



Somaliland Electoral Laws

Ibrahim Hashi Jama

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Somaliland Electoral Laws 2009

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PREFACE

Writing a handbook about the laws of a country that is not recognised by the international community may, at first blush, seem to those who know nothing about Somaliland as being an exercise in futility, but the reality is that the Republic of Somaliland has been functioning as an independent, sovereign state since 1991, when the union with Somalia was ended, and has been quietly working towards the establishment of a democratic state. In the last 17 years, Somaliland has worked hard in consolidating its peace, after a long and bloody war in the 1980s, and having done so, through traditional conflict resolution methods, moved on to build a state based on a Constitution adopted through a nation-wide referendum. With the formation of political parties in 2001, Somaliland was then ready to move to the direct election of the local councils, the presidency and the House of Representatives. The first round of elections was held between 2002 and 2005 and the second round of elections shall be taking place this year. These elections were the first democratic elections held in the territory since early 1969, and were deemed by independent observers as being reasonably free and fair.

This Handbook covers the laws and codes developed from 1993 to 2008 which were necessary for the electoral process. The introductory chapters of the Handbook explore the development of all these main legal instruments, including the basic laws (the National Charter of 1993 followed by the Constitution) that set up the governmental structures and the institutions which should be elected. There is an overview of the main electoral laws and a brief exploration, in Chapter 2, of the main legal issues that need addressing in the coming few years so that the democratisation process can be completed and consolidated. As the main aim of this Handbook is to record and gather together the texts of all the electoral laws and codes, as well as the allied legislation, the remainder of the booklet covers firstly my own English translation of all the main texts (Chapters 3 to 7), which is followed by the Electoral Codes (Chapter 7, in both English and Somali). Secondly the Somali texts of the same laws are covered in the second part of the book (Chapters 8 to 12). The relevant extracts of the laws (such as Citizenship Law, District & Regions Law etc) which relate to the electoral process are set out in Somali in Chapter 8. The English language translations of these provisions are, by the way, set out in the footnotes of each electoral law that they relate to in Chapters 3 to 7. Thirdly, some of the ministerial decrees and circulars relating to elections are set out in Chapter 14 and the texts of the electoral decisions issued by the Supreme Court are covered in Chapter 15 – mostly in Somali. Finally the appendices cover a list of the main international electoral standards (primarily treaty standards and some relevant African non-treaty standards), brief tables of the outcomes of Somaliland elections and the full text of an extremely valuable House of Representatives Ad hoc Report issued before the 2005 Election Law, which covered, among other issues, the controversial questions of the regional distribution of House seats and the demarcation of electoral regions/districts. Throughout the English language part of the Handbook, the footnotes are fairly extensive, and include the references. I therefore saw no need for adding a separate references section, at end, and neither have I added an index until this work is, if ever, published more widely as a book.

Handbooks dealing with laws are not easy to read. I have, for the purposes of this Handbook, updated and extended the annotations of my previous English language translations of the relevant Somaliland laws (and the Constitution), which I undertook

initially when each law/constitution was passed during the last ten or so years. I have previously published these translated texts on the internet, for immediate use/reference. A colleague who has seen the translations and the annotations described them as “a labour of love”. The labour this involved is but nothing when compared to the efforts and sacrifices of millions of Somalilanders in building a democratic sovereign country and my admiration of their achievements has made my tasks easier. As a Somalilander British, the disadvantages of following legal and political developments from afar have, over the years, been lessened by the miracles of modern technology and, on a few issues, distance could, sometimes, engender a more dispassionate approach. As a young boy, I remember the first Somaliland voter registration drive in 1959 followed by the second, but more nation-wide, legislative council election in February 1960. My enduring memories during the elections in the 1960s were the 1964 elections when the country was also at war with neighbouring Ethiopia and the 1969 election when I served as a member of a polling station staff. The enthusiasm with which all Somalilanders embraced campaigning and elections was amazing. It is particularly gratifying to see that, after the two decades of dictatorship, Somalilanders are as equally, if not even more so, enthusiastic about the electoral process and the participation in the recent voter registration exercise surpassed all expectations. Women did not have the right to vote in the 1960 election, but have, since the 1963 local elections¹ and especially in this decade, turned out in force in all the elections². As is the case in many other African and muslim countries, one of the main challenges is making the institutional and legal changes that would raise the number of women elected into political office and Somaliland has as yet to take bolder steps³ to tackle this issue.

As chair of the Diaspora based Somaliland Forum’s various sub- committees dealing with the Somaliland constitution, referendum, elections and Somaliland laws from 1998 to 2007, and also in my own capacity, I had the privilege of following closely, and occasionally contributing, albeit from afar, to the discussions on the Somaliland constitution, as well as the main governance/elections laws. I am grateful to the many Forum members with whom I have worked in these sub-committees – our role often extended beyond comments and press releases and involved, especially in the early years, modest direct assistance and help in arranging observers. I am also extremely grateful to the many people who have helped me, over the years, in collecting Somaliland (and pre 1991 Somali) laws. Mr Abdbiqadir Ismail Jirde, the former Deputy Speaker of the House of Representatives, deserves a particular praise for his support, in this respect. I am also indebted to Mr Suleiman Mohamoud Adan, the current Chairman of the House of Elders, Mr Abdirahman Mohamed Abdillahi, the Speaker of the House of Representatives and Representative Abdirahman Yusuf Artan. It is my fervent hope that this Handbook which brings together all the electoral and allied laws would start the process of compilations of various Somaliland laws in more readily available volumes.

¹ This was conducted under the Local Administration and Local Election, Law No. 19 of 14 August 1963.

² Even though women could not vote in 1960, I do remember that in our household, my mother, who supported a different party than my father was not constrained at all from expressing strongly her ardent views, especially when following the news on the family pre-transistor radio.

³ Interestingly the House of Elders which vetoed in 2007 an Election Bill proposing a very modest quota of seats for women (and excluded minorities) in local council elections welcomed its first female member, Ms Fadumo Jama Ileye, who was sworn into office on 20 January 2009.

This Handbook will be mainly available in electronic format, but a limited number of bound copies will be produced for distribution to the National Electoral Commission, political parties, various Somaliland institutions and electoral observers. I am very grateful to the Silbury Trust, Progressio and Michael Walls for making possible the production and distribution of the “hard” copies. My thanks also go to Clare Smedley for her editorial comments.

The contents of and opinions in the Handbook are solely mine. I should add also, in the light of the current campaigning season in Somaliland, that I belong to no Somaliland political party or association.

The Handbook was, as I have stated above, preceded by years of my spare time involvement in the compilation, translation and comments on the laws included in it, which would not have been possible without the patience, understanding and support of my wife (and family) – so to Julia, again, my deepest gratitude.

Ibrahim Hashi Jama
January 2009

CHAPTER ONE: SOMALILAND – ESTABLISHING THE FRAMEWORK FOR ELECTIONS

The Rebirth of the Somaliland State

The people of the Republic of Somaliland reasserted their independence at a Grand Conference of the Somaliland Communities on 16 May 1991. For the people of Somaliland, this marked the end of the union¹ of the State of Somaliland (the former British Somaliland Protectorate), which became an independent state on 26 June 1960, and Somalia (the former Italian colony and trusteeship territory), which became independent on 1 July 1960. The Conference, besides endorsing the declaration of independence, resolved that an interim government² headed by a President and led by the Somali National Movement (SNM), should be built and should hold office for a period of two years. The then Chairman of the SNM, Mr Abdirahman Ahmed Ali (Tuur) was endorsed as President and Mr Hassan Ease Jama as Vice-President by both the SNM Central Committee and the Conference. Putting behind them the long period of dictatorship and near-genocidal war of the 1980s, the Somaliland people then started concentrating on their efforts of building peace through grassroots initiatives which started even before³ the May 1991 Grand Conference, and then moved on to rebuilding state institutions.

The peace-building initiatives continued throughout the early 1990s. Many of the reconciliation conferences were between two or more clans: the Academy for Peace and Development War-Torn Societies Project Study⁴ lists 29 such major conferences between 1991 and 1996 which made possible the main successful national grand conferences of Buroa (May 1991), Borama (1993) and finally Hargeisa (1997). Bradbury⁵ explains that there was a synergy between the national Somaliland-wide peace conferences and the local peacemaking processes, “which succeeded in containing violence while crafting a political consensus and power-sharing arrangements that provided the foundations for new state structures”. There was also a strong desire, as later expressed strongly in the preamble to the new Somaliland Constitution, to break away from the past injustices and tyranny. The development of the Somaliland electoral laws and system was therefore very much influenced by these considerations and has been intertwined with the establishment of the state structures set out in the National Charter adopted at the Borama Grand Conference in 1993 and refined later in the Interim Constitution adopted at the last Grand Conference in 1997. These grand conferences therefore served as Somaliland’s version of constituent assemblies that sealed the peace-making initiatives, and facilitated and legitimised the

¹ Using the marriage analogy, Lewis comments that

“the marriage had long been turbulent, and the bride had at last taken the time-honoured Somali remedy of deserting the husband. In the northern Somali eyes, this was fully justified by the protracted history of neglect, capped by brutal ill treatment, which had culminated in the mass executions in Hargeisa carried out by Siyad’s soldiers in the late 1980s. The booby-trapped landmines, ingeniously placed inside doorways and at domestic locations, reinforced this legacy of terror.”

Lewis, I. M. (2002), *A Modern History of the Somali* (Oxford: James Currey), p.282.

² The cabinet consisted of 18 ministers, of whom a third were from clans who did not previously support the SNM.

³ The SNM, for example, held a meeting titled the Fraternal Conference of the Northern Communities at Berbera from 15 to 17 February 1991, in order to cement the peace and trust between the various Somaliland clans.

⁴ War-Torn Societies Project (WSP) International (2005), *Rebuilding Somaliland – Issues and Possibilities* (New Jersey: The Red Sea Press), p.64.

⁵ Bradbury, M. (2008), *Becoming Somaliland* (London: Progressio), p.107.

formation of state structures as well as constitution-making processes, which in turn made possible the legislation-making framework that would pave the way for the establishment of the mechanisms for popular elections.

State Institutions

The 1993 Borama Grand Conference was pivotal in both peace-making and the state formation process. The Conference adopted a peace and security charter for the settlement of disputes and a National Charter for the state institutions. The National Charter (*Axdiga Qarameed*) was formally signed on 3 May 1993 at the Grand Conference of the Somaliland Communities, which was attended by a constituent assembly of 150 voting delegates representing all the Somaliland communities. The Charter consisted of a preamble and 31 Articles, and was, in all but name, a constitution. Having reconfirmed the independence of Somaliland and its characteristics, such as area, flag, emblem, etc., it set out the rights and freedoms of individuals (Part 3); the institutions of the State (a House of Elders, a House of Representatives, both consisting of 75 members each); a government consisting of the President, Vice-President and Ministers; and an independent judiciary, including a Supreme/Constitutional Court (in Part 5).

The form of government chosen at the Conference was a consociational democracy based on the sharing of power between the main clans (*beelo*) of Somaliland. Compromise and consensus were the order of the day and, with the Conference lasting more than four months, all efforts were made to ensure that the vast majority of decision-making was made through a process of consensus-building⁶, even though there were 150 delegates who had voting rights. Perhaps this was the height of such consociationalism in Somaliland⁷, as by the following and last national Grand Conference in 1996/7, there was by then an incumbent President who had been in power for over three years and who had much more influence in the decision making than the Interim President he replaced in 1993. The 150 members of the two Houses of Parliament were allocated to the members of the clans in accordance with a complicated formula first devised at the 1990 SNM Conference, which was modified to take note of non-SNM supporting clans⁸, but the National Charter gave the House of Elders, the members of which were selected from the *beelaha* (clans)⁹, special duties relating to the maintenance of security and peace, customary traditions and rules of the communities and the resolution of political disputes¹⁰. This incorporation of the traditional leaders into the government was based on the SNM practice of an Elders' body (*Guurti*) being considered as an essential component of the organisation of the movement. The National Charter also stated that the 75 members of the House of Representatives, the main legislative chamber, should be chosen by the *Beelaha*, and that the selection should be

⁶ See, for example, Walls, M. (2008), *State Formation in Somaliland: Building Peace from Civil War*, unpublished paper, p.14.

⁷ The success of the Borama Conference has been described by many, but perhaps best by I. M. Lewis, who wrote of it as "unquestionably the centrepiece of these political achievements, taking Somaliland out of the initial doldrums of the first two 'wasted years'", Lewis, I. M., op. cit. p.284.

⁸ See Bradbury, M., op. cit. p.99. Bradbury also notes that non- Isaaq clans (who did not support SNM) held a greater share of the seats than they had at the State of Somaliland legislature.

⁹ See Article 10(B)(3): a copy of the National Charter is available in Somali at http://www.somalilandlaw.com/Somaliland_Constitution/Somaliland_National_CharterCHA/body_somaliland_national_chartercha.htm (last visited on 3 January 2009).

¹⁰ Article 10(T) of the Charter.

completed within 30 days¹¹ of the signing of the Charter (Article 11(2)). In practice, the 150 delegates became the members of the two Houses, but some were changed by their own clans. There was not much competition to join the new parliament at that time¹², mainly because of concerns about the future, but this had changed by the next Grand Conference in 1996/7.

