



SOMALILAND: The Extension-Based Democracy

*A Breif Summary translated from the Original Somali Version of
“Dimoqraadiyadda Muddo Kordhinta ku Dhisan”*

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*The **Center for Policy Analysis (CPA)** think tank, was established in December 2014 to help the countries of Horn of Africa region to build peace, democracy, human rights and effective governance systems where all citizens are equal. CPA which is the first think tank in Somaliland is working for the advancement of social, political and economic analysis as a fundamental approach to the understanding and explanation of social phenomena and as a necessary prerequisite for the decision-making processes through research, debates, conferences, dialogues, workshops, and trainings.*

The Center is researching in depth an issue of public concern, it can be an issue of ongoing political debate or an issue that has not yet gained the attention of policymakers. The Center is providing alternative policy options to policymakers and other stakeholders through quality research and balanced assessment of options that policy makers could pursue to resolve the problem.

CPA is encouraging regional democracy, peace, human rights, and stability through international relations and to be a leading voice in the political discourse, constantly engaged in dialogues on increasingly more complex issues.

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Current Election Related Highlights:

Somaliland's Local Councils were elected November 2012; in five years term which ended November 2017. On 6th March 2017, Guurti House extended their time to 28th April 2019. Presently; they are executing their day to day activity with no legal mandate. In Somaliland's Democracy, sometimes institutions can stay the office; beyond their elected term.

President of Somaliland Muse Bihi Abdi, issued a presidential decree on 30/04/2019, declaring three months of state of emergency in three districts of Sanaag Region, including Erigavo the capital city of the region, Eil-afweyn, and Gar-adag. Article 2 of the presidential decree stated its security measures purpose; and called the national army to take over any measures to protect the security, and prevent anyone who is engaged or seems to be taking actions of insecurity. Article 3 of the Decree is about the administration and decision making during the state of emergency and also calling the national army to take over the administration and all decisions of protecting the security, and prevent dangers of insecurity. As stated article92 of the Constitution, the President submitted his decree of emergence to two houses of the parliament to legalize or reject.

The Center of Policy Analysis (CPA) believe that this decision of emergency will directly affecting the upcoming Elections of (parliament (lower-house) and local councils, which is supposed to happen 12/12/2019, as well as the Voter Registration which are supposed to update it before the election date. CPA is welcoming any step of restoring security and stability in Sanaag and eastern regions, and bring in front of law those killed the innocent security officers, but highly concerned that this emergency decision is a setback to Somaliland's democratization process since the national army has taken over all the administration and decisions affecting those areas.

Introduction:

On 18 May 1991, after suffering 21 years under the brutal military dictatorship of General Siyad Barre, and experiencing three decades of marginalization as part of the united Somali Republic, Somaliland unilaterally reclaimed its pre-union independence from Somalia. In the following years, a nascent democratic system was established. A National Charter was approved by consensus soon after the withdrawal of the union, in which it was agreed that government would be based on a system of power-sharing between clans. This transitional arrangement was then superseded by a national constitution of the republic, which was confirmed near-unanimously by a national referendum in 2001, in which 97% of voters approved. With its approval, the constitution legally ushered in the progression for a clan-based politics to a multiparty democratic system.

Since then, Somaliland has held six successful democratic elections, including three presidential elections (in April 2003, June 2010 and November 2017), one parliamentary election (in September 2005) and two local council elections (in December 2002 and November 2012). All aforementioned elections were conducted in a peaceful and inclusive manner, a very rare occurrence in this volatile Horn of Africa region, which is overwhelmingly dominated by long-sitting, undemocratic and authoritarian leaders. Beyond that, in 2016, Somaliland conducted the most advanced voter registration processes in Africa, according to Abdikadir Iman Warsame, Chairman of the National Electoral Commission (NEC) of Somaliland, in which an iris-based biometric system was used for one of the first times anywhere in the world.¹

