaliland House of Representatives election in 2019, with a focus on outstanding issues such as the women and minority quota, seat allocation, and complaints relating to regional representation and generating options and policy recommendations to help concerned electoral stakeholders to put in place comprehensive election plans.

The conference participants addressed the role of women in political participation, considering the women's quota as essential to integrate into the House of Representatives (HoR) election law. The quota for minority was also discussed, and participants suggested that minority political participation might require quotas to be integrated into the HoR election law.

Overall, the conference carried out in depth analyses and examined why the HoR election was postponed several times. The election was overdue, having been scheduled for September 2010, but the House of Elders had extended the HoR term twice, leaving the incumbent HoR members in post for an extra eight years without election. This went against the fundamental rights of citizens as stated in Article 22(1) of the Constitution.

The conference participants were divided into five panels for separate sessions, with each panel discussing and examining both the challenges obstructing the HoR elections and the solutions. The participants raised public concerns over the postponement of the election. The conference was the largest ever gathering to discuss and investigate the issues surrounding the HoR election and quotas for women and minority.

The HoR election initiative was first suggested in 2016, when Somaliland civil society organisations, led by SONSAF, provided technical support to the HoR Sub-committee of Internal Affairs and Defence, which is mandated by the electoral laws in the HoR. This sub-committee had conducted nationwide consultations across the regions in 2016, aiming to understand the divergent views towards the HoR election and regional representation.

This led to a dialogue about the HoR election, with the conference as a follow up to consolidate discussions. In between these periods, SONSAF provided technical support to the HoR sub-committee. The HoR Election Law No.20-2/2005, was amended and a comprehensive new draft was prepared. Seat allocation provisions and quota for women and minority are the only unresolved outstanding issues of the law at the present time.

The conference raised important issues, including the lack of political commitment and the failure to conduct a national census in the aftermath of the 2005 election. Ultimately, this conference was an examination of matters of regional representation and quota for women and minority, and as a result generating options and policy recommendations.

## Approach and methodology

The conference was an open, interactive, participatory, and consultative event. The participants had the opportunity to freely express their views and examine the significant challenges of the HoR election.

The conference engaged 250 people from political parties, members of both Houses of Parliament, members of civil society, academicians, universities students, traditional elders, religious leaders, women groups, youth groups, business people, government officials, donors, international partners and independent intellectuals and politicians.

The conference sessions were conducted through panel discussions and group sessions. Extensive creative discussions and explorations occurred, based on historical and regional representation scenarios which were derived from the Somaliland parliamentary elections held in 1960.

There were guiding questions covering the outstanding issues on seat allocation scenarios and women and minority quotas. The first day began with reports from the HoR sub-committee and civil society, followed by panel discussions in which participants reflected on and commented on the presentations.

## Opening Session and Conference Proceedings

In the opening session, the Vice President of the Republic of Somaliland, **H.E. Abdirahman Abdillahi Ismail "Saylici"**, strongly stated that the new Government of Somaliland is committed in holding the House of Representatives election, emphasising that this election had a lot of importance for Somaliland. He also raised concerns about how overdue the HoR election is, stating that it was unfortunate for the HoR members to stay in post for 13 years.

**Eng. Faysal Ali Hussein**, Chairman of the UCID Political Party, pointed out that the three Political Parties will soon take a final decision on the matter of seat allocation or regional representation. The Chairman of the HoR Sub-committee on Internal Affairs and Defence, **MP Ibrahim Jama Rayte**, declared that members of the HoR are ready for the election. Mr Rayte also stated that the House Representatives prepared their election law.

The HoR's presentation was criticised by conference participants, as they suggested the need for an independent body to handle such dialogue in the future. The participants were very optimistic that regional representation and seat allocation issues could be resolved through either constitutional amendment or a consensus building approach.

The discussions demonstrated a level of willingness to hold HoR elections on time, taking into consideration regional complaints, especially those from Awdal and Sool regions. The participants were divided into panel sessions, where each panel discussed the guiding questions, addressing both challenges and solutions.

## Challenges Identified Ahead of House of Representatives Elections

Conference participants concluded after long in depth discussions and examinations on the key challenges facing the scheduled HoR elections in 2019. Summaries of the challenges discussed are set out below.

**First:** The allocation of regional seats had significant impact on the HoR election postponements; participants reviewed the 2005 HoR elections stalemate.