The Conference also saw the transfer of power from the interim SNM administration President to a new President, Mr Mohamed H. Ibrahim Egal. Article 5 of the 1993 National Charter stated that the Charter should be in force for only two years, beginning from the date of its signature (on 3 May 1993¹³) and should be replaced by a constitution, which would be endorsed through a referendum. As it was not possible to draft a constitution during the first two-year period, and there was serious internal strife at that time, in April 1995 the Parliament¹⁴ extended the period of the Charter (and thereby the President's term of office) for another year and a half. The Charter remained in force when in late 1996 the last Grand Conference of the Somaliland Communities was held in the capital city. This Conference, which took place between October 1996 and February 1997, was attended by a large constituent assembly of 315 voting delegates (consisting of the 150 members of the two Houses of Parliament set up in 1993 and 165 new delegates representing all the Somaliland communities¹⁵). The Conference adopted a new interim constitution to replace the 1993 National Charter. The Interim Constitution was to be implemented for a period of three years¹⁶ so that a national referendum could be held¹⁷. The Interim Constitution reaffirmed the presidential system of government: this consisted of a government headed by a directly elected president choosing his own cabinet, the two Houses of Parliament (both to be elected, with the House of Elders having a special role in security and traditional matters, but enjoying fewer legislative powers than the House of Representatives), and an independent judiciary headed by a Supreme Court that can also sit as a Constitutional Court. The Constitution also set up district and regional councils, both to be elected, and emphasised the concept of decentralisation.

The state institutions, whose mandate under the National Charter and the following extensions to their term of office expired, needed to be given a new mandate, and this was

¹¹ The completion of the selection of the members of the House of Elders was given a similar deadline of 30 days – Article 10(T)(11).

¹² WSP International, op. cit. p.81.

¹³ The National Charter was actually formally approved by the 150 delegates, as set out in Article 31, on 25 April 1993, but was signed by the nine-member Conference Chairmen on 3 May 1993.

¹⁴ Other than their general powers on dealing with security and peace, the House of Elders was given an extra power under the Charter to call a grand conference:

“Article 10(T)(5): if due to dire circumstances the legal state councils set out in this Charter were not able to fulfil their duties, the House (of Elders) shall hold a conference of the Somaliland communities which will resolve how the existing circumstances can be overcome.”

No such conference could have been held in 1995, when there was an ongoing conflict between the government forces and some of the sub-clans.

¹⁵ WSP International, *ibid.* p.67.

¹⁶ Article 151.

¹⁷ If the referendum could not be held within the set period, the interim period for which the Constitution was implemented could be increased by the two Houses (the Representatives and the Elders). This was done in February 2000 (an extension of one year) and again in February 2001 (an extension of six months) before the referendum was held.

done through the implementation of the transitional Article 151 (Clauses 3 and 4) of the new Interim Constitution:

“Article 151: The Implementation of the Constitution

3. The President and the Vice-President shall be elected by the delegates to the Third Conference of the Somaliland Communities, who shall also determine the procedures for the election.

4. The Third Conference of the Somaliland Communities shall determine the total number of the membership of the House (Elders and Representatives) and shall appoint the members.”

In line with the above provisions, the Conference confirmed the 164 members of the two Houses. This was the number set out in the Interim Constitution¹⁸ and was 14 more than the total number set out in the 1993 National Charter. The increased membership enabled the minority clans, who were not previously represented in parliament, to be allocated seats. The Conference also undertook the election of the President and Vice-President, as provided for in Clause 3 above, with the incumbent President Egal winning comfortably against two other contenders¹⁹. This time however, unlike 1993, the terms of office were longer and were five years for the President/Vice-President and for members of the House of Representatives, and six years for the members of the House of Elders²⁰. To ensure continuity until popular elections through the political parties could be held, Article 151 of the Interim Constitution (and the almost identical Article 130 of the revised Constitution) confirmed that any vacancy in either House which arose before the popular elections would be filled through selection by the community which appointed the previous member. The succession provisions made for the offices of president and vice-president were not, however, as straightforward, as in their case it would not have been feasible to provide for election at another Grand Conference when the country was moving on to elections based on political parties. The issue was not dealt with clearly under either the Interim or the revised Constitution, both of which included two contradictory articles with one addressing, rather inadequately, the transitional period before the elections and the other being the substantive provision for presidential succession²¹. Incidentally, as the first popular presidential elections took place in 2003, the transitional Article 130 provisions are no longer in force and any vacancy in the offices of President/Vice-President would be dealt with under the substantive provisions of Article 89. Similarly any vacancies in the House of

¹⁸ Under Articles 63 and 86, both Houses consisted of 82 members each – the same number retained in the current Constitution, in contrast to the 1993 National Charter (Articles 10 & 11) figures of 75 each.

¹⁹ The President received 223 votes, Suleiman Mohamoud Adan 90 votes, and Mohamed Hashi Elmi two votes.

²⁰ Representatives – Article 65(1); Elders – Article 84(2); President – Article 112(1).

²¹ The transitional Article 151(6) in the Interim Constitution and the identical 130(4) in the revised Constitution proposed election by the two Houses within 45 days, during which period the office would be held by the House of Elders Chairman. In contrast, the substantive Article 89 (and the differently worded Article 114 in the Interim Constitution) proposed the election of the new president within six months, during which the office would be held by the Vice-President as caretaker, but, if the vacancy arose during the last two years of the term of the vacating president, the Vice-President would assume the presidency and, subject to confirmation of both Houses, even appoint his own Vice-President. When President Egal died suddenly on 3 May 2002, at a time when the new political parties had just been formed, and with less than two years of his (extended) term remaining, the decision was made to follow Article 89(2) in preference to the transitional Article 130(4), which meant that Vice-President Kahin assumed the presidency (not as a caretaker) and appointed his own Vice-President.

Representatives after the 2005 election would be dealt with under Article 14 of the 2005 Election Law, with the post being filled by the candidate from same regional party list who came next in the number of votes cast to that of the departing member. The position with regard to vacancies in the House of Elders has not changed, however, and the transitional Article 130(3) still applies to the Elders²².

As for local authorities, the Interim Constitution (Articles 141 to 145) confirmed that the country should be divided into regions and districts and added that their total membership and their electoral procedures should be set out in a law. Their term of office was to be for five years²³. This was built on the sentiments expressed previously in Article 22 of the 1993 National Charter which enjoined the government to expand the local government and the local infrastructure and to promulgate the necessary legislation²⁴.

Throughout the early 1990s and despite the difficult circumstances, including occasional conflicts, there were combined traditional customary negotiations and legal mechanisms which ensured that the budding Somaliland state institutions were fairly smoothly changed or reappointed by consensus. The adoption of the Interim Constitution in 1997 marked the beginning of the transformation to a more participatory electoral process, with the leading national and local officeholders of the state being given set terms of office and with any future changes being effected through nationwide elections. The challenge then was how soon the general and local elections could be held, and what effect such transformation would have on the consociational arrangements which have buttressed the peace attained, especially after the serious internal conflict in 1994/5. With the increasing importance of the presidency as an institution which held the purse strings of the nation and the control of the burgeoning state apparatus, it was clear by 1997 that, for better or for worse, the era of grand clan conferences (*shir beeleed*) was coming to an end. Bradbury points out that President Egal's influence over the Hargeisa Conference "damaged the credibility of a national *shir* as a mechanism for political change in the future and reaffirmed patronage as a central element of politics"²⁵. It has been pointed out that, unlike the 1993 Conference, the considerable government involvement in the 1997 Conference influenced some of the nominations of the clans (*beelaha*) to the two Houses or as delegates, especially on occasions when conflicting lists might have been submitted²⁶. With the adoption of an Interim Constitution, which set out in detail how the national political discourse should henceforth be conducted and subject to the maintenance of the peace overall and the strengthening of the state institutions, the need for grand clan conferences (*shir beeleed*) lessened and within a few years even calls for national conferences (*shir qarameed*) at difficult moments of constitutional crises²⁷ were vigorously denounced by the Government as amounting to a rejection of the Constitution. The pervasive influence of the clan system of course remained and will continue to do so, and the challenge for Somaliland in moving

²² This means that there are a few who have been members of the House since 1993.

²³ Article 143(7).

²⁴ The Law on the Structure of the Ministry of Internal Affairs and the Administration of Regions and Districts 1993 addressed some of the issues, but it took nearly another decade before more comprehensive legislation was adopted.

²⁵ Bradbury, M., op. cit. p.126.

²⁶ WSP International, op. cit. p.80.

²⁷ For example, in January 2001, when President Egal's five-year term was coming to an end, and it was clear well before that a popular election, as laid down in Article 107 of the Interim Constitution, could not be held.

towards constitutionalism and democracy was, and remains, how best to achieve the right eclectic mix of both the old and the new.

Laying the Legislative Foundations for the Direct Popular Elections

The Referendum and the Adoption of the Constitution

Article 151(1) of the Interim Constitution stated that it would be implemented for a period of three years, during which it would be put to the nation in a referendum. In August 1999, the Government produced a draft revised constitution which considerably reduced the 156 articles of the Interim Constitution²⁸. As the referendum was looking unlikely to be held within the three-year period, the two Houses, using their power under Article 150(2) of the Interim Constitution, met in early February 2000 and extended the period by one year²⁹. As it turned out, another extension was necessary, and in another joint meeting held on 13 February 2001, the two Houses approved by 64 votes to 44 the extension of the term of the Interim Constitution period for another six months, i.e. until mid-August 2002. In the meantime, as set out in Article 152 of the Interim Constitution³⁰, the Law on the Referendum of the Constitution setting the detailed procedures for holding the referendum was passed³¹ and the Referendum Committee³² was appointed. The proposed amendments to the Constitution were considered by an ad hoc 24-member joint committee of both Houses chaired by the second Deputy Speaker of the House of Elders, and almost all the changes made by the Government were rejected. The revised Constitution was approved by both Houses on 30 April 2001 and, in a referendum held on 31 May 2001, was endorsed by an overwhelming majority³³. The Initiatives and Referendum Institute³⁴ which provided international observers at the referendum concluded, in its report, that:

²⁸ For my 1999 article-by-article analysis of the proposed changes, and the submissions made by the Somaliland Forum constitution committee which I chaired, please see: http://www.somalilandlaw.com/Constitutional_Developments/body_constitutional_developments.html (last accessed on 03/01/2009).

²⁹ The Interim Constitution was formally adopted on 16 February 1997.

³⁰ This provision was repeated in Article 125 of the (revised) Constitution.

³¹ The Referendum Law (2001) was specifically for the adoption and endorsement of the Constitution by the Somaliland people and future amendments to the Constitution do not require the holding of a referendum (see Article 126). There is now only one other situation in which a referendum under the Constitution may be necessary, and that is under Article 56 (and the corresponding Article 69), when the President proposes to dissolve either House of parliament and the proposal is agreed to by the public in a national referendum organised by the Constitutional Court. No law has been passed to deal with this unusual provision in a presidential system of government (a provision which, in my view, ought to be removed from the Constitution at the earliest opportunity to avoid its misuse, especially in a difficult situation when impeachment proceedings might be brought against a President), but the 2001 Referendum Law could easily be adapted for such an eventuality with suitable amendments to allow for the actual conduct of the referendum to be managed by the electoral commission (which did not exist in early 2001) under the organisation/supervision of the Constitutional Court. A copy of the 2001 Referendum Law is available at this link:

http://www.somalilandlaw.com/Somaliland_Constitution/Somaliland_Referendum_Law/body_somaliland_referendum_law.htm (last visited on 05/01/2009).

³² The members of the Referendum Committee were:

- | | |
|---------------------------------|-----------------|
| 1. Ahmad Jambir Suldaan | Chairman |
| 2. Abdulqadir Haji Ismail Jirde | Deputy Chairman |
| 3. Said Jama Ali | Member |
| 4. Ali Omar Ahmad | Member |
| 5. Adan Ahmed Diriye | Member |
| 6. Abdillahi Ibrahim Habane | Secretary |

³³ 97 per cent of the 1.19m voters endorsed the Constitution.

“on the whole, the constitutional referendum held on May 31, 2001, was conducted fairly, freely, and openly, and largely adhered to the election procedures set down by the Somaliland parliament and in accordance with internationally accepted standards.”

With its adoption at the referendum, the (revised) Somaliland Constitution came into force. This marked the end of the constitution-making process which started with the 1993 Charter. It is worth noting here also that the considerable peace-building initiatives from 1991 to 1997 underpinned the constitutional process and while the latter, except at the last referendum stage, was not as widely participatory as the former, it was crucial in driving forward “the transformative process from conflict to peace”³⁵ and in shaping the governance framework that can regulate access to power. The revised Constitution which contained, by and large, the same provisions as the Interim Constitution comprehensively covers the state institutions and the fundamental human rights and freedoms. The provisions of the Constitution which impinge on elections are reproduced, with extended annotations and explanations, in Chapter 4 of this handbook. The preamble points out the nation’s long experience of dictatorship and the people’s desire to build a state founded on equality and justice. Article 9 of the Constitution confirms that the political system of the Republic shall be based on “peace, cooperation, democracy and plurality of political parties”. The extensive constitutional ‘bill of rights’ in Article 8 and Articles 21 to 35 includes the whole range of political and electoral rights, and the freedoms of assembly, expression, movement, etc., which are essential for their exercise. Furthermore, under Article 21(2), these fundamental rights and freedoms shall be interpreted in a manner consistent with relevant international conventions. All the provisions in the Constitution setting out the principles of democracy as well as the multi-party system and those relating to the fundamental rights and freedoms are further entrenched by Article 127, which forbids any proposed constitutional changes that may impair them³⁶. Nonetheless, the Constitution includes one significant, and rather incongruous, limitation on political and electoral rights, which is that the number of political parties in the country shall not exceed three (Article 9(2)). The reason for the insertion of this limitation in the 1997 Interim Constitution, as well as the current Constitution, was the desire to avoid the creation of a considerable number of clan-based political parties, as was the case in the last democratic Somali Republic election³⁷ in 1969. This restriction of a fundamental right has to be considered under the

³⁴ A copy of the 2001 IRI Report is available at this link:

http://www.somalilandlaw.com/Somaliland_Constitution/Constitutional_Law/Somaliland_Referendum_Report.pdf (last visited on 03/01/2009).