Although Somaliland has been exercising multiparty democracy for almost 18 years now, it has in many ways failed to institutionalize this system. Of the several major setbacks and shortcomings of the democratic process, one of the most serious and intractable is repeated election delays, in which extensions are granted to the term periods of Somaliland's representative institutions. Such delays have occurred at all levels of government, from the executive and legislative to the local. A catalogue of these delays are as follows:

- ❖ Both of Somaliland's former democratically elected presidents, Dahir Rayale (2002-2010) and Ahmed Silanyo (2010-2017), ended up sitting two years more than their five-year legally-mandated terms.
- ❖ Local councilors, who were elected in December 2002, saw their terms limits expire in 2008, yet remained in office for another five years, until the next round of local elections finally took place in November 2012. Those then elected have also passed beyond their first five years without having to again compete for their posts, and are now more than a year and a half into their extension, with no new election date set. Also their extended term expired 28/04/2019, but still they are in office without any legal basis.

¹ Chairman of Somaliland National Electoral Commission Explained the modern voter registration <https://www.slneec.com/2017/01/29/somaliland-successfully-launches-voter-registration/>

- ❖ More remarkably, the Current House of Elders (Guurti) has not undergone a single official membership contest since its original representatives were selected 1997 with a six-year term. Instead, the only changes to Guurti membership have been a result of death or of personal choice to leave the House, and over 22 years these factors have reduced the original membership to less than 20 persons. The rest of the 60-odd members took over through inheritance. According to Article 59 (1) of Somaliland Constitution, the age required to serve as a member of the Guurti is 45 years old; despite this, many of its new members fall below this age, yet face little scrutiny.
- ❖ The House of Representatives was first elected in September 2005, yet has still to face any further elections, with its term being extended five times. As a result, sitting members of parliament, who were given five year terms, have just passed the 14-year mark in office.
- ❖ Interestingly, there is a big question mark over the legality of the Committee for the Registration of the Political Associations, which was approved in October 2011 with a mandated two-year term, which should have expired in 2013. According to Article 3 (6) of Law on the Regulation of Political Parties and Associations (Number 14/2011)², the president has the authority to propose the renewal of the mandate of the Committee, which is then subject to final parliamentary approval. To CPA's knowledge, while there has been presidential decree declaring the extension of the Committee, these have not been subjected to the approval of the House of Representatives except one time, and making the legality of the institution highly questionable.
- ❖ In the same manner, it has become normal behavior for political parties to postpone their General Assembly conferences and Central Committee meetings.
- ❖ In summary, the National Electoral Commission (NEC) remains the only election stakeholder institution in Somaliland that has not had their term extended since their establishment of multiparty democracy in 2002. In fact, there have been four different Commissions in these 17 years, and responsibilities have been transferred smoothly between one set of commissioners and the next. That said, following the 2017 presidential election, the Waddani Party has withdrawn its confidence in the current NEC, and is calling for its early dismissal and replacement.

Political parties in Somaliland should have served as platforms for the expression of the democratic ambitions of the citizenry, but, unfortunately, it seems that all the three existing parties—Kulmiye, UCID and Waddani—all operate through structures that are highly undemocratic and hierarchical. These parties regularly fail to hold their General Assembly and Central Committee meetings on time, routinely violate their own bylaws, and have shown a repeated willingness to dismiss high officials and central committee members from their respective parties, as has recently occurred in

² <https://www.sl nec.com/wp-content/uploads/2017/01/wax-ka-Bedelka-iyo-Xeerka-Nidaamka-ururada-iyo-axsaabta-siyasadda.pdf>