**Second:** The current members of HoR were accused for not being ready to facilitate in holding the election and delaying to reach a solution regarding to these constraints of seat allocation and regional representation matters.

**Third:** As far as regional representation is concerned, a population census is a crucial instrument which could help generate long term solutions for fair representation and inclusiveness. Therefore, the lack of a census was one of the obstacles that undermined reaching a credible decision on seat allocation.

**Fourth:** The absence of regional and district election demarcations further complicated the possibility of holding elections. Participants were disappointed at having to compromise the regional and district demarcation and to create election constituencies, in order to arrange at a constituent level candidate who is applicable to run for the election in that district. Participants noted that the first parliamentary election in 1960 was based on constituent candidate election.

## Options Available for the House of Representatives Elections

The participants generated options for the HoR election; these were reached by consensus, convincing all sides at regional and national levels.

**First Option:** The three Political Parties, Leadership of both Houses of Parliament, and the President must reach a final decision about the seat allocation and regional representation, which could help the election to take place in March 2019. With this option, the conference was more optimistic that the ruling and opposition parties would achieve some sort of consensus on this stalemate.

**Second Option:** The election could again be conducted following the 2005 regional representation formula, with Political Parties, both Houses of Parliament, and the President agreeing a defined and signed roadmap for future Parliamentary elections. Participants reiterated the need for timely elections, but stated that the current election timeframe cannot resolve all matters; instead of laying down a foundation to resolve seat allocation and regional representation issues in the future.

**Third Option:** Conducting a national census; however, participants were cautious about this census considering the time and cost of this exercise. Participants suggested that more preparation is needed to undertake a national census, participants also indicated that this is unpredictable and difficult as Somaliland still has not succeeded in managing effective civil registration and providing national identification cards to all citizens and ensuring functions of Citizenship Law compliance.

**Fourth Option:** Reform the national constitution to resolve regional representation and seat allocation issues. However, participants specified that it will take more time and require more political, economic stability and capacity from state institutions to lead this reform.

## Women's Quota and Political Participation

Women's political participation was seen as vital for the nation's development and for Somaliland's future aspirations. All panels were unanimously agreed the importance of women's political participation, especially in the upcoming election of House Representatives.

The core challenges identified during the conference included socio-economic, cultural, and political aspects. There are also religious leaders' arguments on issues of women's political participation, with some having rigid views against women's political participation.

However, the conference widely supported the need for a women's quota, and suggested that in future a women's quota should be a constitutional mandate, as in many countries in Africa and in Muslim nations. But at this time the quota for women must be integrated into the HoR election law, allocating between 20 per cent to 30 per cent of positions. It was positive that the quota for women received great attention from diverse participants.

## Quota for Minority People

In Somaliland the idea of minority is controversial and can be empirically challenged because there is no clear definition; there are many clans believed to be in a minority or a small clan, but there are some clans which are recognised as minority people for socio-cultural reasons. In fact, these clans, locally known as “Gabooye”, has not succeeded the intra-marriage of other clans as a result of a misguided social assumptions that have victimised the entire clan.

On the other hand, members of Gabooye believe that they are not a minority since they live all across regions in good numbers, but they are culturally discriminated. This has resulted in the current disintegration of the Gabooye across Somaliland regions. Conference participants showed sympathy for Gabooye society, realising their political representation in elected bodies such as the HoR is indispensable.

## Conclusions

The conference deeply explored solutions for the House of Representatives election, and participants generated workable options and solutions. This conference was one of the largest policy platforms that had ever openly discussed about the HoR election and quota for women.

It was an opportunity for wider and diverse society to exercise their rights of political participation by debating the defined agenda of the HoR election. The conference widely discussed some key issues, such as the HoR election schedule and how this election will have a great significance to the democratisation process in Somaliland.

The participants discussed how quota for women is vital for the upcoming HoR election, highlighting that this is needed to mainstream the country’s electoral processes and election laws. In addition, political representation of minority people was also considered as a fundamental aspect to achieve inclusive politics.

## Policy Recommendations

- The House of Representatives election must be held on time as scheduled for 2019.
- The final decision of the election must be made through consensus building and consultations in an inclusive manner.
- The election must be held in accordance with the 2005 formula, regional representation.
- Complaints from Awdal and Sool regions regarding seat allocation must be considered in order to create a political atmosphere which enables all constituencies to consolidate their divergent interests and views.
- The quota for women and minority must be integrated into the election laws and electoral regulations in the near future.