³⁵ Samuels, K. (2006), Post-Conflict Peace-Building and Constitution-Making, *Chicago Journal of International Law*, Vol.6, No.2, Winter 2006.

³⁶ Incidentally, the other two entrenched concepts in Article 127 are Sharia principles and the territorial integrity of the Somaliland Republic.

³⁷ The last Somali Republic democratic election held in early 1969 involved 62 parties fielding 2,214 candidates contesting 123 National Assembly seats. After the elections, all but one of the deputies joined the main government party, SYL, which initially won 73 seats. Even though five of the 48 constituencies were uncontested and went to the government party, 22 parties won one or two seats because of the proportional representation system in the constituencies with two or more seats, but on the opening of the Assembly, all of them except for one promptly joined the government party.

international test of “reasonableness”³⁸ in so far as it relates to the right to vote and to be elected to an office and, in so far as it also affects other fundamental rights, has to be assessed under the more rigorous test of “necessity in a democratic society”³⁹. The draft changes to the Constitution produced by the Government in 1999 proposed to repeal this limitation, but the clause was promptly reinstated by the joint House committee dealing with the constitutional revisions. The transition from clan-based representation to popular elections has therefore to be designed around this constitutional limit of three parties, which, many Somalilanders believed (and by all counts still do), would stop the divisive formation of numerous clan-based political parties.

The Somaliland Citizenship Law

Under Article 22 of the Constitution, citizens have the right to vote or be elected to an office. As a formerly independent state which was reborn in 1991 after coming out of a union with the neighbouring state of (the former Italian trusteeship territory of) Somalia on 1 July 1960, the Republic of Somaliland issued a more detailed Citizenship Law⁴⁰ which came into force in June 2002. The Law, which was the second one⁴¹ that covered the citizenship of the independent state of Somaliland was based on the constitutional provisions which defined the citizenship of the Republic⁴². Article 4 of the Law, therefore, defines a citizen as an individual who descended from persons who were resident in the territory of Somaliland on 26 June 1960 or before, and a person who had Somaliland citizenship conferred on him lawfully. This reflects the desire of Somalilanders to reassert their distinct identity and confirms the reality that being a Somali denotes an ethnic origin (in the same way that being an Arab does) which is shared by people who now live primarily in five countries in the Horn of Africa, each with its own citizenship or nationality. The clan structure of the Somali communities makes it easier to identify descent⁴³.

Local Government Law

Before any elections could be held at local government level, it was also essential that a decision be made about the number of local councils, their membership, and their boundaries. Article 111(2) of the Constitution stated that all this would be set out in a law. New districts continued to be set up by Presidential Decrees and from 1991 to mid-2002 when the Regions and Districts Law (Law No. 23 of 2002) came into force, there were 22 new districts and one new region, almost all of them⁴⁴ created through Presidential Decrees.

³⁸ Article 25 of the International Covenant on Civil and Political Rights (ICCPR) on unreasonable restrictions.

³⁹ See, for example, Article 22(2) of the ICCPR – necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of rights and freedoms of others.

⁴⁰ Law No. 22 of 2002 signed into law by the President on 3 June 2002. For a copy of this law, see: http://www.somalilandlaw.com/Citizenship_Law/body_citizenship_law.htm (last visited on 03/01/2009).

⁴¹ The first one was the Somaliland Nationality and Citizenship Ordinance 1960 which came into force on 26 June 1960 when the independent State of Somaliland replaced the British Somaliland Protectorate.

⁴² See Article 1 of the Somaliland National Charter, Article 4 of the 1997 Interim Constitution and, finally, Article 4 of the revised Constitution.

⁴³ The Somali phrase ‘*u dhashay*’, born to, in contrast to ‘*ku dhashay*’, born at, is used to express this connection through descent, rather than birth. This reflects the concept of descent or blood ties (*jus sanguinis*) as being the basis of the Somaliland citizenship, but this time is also linked to the people of the 1960 State of Somaliland/Protectorate. Other countries in Africa, such as Uganda, have used similar concepts for defining their citizenship.

⁴⁴ The exceptions were one reportedly endorsed at the Hargeisa Conference and another approved by the House of Representatives before 1996. WSP International reported that as of July 2001, there were 18 districts

The Law has since been amended extensively in 2007, and the provisions impinging on elections are set out (in Somali)⁴⁵ in this Handbook. The Law sets out the grade of each district, depending on its size, population, etc., the number of local councillors in each district and details of the structure and functions of local councils.

As no proper boundary demarcation has been undertaken, Article 7 of the 2002 Law stated that the boundaries of the existing six regions shall be those of the six principal districts of the Somaliland Protectorate and that the 12 new districts⁴⁶ formed out of the six principal districts from 1960 to 1991 will retain the borders they were given on their formation, but this was subject to the new borders of the two districts⁴⁷ confirmed by the Third Conference of the Somaliland Communities, which will have their borders based on their relevant polling stations for the Referendum on the Constitution in 2001. All the other new districts which were graded D and numbered 18 were not to have district councils elected at the local government elections, as their borders were as yet to be delineated, and their residents had to cast their votes in the first local elections for the local councils of the districts from which their new districts had been formed⁴⁸. With these provisions, it was possible by July 2002 for local elections to be held nationwide and the numerous new districts were simply disregarded for electoral purposes. No elections were proposed for the Regional Councils, the composition of which, according to Article 12 of the 2002 Law, was to be a Chairman and Deputy Chairman and an Executive Secretary, all appointed directly by the Government, the Mayors of the Districts in the Region (some of whom would be from the elected councils), and the heads of government departments in the Region (who shall act in an advisory capacity in their areas of expertise, but shall have no vote).

The revision of the Regions & Districts Law in 2007 has not changed these aspects, except in so far as the provision relating to no voting taking place at the new Grade D districts has been removed and the government was again enjoined to finalise their assessment as to viable districts and the demarcation of their borders⁴⁹. All the reports indicate, however, that little progress has been made on the demarcation of district borders and in these circumstances, before the forthcoming local elections can be held, the 2002/2007 Law will need to be revisited and either the old clause about no elections for Grade D district councils must be reinstated, or an amendment setting out how the elections can be held in all these districts must be added. It was particularly important in the first local council elections in 2002 that all eligible Somalilanders vote, even if some of them resided in areas covered by the new districts, so that the support for the new political associations can be gauged and the top three⁵⁰ can become the national three parties allowed under Article 9(1)

and one region established under Presidential Decrees which did not have the approval of parliament (WSP International. op. cit. p.91).

⁴⁵ Almost all of them are the same as they were in the original law, a translation of which is available at this link: http://www.somalilandlaw.com/Local_Government_Law/body_local_government_law.htm (last visited on 03/01/2009).

⁴⁶ These 12 new districts were Gabilay, Zeila, Odweine, Buhodle, El-Afweyn, Badhan, Baki, Lughaye, Sheikh, Ainabo, Hudun and Taleh.

⁴⁷ These two districts were Baligubadle and Salahlay.

⁴⁸ With the exception of the residents of Hagal who were to vote in the District of Berbera of the Sahil Region.

⁴⁹ See Articles 4, 7 and 9 of the revised Law.

⁵⁰ Although the finer details have not been worked out, a recent pact between KULMIYE, the main opposition party, and the aspiring new political association, QARAN, on 10 December 2008 included a commitment on the

of the Constitution. The lack of proper demarcation of the borders of many districts will have no effect on the forthcoming 2009 national presidential election, and, by and large⁵¹, on the House of Representatives election in 2010, which is based on regional constituencies. The situation has somewhat been muddled also by President Kahin's establishment by decree in March 2008 of a record-breaking⁵² six new regions and 16 new districts, even though the Presidential Decrees made it clear that these will have no impact on the forthcoming elections in 2009.

As for the Regional Councils, Article 12 of the revised Law repeats the same composition of the councils as before, but it does leave the option of elections open, by stating that this composition will remain until the councils are elected. Sadly though, the Law does not set out what the composition of the elected regional councils will look like after the elections and how they will be elected, as currently no electoral law covers their election. Although decentralisation of the administration of the government is a central plank of the Constitution⁵³, Articles 111(5) and 111(6) of the Constitution currently make it clear that the Chairman of the Regional Council shall be appointed by, and shall act as the representative of and come under, the central government. Without any change in the Constitution, any elections⁵⁴ would therefore apply only to the remaining and less influential members of the Council.

Formation of New Political Associations/Parties

The transformation of the representative democracy in Somaliland into a popular one based on direct elections started with the formation of political associations that can compete to become the three parties allowed under the Constitution. The process began in earnest when the Regulation of Political Associations & Parties Law (Law No. 14 of 2000) came into force on 6 August 2000. The challenge for the Parliament and the Government was to devise a system which would encourage the formation of political associations and would then lead to a transparent method of choosing the main three political parties which the Constitution (Article 9(3)) allowed. In the revision of the Constitution in 1999/2000, the Government proposed⁵⁵ that limiting the number of political parties to three be removed, but the Parliament decided to retain the limit. To meet this constitutional requirement, the system

part of KULMIYE, if successful at the forthcoming presidential election, to ensure that new political associations can be set up in time for the earliest local elections.

⁵¹ With the exception of some disputed areas, especially between the Maroodijex (Hargeisa) region and neighbouring Awdal to the west, which caused problems both in the 2005 election and in the recent regionally-based voter registration exercise.

⁵² For a commentary on these 22 Presidential Decrees, see Jama, I. H., (2008), *Somaliland Local Government Reorganisation through Presidential Decrees in an Election Year*, available at: http://www.somalilandlaw.com/Article_on_the_new_districts_regions_060408.pdf (last accessed on 03/01/2009).

⁵³ See the preamble.

⁵⁴ Until the Constitution is changed, a system of indirect elections could be a halfway house, if the number of members from the elected district councils is increased and their powers over the government-nominated chair are also raised.

⁵⁵ The President, H.E. M.I. Egal, was quoted in a report at a Press Conference marking the promulgation of the Political Parties Law on 06 August 2000, as confirming that the Government would have preferred there to be no constitutional limit of the number of parties (Jamhuuriya 7 August 2000). The first draft of the revised Constitution omitted the limit.

adopted in the Political Parties Law was said⁵⁶ to have been broadly modelled upon the recent transformation of Nigeria in the late 1990s into a representative democracy, and involved the use of local government elections as the litmus test for the political associations which would be able to garner popular support, before the die was cast and the three political parties which could contest the national elections were identified. The short Law (see Chapter 5) set up a seven-member⁵⁷ Registration and Approval of Political Parties Committee to register political associations/parties and laid down the conditions and procedures for such registration. The President of the Republic nominated the members of the Committee, and their appointment was confirmed by the House of Representatives by a simple majority (Article 1(2)) on 10 February 2001. In the earlier bill, the term of office of the Committee was proposed as five years, but in the final law their term was limited to a period of up to six months⁵⁸ after they have approved the three political parties which have succeeded in the nationwide elections.

The law set out the procedures for the applications for registration of political associations and the conditions they have to meet, after which they could be granted a temporary licence for a period of three months during which the associations would seek wider support, as they have to show proof that they have each registered at least 500 members in every region of the Republic. The parties must show their “commitment to the democratic and power-sharing principles and to modes of making policies and decisions from the bottom upwards” (Article 3(5)) and must not deny membership to any Somalilander on grounds of clan, religion, gender, etc. (Article 3(8)).

On 25 September 2001, the Committee announced that seven associations, registered within the two-month registration period previously announced by the Committee, had been granted provisional approval for a period of three months starting from 25 September 2001. These associations⁵⁹ were:

1. UDUB (United Democratic Nation – the party set up by the President of the Republic);
2. UCID (Justice & Welfare Party);
3. SAHAN (Somaliland Alliance for Islamic Democracy);
4. BIRSOL (Salvation & Protection of Somaliland’s Aspirations);
5. HORMOOD (Champions for Peace & Prosperity);
6. UMAD (Unification of Somaliland’s Viewpoints); and
7. ILAYSKA (Somaliland Beacon Light Party).

On 18 March 2002, the Committee announced that of the seven registered associations, five had fulfilled all the conditions for provisional registration, and, subject to them not breaking

⁵⁶ In the interview referred to in the preceding footnote, the President confirmed that the initial step of allowing the formation of political associations who can contest local elections was modelled after the first Nigerian elections when Nigeria was moving from military dictatorship to civilian government in the late 1990s. The Nigerian local elections were held in December 1998, and the following national elections in early 1999.

⁵⁷ The members must include at least two legally qualified members.