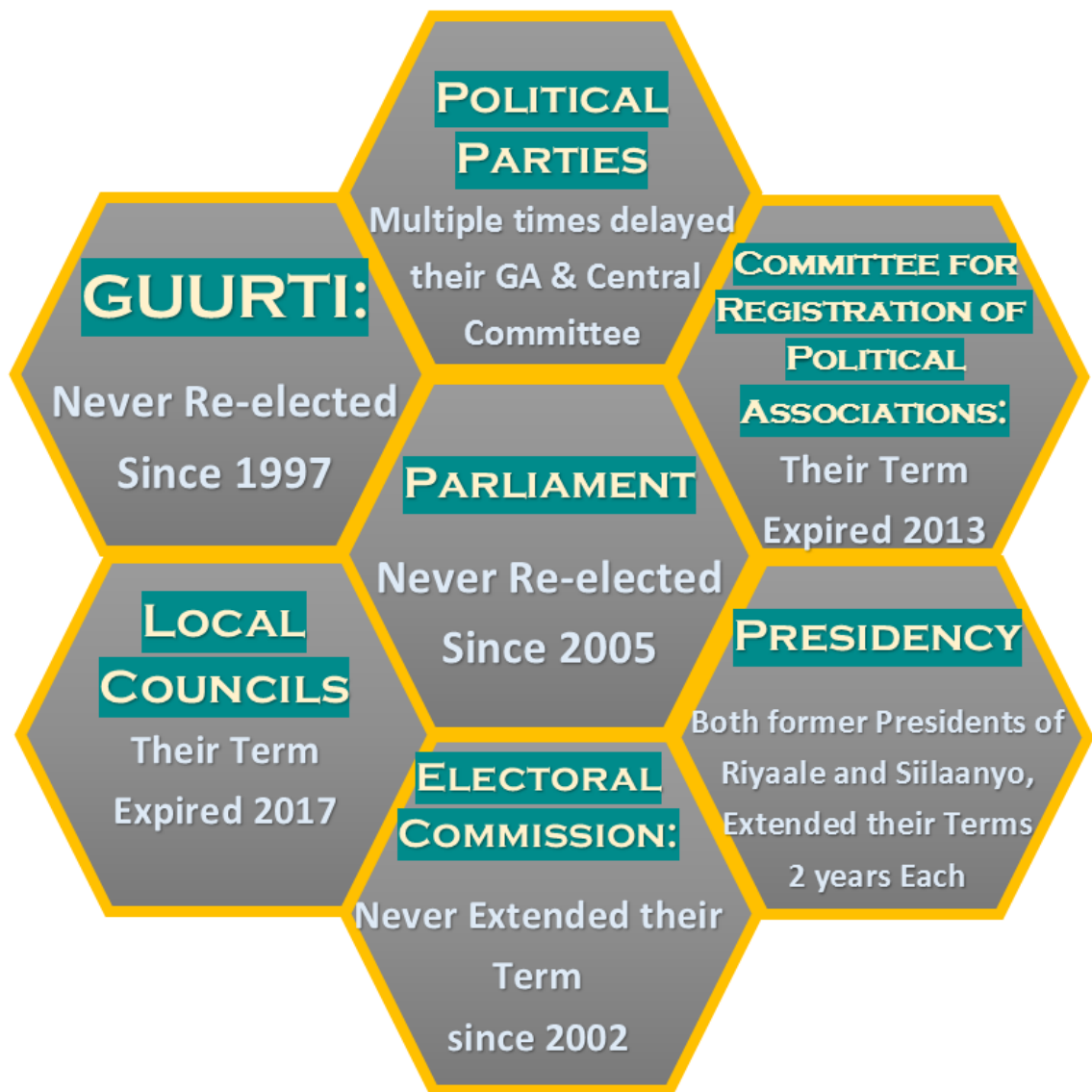
Waddani, Kulmiye and UCID.³ Most importantly, in all three parties, overarching power is concentrated in the chairperson, the party's central leadership, and the clans affiliated with the party, leaving little room for democratic debate or policy formulation among rank-and-file members.⁴

In short, the trajectory of Somaliland's long journey of democratization has led the country towards the normalization of overextended terms, election delays and electoral process setbacks, leading to a situation in which:

- The Guurti has not experienced a membership contest since its members were originally selected in 1997, with some members in office 22 years now and the majority never elected.
- The House of Representatives has not experienced an election since its members were originally voted in in 2005, with members having been in office for 14 years running.
- Local councils saw their term expired in 28/04/2019, and continue to sit without any legal bases or extension of their mandate or to set for fresh elections to take place.
- A precedent has been set for presidential terms in which a two-year extension has become the norm, with fears that this will be treated as the basis for further presidential extensions in the future.
- The Committee for Registration of Political Associations continues to have its mandate renewed without undergoing official procedures since their term expired in 2013.

³ To take a few examples, on 15 April 2018, Waddani Party fired their General Secretary; on 30 September 2018, Kulmiye Party leadership fired the Chairman of its Central Committee, without consulting the members of the Central committee; and on 13 January 2019, UCID Party fired their first Deputy Chairman.

⁴ According to CPA's 2018 Report on Campaign Finance, clans have big role in shaping the party's politics and strategies, as it is the clan of the candidate who are the ones who are financially supporting and covering all expenses of the party.



In increasingly deteriorating situation, the space is shrinking in Somaliland. Journalists are arrested, beaten up and prosecuted, according to the reports of the Somaliland Journalists Association and human rights groups. Media houses were shut down through court decisions and administrative decisions made by the Ministry of Information. The last to suffer was Foore newspaper, which has been banned by Hargeisa Regional Court over a piece reporting about “a presidential palace” to be built in Hargeisa. The repressive actions are also directed against social media users, dwindling already shrinking space. Unsanctioned protests are banned.

Somaliland’s democracy, while impressive given the conditions under which it was developed, remains fragile and growing. As a result, frequent term extensions, if they become the norm, may have an unappreciated and lasting impact on the status of Somaliland’s democracy, both in terms

of its ability to deliver positive change for its citizens, and in terms of its good standing amongst the international community. All Somaliland leaders, therefore, whether in opposition or among the ruling party, should bury their differences and allow the democratization process to move forward, for the good of the country.

RECOMMENDATIONS:

- ❖ Somaliland requires urgent and comprehensive reform of its electoral process. To effect this change, election stakeholders must jointly appoint an independent body of experts or a trustworthy commission who can:
 - Review the lessons, experiences and challenges of the last 18 years
 - Make recommendations on necessary reforms to the electoral process
 - Review all election laws, to identify gaps in both the legal provisions and the enforcement mechanisms, including in the roles of the government and political parties in adhering to and implementing these laws
 - For example, under Article 23 of Law No.14/2011, political parties are obliged to submit audited yearly financial reports to the NEC by the end of March. Yet, CPA research has found that none of the political parties have ever submitted such a report to the Commission since the law was put into effect in 2011. The suggested independent body of experts or commission would be responsible for investigating the reasons why such infractions have been allowed to take place.
 - Review the obstacles preventing political parties from becoming internally democratic institutions
- ❖ The Committee for Registration of Political Parties and Associations requires urgent reform, and their legality must be reviewed as soon as possible, as they represent the primary institution mandated to regulate political parties.
- ❖ Decentralization of the leadership of the current political parties, to ensure greater internal democracy within these political organizations, while also undertaking the following further party reforms:
 - Empowering the regional and district offices of the parties
 - Register party members, and granting them more transparent ways to influence party decisions. For example, during General Assembly meetings, registered members can serve as regional delegates, as a way to increase the accountability of the party.
- ❖ The urgent reform and capacitation of the National Electoral Commission (NEC) both financially and operationally, so that it is capable of executing their mandated roles and responsibilities, including in the following areas:
 - Strengthening NEC's regional offices, which, after 17 years, are still not permanently functional—with the Hargeisa office being the only exception. As it currently stands, regional staff are hired for four to six months on a temporary

contract during any particular election season, with the NEC usually hiring a new regional director on an ad-hoc basis for each election. By not institutionalizing expertise at the regional level, this not only risks creating regional disparities and gaps in the general robustness of electoral processes throughout the country, but also poses a great challenge to the nation's credibility in holding free and fair elections.