⁵⁸ Article 2(1)(d).

⁵⁹ The translation of the names of the Associations was in the English Language Weekly, The Republican, of 22 September 2002.

the Law, they could participate in the nationwide local elections. The remaining two, UMAD and ILEYSKA were asked to take advantage of the reopening of the register and to work on fulfilling all the conditions. The register was reopened after the Law was amended⁶⁰ to allow for further registration of groups that had not registered so far, and two other associations, ASAD (Alliance for Salvation & Democracy) and KULMIYE (Unity Party) were later registered. The Committee finally approved six associations⁶¹ consisting of the six originally approved associations, two⁶² of which have merged, and the last two registered associations.

The final stage was a formula proposed for winnowing down the three parties from the six associations and was the achievement of a threshold of 20 per cent of all votes cast in all the regions (Article 3(11)). But, if only one association reached the threshold, the two parties with the next highest percentage vote in all the regions would also be recognised by the Committee, and if no association reached the 20 per cent threshold, the Committee would recognise the three associations with highest total votes cast for them in the local elections (Article 3(13)). When the local elections were finally held in December 2002, no association reached the 20 per cent threshold and the Committee, having received the results of the election from the Electoral Commission, declared on 25 December 2002 that the three parties that received the highest number of votes, UDUB, KULMIYE and UCID, had been accepted as the three constitutional parties. .

Although the Committee's term of office expired, in line with Article 2(1)(d) of the Law, on 24 June 2003, there are a number of issues that have survived the expiry of their term. First and foremost is the debate about how long their approval of 25 December 2002 of the three parties should last (which is discussed further in Chapter 3 of this handbook). Secondly, the Law has left wide-reaching effects, in that although under Article 22 of the Constitution, every Somaliland citizen who fulfils the requirements of the law has a right to stand for election to an office, Article 6 of the Law lays down that no one can stand for election unless nominated as a candidate by a (registered) political party, and, consequently, no independent candidates can stand for elections⁶³. Thirdly, there are, albeit inadequately enforced, legal obligations which are still current. Having been registered, the current three political parties have the right (under Article 5 of the Law) to:

1. have access to the national public media in an equitable manner, and, having obtained the approval of the appropriate agencies, to use their own special information services;
2. express freely their political opinions, without damaging public order and security of the Republic;
3. be free from suppression or closure, and to own their property; and
4. criticise other political parties or the Government.

⁶⁰ On 18 February 2002, the House of Representatives resolved that the period of registration would be reopened for two months, and finally this amendment was signed into law by the President on 11 March 2002. The Committee issued a notice on 18 March 2002 that registration would be reopened for a period of two months, starting 18 March 2002 and ending 18 May 2002.

⁶¹ For a succinct summary of the details of the six parties in 2002, see Bradbury, M. (2008), *op. cit.*, p.186.

⁶² HORMOOD and BIRSOL.

⁶³ Although the Supreme Court did not give a reasoned written decision, it confirmed in at least one confirmed case that this was indeed the law.

Other than the first right, the equitable access to the publicly owned media, the rest of the rights enumerated above are those guaranteed to all citizens under the various provisions of the Constitution and ought not to be seen as special rights reserved only for the three political parties. It has been alleged, at various times, that the Ministry of Internal Affairs has accused persons arranging or holding meetings to discuss political issues of meddling unlawfully in 'party politics', but as the Law failed to define what activities (beyond contesting elections) are the exclusive preserve of the three parties, experience has now shown that there is a real danger that the boundaries set by ministers, so far, have severely limited the ordinary citizen's right to assemble and discuss political issues⁶⁴. Difficulties have also arisen about the definitions of what comes under the ordinary and necessary party activities, such as conferences, meetings, membership drives, etc., and the time-limited official election campaigning (which is confined to a short period of 28 days⁶⁵ before the elections). Fourthly, the Law left unanswered the question as to how long the three parties confirmed by the Registration Committee should remain as the three allowed under the Constitution, and what should happen if one or more of the registered parties, for whatever reason, can no longer function as a separate party.

With the next round of local elections still a few years away, the House of Representatives on 28 February 2005 passed a bill amending this Law and proposing the registration of new political associations that can also compete at every local council election round with the three parties. The bill also allowed independent candidates to contest the parliamentary elections⁶⁶. The bill was rejected by the House of Elders, on a vote of 61 against and one for, on 5 April 2005 – well over a two-thirds majority. This did not, however, stop aspiring new associations vying in 2006/7 to compete for the (still) forthcoming local elections, and the issues raised by these demands, especially by the new QARAN political association, are discussed briefly in Chapter 2.

Delays in the Completion of the Electoral Laws

The final plank in the legislative framework for popular elections was the adoption of electoral laws that aim to meet international standards. The completion of the electoral laws has understandably taken a long time in a country which is still not internationally recognised and was therefore not getting the direct considerable investment in capacity-building⁶⁷ which other countries have enjoyed, but the progress Somaliland has made, despite these constraints, is still remarkable and compares favourably with many other African countries. These delays have also led to highly controversial extensions of the terms of office of the institutions "elected" at the Hargeisa Conference at the beginning of 1997, and especially in respect of those, such as the House of Elders and the local councils, which have no constitutional provisions addressing the extension of their terms of office. Furthermore, although Article 42(3) and Article 83(5) of the Constitution set a procedure for the extension of the terms of office of the House of Representatives and of the President by

⁶⁴ An example was the banning in August 2005 of a series of very informative public debates titled '*Caawa Caqli Keen*' ('Express your viewpoints this evening') organised by a prominent academic, Dr Hussein Bulhan, in which the possible effects of political events in the Horn of Africa were discussed in front of public audiences.

⁶⁵ See, for example, Articles 27 and 28 of the 2001 Election Law.

⁶⁶ New Article 1 and amended Article 7(1)(b) – a copy of the bill is in the author's archives.

⁶⁷ The financial support for Somaliland elections from the EU countries and the US gradually improved and has reached a high level for the voter registration process which took place during the last few months of 2008.

means of considered resolutions of the House of Elders⁶⁸, these covered only exceptional circumstances, which did not ostensibly include delays in elections caused by the non-completion of the necessary legal or logistical framework for holding them. As the early 2000 draft bill covering all elections and referendums ran into considerable opposition primarily on the vexed issue of the allocation of parliamentary seats, it was decided in the end that the first electoral law (passed in 2001) should be confined to the Presidential and local council elections. It then took another four years and a Constitutional Court intervention⁶⁹ to get into the statute book⁷⁰ the parliamentary election law, which covered only the election of the House of Representatives. The various draft bills on the indirect election of the House of Elders were not voted upon because of their perceived deficiencies, and the one bill on this subject passed by the House of Representatives on 16 September 2006 (by a slender majority of 34 votes for and 30 against) proposing the direct election of the Elders was promptly rejected by the Elders by a two-thirds majority on 23 September 2006⁷¹.

To accommodate all the delays in the arrangements for the elections, the first extension of term of the president, for a period of one year, was effected by the House of Elders under Article 83(5) of the Constitution on 12 January 2002, and was followed by another extension of term up to the election in May 2003, after the successful conclusion of the local council elections in December 2002. President Egal died unexpectedly on 3 May 2002 and the Vice-President, Mr Dahir Rayale Kahin, assumed⁷² the office for the remainder of the term. The extension of the term of office of the House of Representatives was also carried out through resolutions of the House of Elders three times⁷³ until the Representatives' election was held in September 2005. As for the House of Elders, their six-year term of office was first extended by a one-article law (initially passed by the House of Representatives on 27 March 2003) which included a provision that "the term of office of the House of Elders shall always expire one year after that of the House of the Representatives and that of the President". This introduced a linked term extension formula, which meant that the Elders would benefit from the last two Representatives' extensions of term. That formula, however, came to an end at the election of the new House of Representatives in September 2005, but, in any case, the House of Elders decided on 6 May 2006, without the involvement of the Representatives, to increase its own term of office⁷⁴ by another four years to 2010.

⁶⁸ Incidentally, and contrary to popular misconceptions, there were no similar provisions in the 1993 National Charter. The Charter did not lay down any set terms of office for the President and the two Houses, but simply set a term of two years for the operation of the Charter itself, after which it was to be superseded by the Constitution.

⁶⁹ On 26 February 2005, the Constitutional Court issued its unanimous ruling on the bill which was previously passed by both Houses.

⁷⁰ The final version of the Law was signed into Law by the President on 12 April 2005.

⁷¹ The vote for rejection of the bill was 68 (out of the total membership of 82).

⁷² See the footnotes to Article 89(2) of the Constitution in Chapter 3 of this Handbook.

⁷³ On 27 April 2002, for one year; on 3 March 2003, for two years; and finally, on 28 May 2005, for another 143 days.

⁷⁴ For Somaliland Forum's view of the legality of this extension, which was shared by the House of Representatives, the opposition parties and the civil society groups, see Somaliland Forum (2006): *A Term Extension Too Far: Guurti Resolution is Unconstitutional and Unacceptable*, available at: <http://somalilandforum.org/sl/2006/05/15/the-decision-to-extend-the-guurti-term-has-no-constitutional-validity/> (last visited on 03/01/2009).

Similar issues have arisen again in connection with the forthcoming round of presidential and local council elections. This time the delay in holding the elections has been put down to the inordinate time it has taken to conclude the appointment of the new Electoral Commission⁷⁵ and the delays in successfully carrying out the nationwide voter registration process. By the end of 2007 and with the approaching expiry of the term of office of the President in May 2008, the opposition parties and the civil society raised their concerns that a presidential term extension endorsed by the House of Elders might be sought, especially as the Elders vigorously defended their 'exclusive' power to make such decisions. The Electoral Commission and the parties agreed on 9 April 2008 that, in view of the planned voter registration exercise, the local elections should be held on 6 October 2008 and the presidential election on 31 December 2008. But, on the following day, the House of Elders considered proposals submitted by the President and decided (on a vote of 63 for, one against and three abstaining) to extend the term of office of the President, which was due to expire on 15 May 2008, by one year to 6 May 2009. The House relied on Article 83(5) of the Constitution, which allows an extension of term only if the election cannot be held because of security considerations. This led to a serious constitutional crisis, with the opposition parties threatening not to accept the extension, but, in another example of Somaliland's way of reaching eleventh-hour decisions through compromise and consensus, the three parties and the Electoral Commission reached an accord on 9 June 2008, which stated that the presidential election should be held before the local elections and should take place before 6 April 2009, so as to give time for the completion of the voter registration. The Accord also included the important provision that "If unforeseen circumstances that would postpone the implementation of the presidential election appear, the National Electoral Commission and the three national political parties will reach a joint collective decision about it (*and*) the House of Elders shall approve the collectively agreed timetable without further (term) extensions"⁷⁶. The Electoral Commission has since set the date of the presidential election as 29 March 2009.

As for local elections, Article 111(7) of the Constitution simply sets out the term of office of local councils as being five years. Article 20 of the Regions & Districts Law 2002 (as amended) confirms that the five-year term starts from the date when the (Regional) Court announces the outcome of the local district council elections (under Article 62 of this Law) and adds, confusingly⁷⁷, that it ends 14 days after the Court announcement relating to the new elections! Although there is no constitutional provision or law which gives the power to extend the term of office of local councils to any institution, the House of Elders assumed such a power⁷⁸ at the request of the President when, on 12 December 2007, it passed a

⁷⁵ The five-year term of the outgoing Commission expired on 11 January 2007, but the new Commission members' confirmation of all their appointments did not happen until 3 September 2007. For explanations of the delays, see the footnotes to Article 11 of the 2001 Election Law and Academy for Peace and Development (2007), *NEC on a Rope, The Academy Today*, Issue 1, Vol.1 [online] <http://www.apd-somaliland.org/docs/1apdt.htm> (Last accessed on 10/01/2009).

⁷⁶ Clause 6 of the Accord, a copy of which is available at the website of the Academy for Peace and Development, which has facilitated the discussions:

<http://www.apd-somaliland.org/news/20080603electionagreement.htm> (last visited on 03/01/2009).

⁷⁷ The Clause simply allows for the handover period and cannot extend the constitutionally-set five-year term.

⁷⁸ In my view, as there are no constitutional or legal grounds for this extension of the powers of one chamber of the Parliament, and, in view of the largely non-controversial nature of this extension, it should have been

motion (on a vote of 47 for, one against and two abstaining) to extend the term of office of the elected local district councils (which was due to expire in December 2007) to 1 July 2008. The Electoral Commission and the parties were at that time proposing that the local elections would be held before that date. The Commission's and political parties' accord in June 2008, mentioned above, later decided that the local elections would be held after the presidential election, but no date has as yet been set for the local elections, and there have no other reported extensions of their terms of office.