- Investing in skilled staff of institutions involved in the electoral process, who currently lack sufficient salary to stay with their institutions on a long-term basis. In the Head Quarter itself, these skilled workers often leave the job once elections finish, taking with them the skills, training and human experience they have accumulated over the election cycle.
- ❖ According to a 7th Point of the Press Statement dated on 25/09/2019 issued by the Abdirahman Abdulahi the chairman of Waddani Opposition party; he called to dismiss the current sitting of National electoral commission (NEC) in June 2019, and appoint new Commissioners with the addition of the two more commissioners of the current 7 National Electoral Commission to become 9 members.

Referring the 6th Points of the “Joint Press Statement from UCID and Kulmiye Parties,” they agreed and suggested to nominate the new National Electoral Commission in 1st August 2019, but they will take office on 29th November 2019, and the Parliamentary and Local Council Elections will happen on 12th December 2019. The two parties agreed to add two more members to current seven members of NEC after the coming election of the parliament.

To come up a lasting solution for the election-related dispute and to proceed the democratization process and sustain the security and stability of the country; CPA is calling to the Opposition Party of Waddani to accept the nomination of the new members National Electoral Commission to be nominated on 1st August. Also, CPA is calling to UCID and Kulmiye Parties to accept to appoint all nine members of NEC on 1st August 2019. Then all side should agree to allow the new commission to commence their task as soon get approval.

- ❖ Lastly, CPA calls on all the three political parties to resolve all remaining issues required to carry out the upcoming parliamentary and local council elections.⁵ Somaliland citizens need to be granted their constitutionally-mandated right to vote for their elected leaders, and all the three political parties have openly agreed to have election at the end of this year, in line with the current Guurti extension. However, the three sides have failed to follow

⁵ In November 2018, the NEC held a press conference, in which they highlighted the five major challenges to be resolved before elections can take place at the end of 2019. This include (1) approval of the Election Bill, including the women's quota; (2) solving the issue of Waddani's vote of no confidence against the NEC; (3) arriving at a consensus on the seat allocation of the Parliament; (4) securing the required budget for conducting the election; and (5) updating the voter register.

through with concrete commitments and actions required in advance of the elections, and have failed after 13 months to settle the ongoing dispute over the NEC.⁶ CPA therefore calls on the President and the Chairpersons of the three political parties to faithfully work together to come to a consensus on a way forward, for the good of the country as a whole.

- ❖ CPA is calling the parliament to evaluate the current security situation of Sanaag Region and also the consequences of the State of Emergence that the President Declared and submitted to the parliament, before they approve, since the National Army is taking control of all administration and decisions of those three districts including democratically elected local councils.

⁶ In March 2018, the Chairman of Waddani called the NEC to resign, claiming that his party has no confidence in the current NEC members, following their handling of the 2017 presidential elections.

SOMALILAND'S ELECTION DELAYS TIME-LINE.

CPA researched the dates that Guurti extended the term of President, House of Representatives and also itself. Unfortunately we did not find a correct dates from the government websites about the decisions of Guurti. Even the information related to Election Timelines are limited, and the National Electoral Commission's website have limited information about the part Elections and the timelines. At least it is needed to have, a center that can store the information and experience of Somaliland's Democratization Process. If there are errors in the dates, this is the best information we able to collect using different sources.

If you calculate the number of years that Guurti Extended to House of Representatives, former Presidents, Local Councils and Guurti itself for the last 18 years is more than 40 years to gather.

12 January 2002: First Presidential Extension after the constitutional referendum, Guurti extended the term of the president for one⁷ year period.