Finally, although a voter registration exercise was conducted in 2002 under the one clause in the 2001 Election Law which gives the power to conduct voter registration⁷⁹, the actual registration was abandoned⁸⁰, as it only took place in the main towns of the regions with only 330,000 electors being registered, there was no way of checking multiple registration, and it proved to be too difficult to administer and produce an electoral roll⁸¹. The local elections in 2002, the presidential elections in 2003 and the House of Representatives in 2005 were, therefore, all conducted without the existence of any electoral register (as were incidentally all the elections held between 1963 and 1969, during the Somali Republic era) and marking the fingers/hands of those who have cast their votes was the main deterrent to multiple voting, while membership of known Somaliland clans was the main way of proving eligibility. Clearly this was not satisfactory, as all Somaliland electoral observers' reports have pointed out, and finally the Somaliland Voter Registration Law (Law No. 37 of 2007) came into force, on 8 July 2007. As it turned out, no registration could be conducted in 2007, and in their June 2008 Accord, the three parties and the Electoral Commission agreed that urgent amendments needed to be made to the Registration Law so that the delayed local and presidential elections could be held as soon as practicable. It was the clear view of the Commission that some of the deadlines and registration procedures set out in the Law were not conducive to speedy conclusion of the process that would allow early elections to be held. On receipt of the Commission's proposals for amendments, the President, using his power under Article 46 of the Constitution, on 7 June 2008 called an extraordinary session of the House, which was at the time in recess. The House considered the amendment bill on 10 June 2008 and approved it. The House of Elders voted to make some amendments, one of which related to the period between the first two elections and their timing, which was seen as another attempt by the Elders to reassert their right to be the final decision makers on extensions to terms of office. When the bill returned to the House of Representatives, the latter insisted on passing the bill again, in its original format, on 21 June 2008, and in the

either effected through a constitutional amendment or, if time was pressing, through a law passed by both Houses and the President.

⁷⁹ Article 14(9).

⁸⁰ Incidentally, the first voter registration exercise was carried out in the Somaliland Protectorate in 1958 under the Somaliland (Electoral Provisions) Order-in-Council, S.I. 1958 No. 1957. In December 1958 to January 1959, voter registration of males over 18 years of age in Class A districts was conducted. The plan was that further registration would take place in 1962 and 1965. In a parliamentary answer, it was reported that "the registration of electors in the three electoral districts of Hargeisa, Berbera and Burao ended on 17th January. By this date 2,508 persons had registered" – Hansard, *HC Deb*, 24 February 1959, vol. 600, c128W. *The Jirdeh Committee Report (2004)* noted that the SNL party which was against the 1959 election because of the number of Legislative Council places allocated to Somalis in this first election waged a vigorous campaign against the registration (see Report in Somali in Appendix 3 of this Handbook).

⁸¹ See, for example, Abokor, A., and others (2003), *Very Much a Somaliland Election – A Report of the Somaliland Local Elections of December 2002* (London: CIIR), p.8.

absence of the President on an official visit abroad, the amendment bill was signed into law by the Vice-President on 23 June 2008 and came into force on that date⁸². The actual voter registration started in October 2008 and, despite various technical and logistical difficulties, has been concluded by the end of January 2009, and the corrections are being undertaken before the final lists are published. There were wide allegations of multiple registrations and registration of young under age persons and the Commission invited political parties' agents to observe the final process.

⁸² Presidential Decree No. 345/06/2008.

CHAPTER TWO: SOMALILAND ELECTORAL LAWS – AN OVERVIEW

1959 - 69 Somaliland Electoral Laws

Although the first electoral laws in Somaliland were the Somaliland (Electoral Provisions) Order-in-Council (S.I 1958 No. 1957) and the Legislative Council (Elections) Ordinance No. 9 of 1958, much of the procedural aspects of the current electoral laws are based on the laws in the Somali Republic from 1963 to 1969. The Somaliland principal districts seat allocation¹ for the 33 Somaliland legislative assembly members elected² on 17 February 1960 was used throughout the 1960s³ and is still used as the pro rata formula for allocating, by region, the 82 seats of the current Somaliland House of Representatives. The principal districts became the six Somaliland Republic regions, and as no other comprehensive boundary delimitations have been undertaken since, the same boundaries are, by and large, still used. The 2001 Electoral Law relating to local councils and the Regions & Districts Law 2002, however, have many similar provisions as those of the 1963 Somali Republic Local Administration and Local Councils Elections Law (Law No: 19 of 1963)⁴. That Law introduced, for example, the four class system of local administration (A to D) with the number of councillors ranging from 25 down to 11, but with a term of office of four years⁵. The arrangements of electoral offices at regional, district and polling station level, although fairly internationally used, also go back to the 1963 Law.

The first local elections in the Somali Republic were conducted under the 1963 Law in November 1963, but all the elections after that, and primarily, the two National Assembly elections of March 1964 and March 1969⁶ were held under the more comprehensive Law on Political Elections, Law No. 4 of 22 January 1964. These laws extended the proportional representation system, previously used in Somalia⁷ and not in Somaliland, to the whole territory of the then Somali Republic. The Hare Quota “quotients” and “remainders” party list system of voting was introduced by the 1964 Law and is the system adopted in the Somaliland 2001 Election Law and also, with slight modifications, in the 2005 Somaliland Electoral Law. The main difference is that party lists no longer need to be submitted with

¹ The allocation of seats for the six principal districts in the Somaliland Protectorate/State of Somaliland were Hargeisa, 7; Burao, 6; Berbera, 5; Borama, 5; Erigavo, 5; and Las Anod, 5.

² This was based, under the Legislative Council (Elections) Ordinance No. 9 of 1958, on single member constituencies.

³ This was set out in Article 2 of the Act of Union, which was not formalised until 1961 as Law No. 5 of 31 January 1961, which repealed the differently worded Union of Somaliland and Somalia Law (Law No. 1 of 27 January 1960) passed by the State of Somaliland Legislative Council – see Cotran E (1968) *Legal Problems Arising out of the Formation of the Somali Republic*, *International and Comparative Law Quarterly*, VOL. 12, p. 1010. Article 2 confirmed that the legislative assemblies of Somaliland and Somalia shall “together comprise the National Assembly of the Somali Republic”.

⁴ Contini points out that this Law was based on a study prepared by a British expert of the local government systems in Somaliland and Somalia – Contini P (1969) *The Somali Republic: An Experiment in Legal Integration*, Frank Cass & Co Ltd, London.

⁵ Articles 3 and 4 of the 1963 Law.

⁶ Having just about to complete my education at one of Somaliland’s two secondary schools, at that time, I and my colleagues in the top classes were recruited to serve as scrutineers in these elections. I was pleased to see that in the recent national voter registration exercise, some of the registration staff were recruited from Somaliland’s three established universities.

⁷ The Somalian Law No. 26 of 12 December 1958.

the signatures of the supporting voters⁸, as in Somaliland law, only three parties can submit candidates' lists. Deposits in Somaliland electoral laws (including the 2000 political parties law) are non-refundable⁹.

Expressing comments that, as it turned out, were echoed by Somaliland legislators decades later, Contini¹⁰ pointed out in 1969 that

“the proportional representation system¹¹ adopted resulted in a lively, and at times violent, competition among candidates within each political party for placement as high as possible on the lists. It happened in some cases that a candidate would fail to obtain the desired place on his party's list. In the hope of being able to receive the votes needed for at least one quotient, he would form a political party and place himself at the top of its list. Thus twenty-one political parties competed in the 1964 elections, and no less than sixty-three in the 1969 elections. However, once elected, most deputies who had run as candidates of small parties rejoined their old party.”

The Somaliland constitutional limit of three parties was introduced to address these problems, and to lessen clan based politics, but even within the three parties, the competition for inclusion in the party lists is as lively, but not as violent, as it was in the 1960s.

The Current Somaliland Electoral Laws

In drafting new laws, the Somaliland government understandably looks at previous Somali Republic laws, and, particularly the pre 1969 laws. The first Election Bill¹² drafted by the Somaliland Ministry of Internal Affairs in 2001 was largely based on the 1964 Law and proposed to cover all parliamentary (both Houses) and local elections. Although it did not cover them in as much detail, presidential elections and referendums were also to be conducted in line with the provisions¹³ of the Bill. The Somaliland electoral laws, of course, reflect the provisions of the Somaliland Constitution and are clearer about the role of the

⁸ In Somaliland the requirement of the supporters' signatures was required only under the Regulation of Political Associations & Parties Law 2000 when new political associations were being registered to compete for a place in the coveted three organisations that were accepted as the three parties under Article 9 of the Constitution in 2001. In the 1960s, each party list was to be accompanied by the signatures of no less than 500 supporters – a requirement, which was by no means onerous.

⁹ The 1964 Law, as is the norm for most electoral laws, laid down that a deposit of 5,000 shillings (at the time equivalent to \$700, according to Contini - *ibid.*, p. 20) was payable in connection with each party list for the National Assembly election, half of which was forfeited if the party list did not obtain, at least, the votes necessary for the election of one seat.

¹⁰ *Ibid.*, p.20.

¹¹ Of the 48 parliamentary constituencies in the whole country of the Somali Republic, there was a majoritarian system (first past the post) for the 10 constituencies where there was one seat and proportional representation system, with a closed party list, for the remaining 38 constituencies which had 2 or more seats. Of the 33 seats (out of the total 123 seats in the National Assembly) allocated to the then Northern Regions (Somaliland) under the formula adopted at the time of the Somaliland/Somalia union, 3 - Gabiley, Odweyne and Garadag- were single seat constituencies; Zeila, Buhodle, Erigavo and Las Koray had 2 seats each; Borama and Las Anod, 3 seats each; Burao and Berbera, 5 seats each; and Hargeisa, 6 seats.

¹² For the details of this early bill see, Jama I (2000) *The Electoral Bill (Xeerka Doorashooyinka)*, available at: http://www.somalilandlaw.com/Articles_Commentaries /THE_ELECTIONS_BILL_ARTICLE_2000.htm (last visited 13/01/2009).

¹³ Article 60 of the Bill.

courts, and especially the Supreme Court¹⁴, in the elections and also allow for the use of codes of conduct and, informally, alternative dispute resolution arrangements agreed between the Electoral Commission and the political parties. The desire to have an electoral system that makes possible the identification of the three constitutionally accepted parties, the difficulties of reaching agreements on the allocation of parliamentary seats between the electoral regions and the lack of official demarcation of the regions since the days of the Somaliland Protectorate, all led to the adoption of separate electoral laws for local district councils and presidential elections on the one hand, and parliamentary elections, on the other. The current main Somaliland electoral laws are the following three laws:

1. The Presidential and Local Councils Elections Law 2001 (Law No. 20/ 2001) - *Chapter 5 and 10 of this Handbook.*
2. The House of Representatives Election Law 2005 (Law No. 20-2/2005) - *Chapter 6 and 11 of this Handbook.*
3. The Voter Registration Law 2007, as amended in 2008 (Law No: 37/2007) - *Chapter 7 and 12 of this Handbook.*

These laws are further underpinned by codes which are agreed upon by the Electoral Commission and three parties. Some of the provisions of the codes go beyond the limits of code-making by filling gaps in the law, but others are aimed at encouraging good conduct. The texts of the codes agreed during the past elections are set out in Chapter 7. The appointment of eminent independent persons to act as voluntary watchdog committees at elections is increasingly a significant feature in Somaliland elections. The Election Board of Monitors established for the 2005 elections were given a much wider brief than the 2002 Integrity Watch Committee, and appears to be still functioning¹⁵.

The 2001 AND 2005 Election Laws

Almost all the procedural provisions in the 2001 and the 2005 election laws are either identical or very closely similar, but the 2005 Law includes some differences which, in many ways, can be seen as improvements in the light of the previous experience. Unfortunately though, as each law, specifically states that it applies to its relevant elections, the procedural changes in the 2005 Law cannot simply be read as amending the corresponding provisions in the earlier 2001 Law. The position is further confused by the description of the 2005 Election Law as “an annexe to the 2001 Law”, and, by the Supreme Court decision¹⁶ on this Law which ordered that any deficiencies of the Law, arising out of the Articles it struck down, should be filled by the relevant provisions of the 2001 Election Law. But neither of these points address whether the 2005 Law has changed the 2001 Law, and if so, what the

¹⁴ See, for example, Jama, I H (2003) *The Somaliland Supreme Court and the Presidential Elections* http://www.somalilandlaw.com/body_somaliland_supreme_court.html (last visited on 15/01/2009)

¹⁵ The Board, for example, issued a press release on 19 April 2008, after meeting the Electoral Commission. The press release called for the acceptance of the agreement of the Commission and the three parties in respect of the then timetable for the presidential election. The Board members were listing as being:
 1. Aden Baxnaan Ibraahim (Chairman) 2. Xuseen Cali Nuur 3. Prof. Axmed Maxamed Cadeed 4. Yaasiin Maxamed Axmed 5. Dr. Yaasiin Ibraahim Magan 6. Dr. Adam Yuusuf Abokor 7. Nuur Axmed Ibraahim 8. Aadem Xirsi Suge 9. Rashiid Sh.Ibraahim 10. Saado Haashi Awad 11. Hodan Maxamed Jaamac 12. Sh.Ismaaciil Cabdi Hurre (Dheeg) 13. Maxmed Cabdiraxmaan Qamariye 14. Jaamac Maxamed Axmed 15. Cabdiqaadir Cabdi Xasan.

¹⁶ See the decision (in Somali) in Chapter 13.

extent of the change was. Mindful of this need to align the 2001 Law with both the 2005 Law and the 2007 Voter Registration Law, the House of Representatives passed in 2007 an Amendment Bill which updated various Articles of the 2001 Law and made them consistent with other two laws, but the House of Elders blocked the Bill, through a two thirds majority vote, because it contained¹⁷ a new modest quota of the Local district council seats for women and excluded minorities.

It is feasible, but highly unlikely, that the Amendment Bill, without the controversial clauses, might garner the support of the parties, the Electoral Commission and the two Houses well before the fast approaching elections, but failing such a scenario, the following two questions have to be addressed by the Commission and the three parties:

1. Which new provisions of the 2005 Law, if any, may be used for the presidential and local council elections?
2. Which provisions of the 2001 Law have to be disapplied, if any, in the light of the 2005 Law and the 2007 Voter Registration Law?

The starting point is the fact that Article 2 of the 2005 Law states unequivocally that the 2005 law shall be used for the conduct of the House of Representatives election (only). Therefore, any provisions relating to the House election cannot be read across to the 2001 Law and especially so in matters which are already covered by corresponding provisions in the 2001 Law. Significantly, the usual article in most new Somaliland laws which repeals all previous laws or provisions in conflict with the new laws is absent from both the 2005 and 2001 electoral laws as, presumably, these two laws were both dealing with new subjects that have not been covered before by another law i.e elections to new Somaliland institutions. This, therefore, means that there are various electoral procedures which will remain confusingly different under the two laws and I have therefore highlighted these in the footnotes to both laws in Chapters 5 and 6 of this Handbook. Some of these differences, such as the deadlines for the Commission to establish polling stations or for the submission of candidates' lists to the Commission (60 days before the polling day in the 2005 Law as compared to 40 days in the 2001 Law) or for resignation of candidates from public service (4 months before polling day in the 2005 Law as compared to 180 days in the 2001 Law) may not necessarily entail a qualitative difference, but others, such as the obligation to submit posters and leaflets (presumably for censorship) to the Mayor 48 hours before they are displayed which is still in Article 30(1) of the 2001 Law, but was not included in the 2005 Law, entail additional procedural obligations. There are also new provisions in the 2005 Law, such as Article 26 about the use of public resources in elections, which have either no parallel in the 2001 Law or are improvements based on the experience of the first round of elections. Furthermore, the 2005 Law also includes new provisions relating to the Electoral Commission, such as Article 33 on contracts for electoral equipment and Articles 62 to 64 on the infringements of the electoral law and the new disciplinary power given to the Commission. Despite the exclusive applicability of the Law to the House elections, there are cogent arguments for saying that these latter provisions relating to the Electoral Commission apply to the Commission, in general.

¹⁷ One other proposal in the 2007 Bill which was objected to by some people was the extension of the partially open party list system used in the House election to the local council election.

The National Electoral Commission

The Somaliland National Electoral Commission was established under 2001 Election Law. Articles 10 to 23 of the Law and Articles 32 and 63 of the 2005 Law deal with the composition, appointment and functions of the Commission and the footnotes to these articles cover the relevant issues that have arisen in connection with these provisions. Briefly, the Commission consists of seven members appointed by the President, subject to receipt of two nominations from the House of Elders and two from the opposition (associations) parties, and subject to approval by the House of Representatives. The Commission shall appoint from among its members a Deputy Chairman. Public officers, members of Parliament and members of the Armed Forces are not eligible for membership of the Commission. The term of office of the members is five years. The Commission shall “carry its duties independently and shall not, in the least be interfered with by anyone”¹⁸ If a member is accused of incompetence, incapacity due to illness, serious impropriety, theft or corruption, then the President shall appoint an investigation panel, who shall report their findings to him. The President can then decide to dismiss the member, subject to the approval of the House of Representatives. The range of the Commission’s duties and powers are not set out in Article 14 and included, even before the Voter Registration Law 2007, the power to register electors. The Commission shall have its own budget, approved by the House of Representatives and which it can use independently.

The Commission’s headquarters is the capital city and it shall have its own staff. The Commission shall have a Central Electoral Office, Regional and District Electoral Offices and Polling Station Office - the staffing of all these electoral offices is set out in Articles 16 – 21 of the 2001 Law and Articles 9 and 11 of the 2005 Law. The appointees to all these electoral offices shall be informed of their appointment at the latest 15 days before the election, and can only be excused from the appointments for good and satisfactory reasons. The electoral officers, who shall have the status of public officers whilst serving, shall be paid allowances.

The Electors

Any citizen of Somaliland, aged 16 or over, during the year of the election, and, since 2007, who has been issued with a voter card is eligible to vote at the designated polling station (Article 30 of the 2007 Law). Although there is a provision under (Article 6(2)) of the 2001 Law for Somalilanders residing abroad to vote at their countries of residence when that becomes feasible, the current Voter Registration does not, understandably in a country with no formally recognised legations abroad, provide for registration of residents abroad. Prisoners or those in detention at the polling date cannot vote.

The third and most comprehensive voter registration started¹⁹ in October 2008 and was finalised at the end of January 2009. The voter registration system introduced under the 2007 Law envisaged a main registration exercise followed by periodic updates of the electoral register not less six months before every election. Briefly, the first voter registration to set up the electoral register consisted of three stages – a preparatory stage

¹⁸ Article 11(6) of the 2001 Law.

¹⁹ In line with Article 12(6) of the Law, a Presidential Decree announced that the core voter registration process would start on Tuesday, 14 October 2008 at the Sahil region.

for publicity and public education; a core registration period of one week in each region in which the registration teams cover the whole region at registration stations corresponding to the polling stations, and then move on to the next region and a final stage of 15 days for further registration at each region but by teams in the capital of the region.

The Electoral System

As mentioned in Chapter one, the national and local elections covered by the current electoral laws are those of the President & Vice-President, the 82 seats of the House of Representatives, and the local district council. All their terms of office are fixed, under the Constitution, as being 5 years²⁰. At present, only candidates who have been nominated by the three parties accepted under the Constitution can stand for elections²¹. Other conditions for eligibility to stand for elections to these offices are set out in the Constitution, and, for district councils, in Article 33 of the 2001 Law. Some of the conditions, such as those relating to religion and age (i.e not less than 35, for both local and House of Representatives elections) are very likely to be viewed under international standards as being, at best, overly prescriptive, and, at worst, in the case of religious restrictions, for example, as being discriminatory.

The current formula for the allocation of representatives' seats per region in the 2005 Law²² is based on the February 1960 allocation of Somaliland legislative council seats. As for the district councils, the number of seats in each district depends on the grade (A to C) of the district as set out in Articles 6 and 18 of the Regions & District Law (2002), as amended, and Article 4 of the 2001 Law.

Article 83 of the Constitution and Article 22 of the 2001 Law confirm that the president and the vice-president shall be elected jointly in a direct general election on a majoritarian, first past-the-post system. The other elections are, however, based on proportional representation with a party list in multi-member regions (for House of Representatives' elections) or districts (in local council elections) and with the latter using closed lists²³ of candidates, whilst, in the former, the party lists are partially open and the vote for a candidate counts twice, once for the party and then for the candidate. Seats are allocated to a party under the quotient and the largest remainders system, and then assigned within that party's list on the basis of the position, in the case of local elections or on the basis of votes gained by each list member, in the case of the House election.

²⁰ See Articles 42, 88, and 111 of the Constitution.

²¹ See Article 7 of the 2000 Regulation of Political Associations & Parties Law and Article 7 of the 2005 Election Law. The 2001 Election Law does not include a similar provision for local district council elections because it was drafted to allow for nationwide local elections contested by many political associations, the top three of which would become the accepted three parties in line with the procedures set out in the 2000 political parties law. It makes clear, however, in respect of presidential elections that only candidates nominated by registered associations/parties can stand for election (Article 35(1)). As by the time the presidential election was held in 2003 (and also in the forthcoming 2009 election) only three parties were registered, this ruled out any independent candidates. The Supreme Court also ruled likewise in an unreasoned judgment in 2003 concerning an independent candidate, Ms Fawzia Haji Adan Yusuf.

²² Article 12 of the 2005 Law.

²³ Closed lists are used in Israel, Portugal, Spain and Germany, and the voters only select a party. Open lists in which voters can express preferences within each list are used in Norway, Finland, the Netherlands and Italy.

The Timing of Elections and Campaigns

Article 8 of the 2001 Law and the similarly numbered article in the 2005 Law both state that the Electoral Commission shall declare, in accordance with the Constitution, the dates of the elections. The relevant constitutional provisions are those relating to the end of the terms of the President, the House and the local district councils. The convoluted provisions²⁴ on election campaigns in both laws mean that there is a period of less than 30 days for the official campaigning which must cease 48 hours (in the local and presidential elections) or 24 hours (in the case of the Representatives' election) before the polling day. Prohibitions against the use of public resources for campaigning are much more explicit in the 2005 Law (Article 26, for example) and the 2005 Code.

The Voting and Counting Procedures

Both laws cover extensively the procedures for running the polling stations, the voting, the count at the polling stations and the transmission of copies voting and count records from each polling station to the district, regional and the national electoral offices. Under Article 58(2) of the 2001 Law and 54(3) of the 2005 Law, the Regional Electoral Office is enjoined to forward a copy of the vote tally records to the Supreme Court. As all these records have to be countersigned by not only the electoral officers, but also the party agents, this commonly-used forwarding of records is designed to promote transparency.

The provisional results of the presidential elections are declared by the Chairman of the Electoral Commission, those of the House of Representatives in each region by the Chairman of the Regional Electoral Office and those of district councils by the Chairman of each District Electoral Office²⁵. Having dealt with any electoral complaints that reach it, the Supreme Court then confirms the formal results of the presidential election and of the elections²⁶. In district council elections, the Chairman of the Regional Court is given the power²⁷ to confirm the results and to adjudicate on any complaints which have been forwarded to him.

The Elections to Date

There have been various observers' reports about the three elections that Somaliland has held in 2002 (the local district council elections), 2003 (the presidential election) and 2005 (House of Representatives election). The results of these elections are listed in Appendix 2. The observers' reports, on the whole, adjudged the elections as reasonably free and fair, but, understandably, pointed out the serious drawbacks of elections without voters' registers. The reports pointed out many issues relating to voter education and to the conduct of the voting, but their specific recommendations on the electoral laws and on the other laws affecting the election activities are specifically relevant to the contents of this Handbook. The Academy of Peace & Development report²⁸ on the 2005 House of Representatives election recommended, in respect of the laws the undertaking of

²⁴ See primarily Article 28 of the 2001 Law and Article 22 of the 2005 Law.

²⁵ Articles 59 and 64 of the 2001 Law and Article 55 of the 2005 Law.

²⁶ Articles 65 of the 2001 Law and Article 59 of the 2005 Law.

²⁷ Article 62 of the 2001 Law.

²⁸ Academy for Peace & Development (2005) *A Vote for Peace - How Somaliland successfully hosts its first parliamentary elections in 35 years*, available at <http://www.apd-somaliland.org/docs/apd2006electionspluserrata.pdf> (last visited on 31/01/2009).

“ (c)omprehensive constitutional and legal reforms to guide the development of an improved election regime and supporting electoral institutions, including:

- A reformed electoral law that is fair and equitable, contains detailed instructions on election management, and conforms to globally accepted standards on democratic multiparty politics, including affirmative action for women and marginalised groups;
- A reformed electoral system that accords with Somaliland’s political dispensation and history;
- Reforms of the National Electoral Commission;
- The creation of national policies and standards on electoral conflict management.”

Other reports²⁹ relating to the previous elections made the following recommendations relating to the electoral and other allied laws:

- Introduce of a voter registration system (now done) and undertake a population census.
- A form of identity cards for citizens of Somaliland should be introduced, in order to have some means for identifying voters.
- Consolidate the existing electoral laws and pass a consolidated law governing all types of elections in Somaliland (local, presidential, and parliamentary).
- Introduce legislation to strengthen the electoral process, including penalties for infractions of the electoral law.
- A review of the House of Elders’ appointment/election.
- Liberalise restrictive laws and executive orders, many of which may be unconstitutional.
- Remove remaining restrictions on the freedoms of expression, assembly and the media.
- There should be no requirement related to religion in connection with the right to stand as a candidate or serve in an electoral office, as such requirements run counter to the freedom of religion.

²⁹ See, for example, International Republican Institute (2005) *IRI – Somaliland September 29, 2005 Parliamentary Election Assessment*, available at:

<http://www.iri.org/africa/somaliland/pdfs/Somaliland2005ParliamentaryElections.pdf> (last visited on 31/01/2009).

Progressio (2005) *Further Steps to Democracy*, available at:

http://www.progressio.co.uk/shared_asp_files/uploadedfiles/4B3047C0-7EEF-4A0F-B70C-8B9DD0D1D8A8_Furtherstepstodemocracy_lowres.pdf (last visited 31/01/2009).

International Crisis Group (2003) *Democratisation and its Discontents*, Africa Report No. 66

<http://www.crisisgroup.org/home/index.cfm?id=1682&l=1> (last visited on 31/01/2009).

CIIR (2003) “*Very Much a Somaliland Election*”, available at:

http://www.ciir.org/shared_asp_files/uploadedfiles/%7BBE886FBD-FADF-42FC-AA96-7AB06D785AC0%7D_Somaliland%20election%20report%20April%202003.pdf (last visited on 31/01/2009).

NORDEM (2003) *Somaliland: Presidential Election 2003*, available at:

http://www.humanrights.uio.no/forskning/publikasjoner/nordem-rapport/2003/08/nordem_report-contents.html (last visited on 31/01/2009).