27 April 2002: The Guurti extends the term of the House of Representatives by one year, to 25 May 2003.

03 March 2003: Guurti Extended the term of House of Representatives to two years and their term will end 25 May 2005

28 May 2005: House of Elders (Guurti) extended the term of the House of Representatives till 15/10/2005 and added five months.

06 May 2006: Guurti itself extended it's mandate by four years, and announced that their term will expire October 2010.

12 December 2007: Guurti Extends first time the term of local councils to The Guurti extends the mandate of local councils, according to Law No. 23, Guurti and any other institution have no mandate to extend the term of local councils, but Guurti ignored and extended.⁸

10 April 2008: Guurti Extended the term of the president for⁹ one year and the term of the president will end 06 May 2009

28 March 2009: Guurti extended the President's term to 29 October 2009.¹⁰

25 September 2009: Guurti Extended the mandate of the president with no fixed date, but with one condition, that the term of the president will end, one month later, when the National Electoral

⁷ http://www.somalilandlaw.com/IJ_Jamhuuriya_Interview_0408.pdf

⁸ Guurti Term Extensions Necessitates Statutory Reforms <http://www.somalilandsun.com/somaliland-guurti-term-extensions-necessitates-statutory-reforms/>

⁹ http://www.somalilandlaw.com/GUURTI_Resolution_100408_extending_term_of_president.pdf

¹⁰ ICG Way Out, pg. 5.

Commission, announces the date of Election. So NEC announced later that the elections will happen 26 June 2010, and the term of the president ended one month later.

25 September 2010: Guurti extended the mandate and term of the House of Representatives to 2 years and 8 months and their term expired May 2013, also House of Elders extended their term up to May 2014, one year later of the election date of House of Representatives.

15 April 2013: Guurti extends the term of the House of Representatives by 2 years, one month and 27 days, and the parliament elections shall happen June 2015, and Guurti itself extended their mandate up to 3 years.¹¹

11 May 2015: The Guurti extended the term of the president by one year and nine months, until 27 April 2017. Also the House of Elders (Guurti) extended the term of House of Representatives to 2 years and 10 months, which is suppose to happen the elections up to 27/04/2017. Also Guurti, as usual, extended their term up to 27/06/2018.¹²

26 April 2016: House of Representative extends and renewed their 2 years term and the mandate of Committee for the Registration of Political Associations¹³

04 March 2017: The Guurti extends the term of the president up to six October 2017, and the parliamentary elections should happen October 2018, Guurti has the usual one year extension.¹⁴

03 June 2017: another time Guurti extended the term of the president from October 2017 to December 2017. Also the House of Representatives extended the term and mandate of House of Representatives and local councils to 28/04/2019, while Guurti term will expire one year later, which is 28/04/2020.

21 January 2019: Guurti Extended the term of House of Representatives by 9 months and set the election date to 12/12/2019, and the term of House of Representatives shall end 12/01/2020, while Guurti term will expire 12/01/2021.¹⁵

28 April 2019: The Term of Local Councils expired, without extension, but still they are in office.

¹¹ Guurti Extended the Term of HoR and also their House of Elders

http://www.somalilandlaw.com/Golaha_Guurtida_Somaliland_oo_Wakhtigii_u_kordhiyay_Golaha_Wakiiladda.pdf

¹² <https://www.garoweonline.com/en/news/somalia/somalia-presidential-term-extension-leads-to-mass-protest-in-somaliland>

¹³ House of Representatives voted a motion to renew the mandate of RAC <https://goobjoog.com/baarlamaanka-somaliland-oo-muddo-kordhin-u-sameeyay-guddiga-diiwaangelinta-ururada-siyaasadda-iyo-ansixinta-axsaabta/>

¹⁴ <https://www.bbc.com/somali/war-39165324>

¹⁵ <https://goobjoog.com/golaha-guurtida-somaliland-ayaa-muddo-9-bilood-ah-u-kordhiyay-golaha-wakiillada/>