- Initiate an independent review of the constitution, with particular attention to the three-party ceiling. The limitation in the constitutionally sanctioned limit on the number of political parties should be abolished.
- Use of public resources for campaigning needs to be clearly stated in the relevant legislation.
- The Electoral Commission needs 'more teeth' and ability to hold people to account for their actions when they violate the electoral law or codes of conduct.
- The role of the political parties in the administration of the elections should be reviewed, in particular the legal significance of the signatures of party agents. Both the roles of the party agents and that of the members of the commission and electoral offices must be clarified respectively.
- The purpose and format of the Codes of Conduct for political parties and the electoral administration should be reviewed.
- The judiciary and the Supreme Court in particular, should be obliged to publish the concrete reasoning behind their decisions in election related matters. All items in the plaintiffs' complaints should be answered concretely, and this obligation should be enshrined in the election legislation.
- Investigate how quota systems for women (and minorities) have worked elsewhere (eg Uganda).
- Introduce legislation providing for reasonable subsidies to all official political parties on an equitable basis.
- There needs to be a permanent independent electoral institute to institutionalise knowledge gained and seek comparative lessons.

Future Changes in the Electoral and other Relevant Laws

The experience of the Somaliland democratisation process has already shown the main legal and constitutional issues that require immediate and short term changes, but, with the absence of independent authoritative study of the issues, other than the recommendations made by international electoral observers, no broad consensus has emerged on how these ought to be tackled. This make it likely that any changes that follow the next round of elections may well be minimal but incremental unless the successful candidate for the presidency is able to garner much wider support for change from both Houses. The main legal issues that need addressing can be grouped into the following categories:

1. Constitutional changes that may strengthen the multi-party system and the fundamental rights and freedoms that are essential for the exercise of political rights and remove the provisions that have had an unwelcome effect on the electoral process:
 - The constitutional limit of the number of political parties and the allied ban on independent candidates is fundamentally contrary to democratic principles and the multi-party system which, under Article 128(2) are part of the entrenched principles of the Constitution that cannot be repealed. In any case, there is nothing in the Constitution which states that the three parties must be the current ones.
 - Part III of the Constitution (fundamental freedoms and rights) are binding on all governmental bodies³⁰, but in the light of the current state of the judiciary,

³⁰ See Article 21

there is a need for clear and unequivocal remedies for the infringement of these rights.

- The confusing and inadequate provisions relating to the extension of the term of office of the President and the two Houses should be revised or removed.
 - The provisions relating to presidential term limits and those relating to timing of the election³¹ need to be revised and made clearer.
2. Revision of the laws relating to political parties and associations and introduction of a light touch regulation that can strengthen their capacity and internal democracy:
- A report examining the various legitimate conditions for registration of political parties that can address the concerns of Somalilanders about lack of formal numerical limits on the number of parties should be commissioned from independent researchers and consulted upon widely.
 - Without extensive amendments (or change in the Constitution), the current 2000 Regulation of Political Associations Parties Law would not cater adequately for the immediate registration of the new political associations even if a new registration committee is empanelled³². So long as the constitutional three party limit exists, new legal provisions have to be introduced to deal with the certain outcome that if a new association succeeds to replace one of the existing three parties at the nationwide local elections, the sitting House of Representatives (or, possibly even an incumbent president) of the displaced party will have to be asked to join another party as their party would have to be immediately de-registered so that the constitutional limit can be maintained. The 2000 law will have to be amended or repealed if a decision is made to allow, without constitutional changes, new associations to contest elections.
 - Any new political associations/parties law must, in any case, address both the registration, as well as the regulation of the political parties in a way that will foster democracy within the parties and adherence to the electoral laws. There have been considerable criticisms of the lack of democracy in the internal management of the current three parties.
3. Laws required to complete Somaliland's democratisation process by bringing into the electoral process the House of Elders and the regional (provincial) tier of government:
- The current House of Elders was selected in 1997 for a six year term which have extended to next year. The last bill relating to their election, and proposed direct elections, was "vetoed" by the House of Elders on a two thirds majority which could not be overruled by the Representatives. Previous bills proposed indirect elections. The House has a distinctly different constitutional role than the Representatives and many value the traditional composition and role of the House which has been diluted by the cut and thrust of political party involvement and government influence. The debate on the future of the House must start now and should not be overlooked because of the presidential and local district councils' elections. A system of indirect election through an electoral college³³ of the representatives of the traditional leaders

³¹ These are primarily Articles 83, 86, 88 and 89.

³² The main opposition party, Kulmiye, announced recently that new political associations will be allowed

³³ A similar proposal was made by the Somaliland Forum in 2003 and 2006.

(the Saladin Council) and Eminent persons (appointed by the Representatives) and administered by the Electoral Commission is worth considering. The traditional mediation role of the House is still needed in Somaliland, but this has been undermined by the perceived or real alignment of many of the members with specific political parties, and consideration should be given to the imposition of restrictions on such active support/involvement.

- Article 111 of the Constitution envisages the election of the regional councils, but, in the light of the Constitutional emphasis on the decentralisation of the government³⁴, it also incongruously provides that the Chairman of the Regional Council shall be appointed by the Government. Elections of the regional councils, whether direct or indirect, would bring democracy to this tier of local government, but should be preceded by a constitutional amendment removing the government appointment of the Chairman. There is no reason why the head of the government offices in the region cannot be an ex officio member of the Council so as to facilitate co-ordination between local and central government.
4. Introduction of a comprehensive electoral law that covers the updating of the voter register and the conduct of all elections and sets out, as far as possible, the same procedures for all of them. Many changes would need to be made, but briefly the following should be considered:
 - The updating of the voters' register should undertaken once a year.
 - The law should include a list of electoral offences.
 - The provisional and final results declared should be based on the lower electoral offices' confirmed results and any differences properly accounted for.
 - Full reasoned decisions should be given by the courts on any electoral suits.
 5. The reform, as soon as practicable of the composition, appointment and powers of the Electoral Commission:
 - The current appointment system gives undue preference to the sitting president and his party and also involves unnecessarily the House of Elders in what has proved to be a potentially partisan role. There are many examples of appointment systems that enhance the independence of electoral commissions which ought to be explored.
 - A staggered appointment system would retain expertise and continuity and a reformed Commission can then contribute to the changes in the electoral and other laws.
 - To facilitate the increased role of Commission, its membership should be increased and its Chairman appointed at the House of Representatives' confirmation hearings.
 6. The establishment of an ad hoc independent electoral boundaries committee (supported by the Ministry of Internal Affairs and the Electoral Commission) that can study and report on the options of the parliamentary electoral regions/constituencies and their boundaries well before the House of Representatives election in September 2010.
 7. Misuse of public assets for electoral purposes has been covered by the 2005 Law and by the electoral codes but there is a need for a thorough review also of the

³⁴ See the preamble and Article 112 of the Constitution.

involvement of public officers in political parties business whilst on duty. In presidential systems, ministers and deputy ministers are not elected politicians, but even if, in the Somaliland system, they ought to be allowed to engage in party politics and campaigning, they are obliged not to use public assets for these activities. Rules governing the conduct and involvement of senior public employees, and specially governors, and departmental heads, should be introduced.

8. Modest quotas for women and excluded communities in either party candidates lists and in actual seats are not contrary to the equality clause (Article 8) of the Constitution³⁵, and the parliament should consider them again for all elections.

³⁵ For an article exploring this further, see Somalilandlaw.com Commentary on the Somaliland Presidential & Local Elections (Amendment) Bill 2007, available at: http://www.somalilandlaw.com/Election_Law_Amendments_2007_Commentary_Final.htm (last visited 31/01/2009)

CHAPTER THREE: CONSTITUTIONAL PROVISIONS RELATING TO THE ELECTORAL PROCESS

Article 4: Citizenship

1. Any person who is a patriot¹ of Somaliland being a descendant of a person residing in Somaliland on 26 June 1960 or earlier shall be recognised as a citizen of Somaliland.
2. The law² shall determine the acquisition or loss of Somaliland citizenship.

Article 8: Equality of Citizens

1. All citizens of Somaliland shall enjoy equal rights³ and obligations before the law, and shall not be accorded precedence⁴ on grounds of colour, clan, birth, language, gender⁵, property, status, opinion etc.⁶
2. Precedence and discrimination on grounds of ethnicity, clan affiliation, birth and residence is prohibited; and at the same time programmes aimed at eradicating long-held bad practices shall be a national obligation.⁷
3. Save for the political rights reserved for citizens, foreigners lawfully resident in Somaliland shall enjoy rights and obligations before the law equal to those enjoyed by citizens.

¹ This is not the same as someone born in Somaliland, and patriality is defined in the rest of the Clause.

² See Somaliland Citizenship Law (Law No. 22 of 2002). The first Somaliland citizenship law, the Nationality and Citizenship Ordinance 1960, was enacted on 23 April 1960 and came into force with the birth of the independent State of Somaliland on 26 June 1960.

³ This Article denotes the fundamental right to equality and although it appears in a Part titled 'General Principles', it is not in the nature of a 'directive principle'. Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the African Charter on Human and Peoples' Rights both confirm that the rights and freedoms in both documents shall be enjoyed "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (ICCPR). The African Charter adds "ethnic group" and "fortune" to the characteristics which should not lead to denial of rights. As Article 8(1) of the Constitution ends with the expression of "etc.", it is submitted that these other categories found in the ICCPR and the Charter which are not listed in this Clause of the Article would also be equally covered. But the main issue in this Article is the absence of "religion" as a protected ground. It is likely that this was deliberately left out as signified by the fact that conditions for candidacy to various offices in the Constitution set out that candidates must be Muslims – see also the footnotes to Article 41 of the Constitution.

⁴ I have chosen the word 'precedence' rather than 'preference' to indicate more aptly the meaning of the Somali phrase 'kala saarayn' which refers literally to someone claiming a higher position than another.

⁵ See also Article 36(1) of the Constitution.

⁶ The abbreviation 'etc.' is used to reflect the Somali abbreviation 'iwm' which is in the Somali text and is short for 'iyo waxyaalaha la mid ah', meaning, 'and other similar matters', could include the similar grounds listed in the ICCPR and the African Charter which do not appear in this Clause. It should be noted, however that, significantly, religion has not been mentioned in this Article.

⁷ This last part of the Clause relating to bad practices is a new addition. It is submitted that this relates to traditional practices that lead to discrimination and or precedence on the prohibited grounds listed in the Clause. This certainly covers the treatment of minority groups, such as Gabooye etc.

Article 9: Political System

1. The political system of the Republic of Somaliland shall be based on peace, cooperation, democracy and plurality of political parties.
2. The number¹²⁸ of political parties in the Republic of Somaliland shall not exceed three (3).
3. A special law¹²⁹ shall determine the procedures for the formation of a political party, but it is unlawful for any political party to be based on regionalism or clanism.

¹²⁸ The artificial limit on the number of political parties has been chosen to avoid the experience of the early 1960s Somali Republic, when a considerable number of political parties based on clan affiliations contested elections and created chaos, especially during and after the 1969 general elections. Following this Clause, the Presidential and Local Elections Law (Law No. 20 of 2001) and the House of Representatives Election Law (Law No. 20-2 of 2005) limits candidacy for elections to those who appear in the lists of the three parties only, and so clearly the limitation on the number of political parties involves a restriction of the right of persons to stand for elections (set out in Article 22(2) of the Constitution), and implicitly a restriction of the right of association enshrined as a fundamental right under Article 23(3) of the Constitution. These rights are also protected international conventions such as Article 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10(1) of the African Charter on Human and Peoples' Rights. In so far as these Constitutional and legal limitations restrict freedom of association, they can only be held valid in international law (under Article 22(2) of the ICCPR) if it can be said to be "necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of rights and freedoms of others". Article 25 of the ICCPR guarantees the right and opportunity to vote and to be elected *without unreasonable restrictions*. Election laws often include some restrictions, but there is wide difference between restrictions on how one can stand for election and total denial of such a right. (For the relevance of international covenants and human rights treaties to this Constitution, see Articles 10(2) and 22(2) of the Constitution and the relevant footnotes.)

¹²⁹ See The Regulation of Political Associations and Parties Law (as amended), Law No. 14 of 2000. The three parties accepted under the Constitution and this law are UDUB (the current government party), KULMIYE and UCID. These were the three parties that won the highest number of votes at the first nationwide local elections in December 2002.

Article 21: Implementation and Interpretation

1. The legislative, executive and judicial branches of the state and the local government of the regions and the districts of the Republic of Somaliland, at all levels, shall be bound¹³⁰ by the provisions of this Part¹³¹.
2. The Articles which relate to fundamental rights and freedoms¹³² shall be interpreted in a manner consistent with the international conventions on human rights¹³³ and also with the international laws referred¹³⁴ to in this Constitution.

¹³⁰ This is clear confirmation that all public authorities are specifically bound by this Part of the Constitution, which deals with fundamental rights and freedoms. In general, these rights are enforceable against the state and public authorities, and therefore have 'vertical effect', but increasingly in European human rights jurisprudence, some of the provisions may have an element of 'horizontal effect', especially where the rights to state services and protection may have been infringed through the actions of individuals. In any case, courts, as part of the state, must protect these fundamental rights in any cases that they are dealing with where such issues become relevant. Indeed under Article 25(3), it is stated explicitly that the state shall guarantee to all citizens their rights and freedoms, and the punishment for any of their infringements shall be determined by law.

¹³¹ The Section is titled 'The Rights of the Individual, Fundamental Freedoms and the Duties of the Citizen'.

¹³² That is in effect Articles 22 to 36 of the Constitution, but arguably Article 8(1) relating to equality also relates to a fundamental right.

¹³³ This links the interpretation of these rights to the relevant international human rights conventions, and is not confined to the few Siad Barre's Somali Democratic Republic acceded to mainly during the regime's dying days. These were the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol (all acceded to on 24 April 1990), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) acceded to on 23 February 1990, and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) acceded to on 25 September 1975. Somaliland considers itself bound through succession by these conventions and is prepared to go beyond that and has already indicated that it will comply with a number of other UN conventions, as signified by this constitutional provision. In addition, as Somaliland is an African, Arab and Muslim nation (see Article 10(6) of the Constitution), this constitutional commitment also includes regional human rights conventions.

¹³⁴ These are the UN Charter and the Universal Declaration of Human Rights which are specifically mentioned in Article 10(2) of the Constitution.

Article 22: Political, Economic, Social and Electoral Rights

1. Every citizen shall have the right to participate in political, economic, social and cultural affairs in accordance with the laws and the Constitution¹³⁵.
2. Every citizen who fulfils the requirements of the law¹³⁶ shall have the right to be elected¹³⁷ (*to a public office*) and to vote.

¹³⁵ In line with Article 21(2) of the Constitution, this of course includes international conventions.

¹³⁶ The main election law is Law No. 20/2001 relating to Presidential and local council elections, and Law No. 20-2/2005 relating to the election of the House of Representatives.

¹³⁷ The right to stand for election to a political office is of course limited by the combination of the Constitutional limit on the number of political parties in Article 9(2) of the Constitution and the Elections Law which confirms that only candidates who have been proposed by the three political parties can stand for election. Election laws often lay down conditions for candidacy for office, and the test for legitimacy of these restrictions, for example under Article 25 of the ICCPR, is that of 'reasonableness'. The Somaliland Constitutional Court in the case of *Fawzia H Yusuf & Others* (2003) held that this restriction was lawful. See also the footnote to Article 9(2).

Article 23: Freedom of Movement and Association

1. Every person who is a citizen or lawfully resident in the country shall be free to move to or settle at any place of his choice, or leave or return to the country at will.
2. The matters (*rights*) set out in Clause 1 of this Article are subject to any law¹³⁸ which forbids the movement to or settlement at specific places or during specific times.
3. All citizens shall have the right to form, in accordance with the law, political¹³⁹, educational, cultural, social, and occupational or employees' associations¹⁴⁰.

¹³⁸ This right of movement is protected internationally by, among other provisions, Article 12 of the International Covenant on Civil and Political Rights (ICCPR) which states that these rights "shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised in the present Covenant". Article 12 of the African Charter on Human and Peoples' Rights 1981 which also deals with freedom of movement, limits restriction of this right to those "provided for by the law for the protection of the national security, law and order, public health or morality". Any such law should therefore pass this test, which is similar to the one used for derogation from some of the other rights in the Covenant. Some of these restrictions are echoed in Article 28(4) of the Constitution.

¹³⁹ This is strictly limited by Article 9(2) of the Constitution which limits the number of political parties to three. Now that the three political parties have been identified through the Regulation of the

4. Associations with objectives which are contrary to the national interest or are secret or are military in nature or armed or are otherwise against the law, whatever their outward appearance might be, are prohibited.

Political Association & Parties Law (as amended) Law No. 14 of 2000, no one may form another political 'party', but it is not clear how this restriction in Article 9(2) would limit 'political' associations which are not seeking to become a party, but are addressing specific political issues. The test of the propriety of restrictions to freedom of association in the Article 22 of the ICCPR is similar to that noted in the preceding footnote.

¹⁴⁰ The right to form trade unions is part of the right to freedom of association, but is specifically mentioned in Article 22(1) of the ICCPR. This right is also covered by International Labour Organisation conventions, such as the Freedom of Association and Protection of the Right to Organise Convention 1948 and the Right to Organise and Collective Bargaining Convention 1949.

Article 25: The Right to Liberty, Guarantees and the Conditions of Rights and Freedoms

1. No person shall be deprived of his liberty except in accordance with the law.
2. No person may be arrested, searched, or detained, except when caught *in flagrante delicto*,¹⁴¹ or on the issue of a reasoned arrest warrant by a competent judge¹⁴².
3. The state shall guarantee¹⁴³ to all citizens their rights and freedoms, and the punishment for any of their infringements shall be determined by law.
4. The freedoms of the person shall not override the laws protecting the public morals, the security of the country or the rights of other individuals.¹⁴⁴

¹⁴¹ Articles 34 to 39 of the Criminal Procedure Code set out in detail the circumstances when persons may be arrested without a warrant. Article 37 defines the expression "*caught in flagrante delicto*" as meaning a person "*caught in the act of committing an offence is pursued immediately after the commission of the offence by a police officer, or the injured party, or any other person; and is caught immediately after the commission of the offence, with objects or traces which clearly show that he committed the offence.*"

¹⁴² See Articles 40 to 44 of the Criminal Procedure Code.

¹⁴³ Failure to fulfil such a clear guarantee would be justiciable.

¹⁴⁴ The effect of this Clause is limited by international human rights law (for example the International Covenant on Civil and Political Rights, the ICCPR) which does not allow for derogation in respect of some rights (such as the right to life; the right not to be subjected to torture or cruel or inhumane treatment or punishment; freedom of thought, conscience and religion etc.) but allows some derogation in other rights, such as the right to assembly or to association or to freedom of expression. It is only to these latter rights that this Clause may apply. For example, Article 19 of the ICCPR states that freedom of expression may be restricted as is provided by law and is necessary for the respect of the rights and reputations of others or for the protection of national security or of public order or of public health or morals. Also Articles 21 and 22 of the ICCPR relating to freedoms of assembly and of association may only be subject to restrictions laid "by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." Some of these restrictions are echoed in Article 25(4) of the Constitution.

Article 32: Freedom of Public Demonstration, Expression of Opinion, Press and other Media

1. Every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way.
2. Every citizen shall have the freedom, in accordance with the law, to organise or participate in any peaceful assembly or demonstration.

3. The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation¹⁴⁵.

¹⁴⁵ After considerable controversy over a number of years, the Somaliland Press Law (Law No. 27 of 2004) together with its attached Press Code of Conduct was passed and came into force in 2004. The Law applies to all the various forms of media and, while guaranteeing their freedom, sets up a registration system. Somaliland has thriving, free newspapers and one independent television channel but, sadly, despite the provisions of the Constitution and the Press Law, the Government refuses to allow any radio stations other than the government-owned Hargeisa Radio. Other than a presidential pronouncement, there does not appear to be any legislation under which the Government ban can be made. The President's decree powers are very much confined by the Somaliland Constitution to the limited emergency powers under Article 92, and the ban on radios was not effected through this Article. Furthermore, no legislation from the Somalian dictatorship era, which purported to give Siyad Barre unlimited powers, has survived from the 1993 Somaliland National Charter, let alone the Somaliland Constitution.

Article 36: The Rights of Women

1. The rights, freedoms and duties laid down in the Constitution are to be enjoyed equally by men and women save for matters which are specifically ordained in Islamic Sharia¹⁴⁶.

¹⁴⁶ This wording is similar to that used in the reservations to the CEDAW Convention on the Elimination of All Forms of Discrimination against Women (adopted by the General Assembly 34/180 of 18 December 1979, and which entered into force on 3 September 1981) made by the Muslim countries which ratified the Convention. The Somali Democratic Republic had not ratified this Convention by the time Somaliland reasserted its sovereignty in 1991. Somaliland is likely to make a declaration and reservation similar to other Muslim countries when it does ratify this Convention.

Article 40: Membership and Election of the House (of Representatives)

The House of Representatives shall consist of 82 members who shall be directly elected¹⁴⁷ by secret ballot in a free general election.

¹⁴⁷ The first such direct elections were held in September 2005. The previous House consisted of members who were selected by their communities on a power sharing formula agreed at the National Conference of the Somaliland Communities at Hargeisa in late 1996 and early 1997.

Article 41: Eligibility for Candidacy

Any person who is standing for election to the House of Representatives must fulfil the following conditions:

1. He must be a Muslim¹⁴⁸ and must behave in accordance with the Islamic religion.
2. He must be a citizen who is not younger than 35 (thirty-five) years.
3. He must be physically and mentally able to fulfil his duties.
4. He must be educated to at least secondary school level or equivalent.

¹⁴⁸ This Clause and the conditions in this Article also apply to membership of the House of Elders (see Article 59) and to appointments as Minister/Deputy Minister (see Article 94(5)). Also Clause 82(2) relating to the Presidential (and Vice-Presidential) office raises a similar condition. This condition is likely to be regarded as questionable under, for example, Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the African Charter on Human and Peoples' Rights which confirm that the rights and freedoms in both documents shall be enjoyed "*without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*". Article 8(1) of the Constitution which sets out equality of citizens covers all these aspects but leaves out religion. See also the notes relating to Article 8.

5. He must not have been subject of a final sentence for a criminal offence by a court within the preceding five years.
6. He must be a responsible person with appropriate character and behaviour.
7. No employee of the state shall be eligible for candidacy unless he has tendered his resignation from office prior to a period determined by law¹⁴⁹. Such resignation shall be accepted.

¹⁴⁹ Article 7(3) of the House of Representatives Election Law (Law No. 2-25 of 2005) sets this period as four months. The comparable period for other elections relating to the Presidency and Local Councils (Law No. 20 of 2001) is normally 180 days before the polling day, with the exception of the first nationwide local elections in 2002, where the period was reduced to 40 days.

Article 42: Period of Office and Election Term

1. The period of office of the House of Representatives is five (5) years beginning from the date¹⁵⁰ when the Supreme Court declares the electoral results.
2. The President shall announce the election of the new House one month¹⁵¹ before the expiry of the period of office of the outgoing House.
3. If the election of the House of Representatives cannot be conducted due to dire circumstances, the outgoing House shall continue in office until these circumstances end and a new House is elected. Dire circumstances are: a widespread war, internal instability, serious natural disasters, such as earthquakes, epidemic diseases (*and*) serious famines, and shall be determined and resolved by the House of Elders¹⁵² on the proposal of the Council of Government¹⁵³.

¹⁵⁰ The Supreme Court declaration of the results of the first general election of the House on 29 September 2005 was made on 1 November 2006.

¹⁵¹ This is a very badly drafted Clause and, in my view, is meant to mirror the clearer comparable Article 83(2) relating the lection of the President. In reality, the Election Law requires considerably longer than one month for the arrangements which have to be undertaken between the public announcement of the date of the election and the actual polling day, and so this Clause has been interpreted to mean that the date the President sets for the election shall be one month before the expiry of the term of office of the House. This therefore sets a strict time limit for the expiry of the term of office of the outgoing House, but it fails to link it to the start of the term of the new House, which, as set out in the preceding Clause 42(1), will be the date when the Supreme Court declares the electoral results. The 2005 election of the House took place on 29 September 2009 and the formal declaration of the results by the Supreme Court took place on 1 November 2005.

¹⁵² The extension of term Clause has often been used because of the delays in the first direct elections of the House, and has come under considerable criticism, as it was argued that none of the serious or dire circumstances listed in the Clause which are conditions precedent to its use have existed in Somaliland. The initial five-year term of the House of Representatives indirectly elected in 1997 was due to expire in May 2002 and the House of Elders resolved on 27 April 2002 to extend the term of the Representatives under this Clause by one year. On 3 March 2003, the House of Elders again resolved under Article 42(3) of the Constitution to extend the term of office of the House of Representatives for a further period of two years from 25 May 2003. In May 2005, it was announced by the Somaliland National Electoral Commission (SNEC) that the election of the House would not be held until 15 September 2005. Using Article 42(3) of the Constitution again, the House of Elders resolved on 28 May 2005 that the term of office of the Representatives would be extended yet again to 15 October 2005 (i.e. an additional 143 days). The SNEC later postponed the date of the election to 29 September 2005 for technical reasons, and the election took place on that date.

¹⁵³ This is the first reference to the "Council of Government", or as I prefer, the Cabinet. There is no definition of the Council of Government in the Constitution, but Article 94 sets out the "Council of Ministers" whose meetings shall be chaired by the President (or the Vice-President). It is submitted that the reference to the "Council of Government" relates to this body. Unlike the US Constitution,

the Somaliland Constitution explicitly mentions the Cabinet or Council of Government (or Ministers) in these provisions.

Article 51: Filling Vacant Seats in the House of Representatives

If a seat in the House of Representatives becomes vacant during any period prior to the final six months of the term of office of the House, it shall be filled as determined by law¹⁵⁴, and the new member shall serve for the remainder of the term of office.

¹⁵⁴ The vacancy shall be filled by the candidate of the same party whose name appeared next in the same regional party list of candidates at the election. See Article 14(2) of the House of Representatives Election Law which states:

- “1. The candidates in the parties’ lists who are unsuccessful in gaining seats shall remain as reserve candidates and shall have the right to fill any seat in the House of Representatives vacated by members of their party.
2. When a member (or members) of the House of Representatives vacates a seat in line with the reasons set out in Article 50 of the Constitution, and the Chairman (Speaker) of the House so declares, the Commission shall substitute, within a period of no more than two weeks, the departing member with a reserve candidate of the same party on the basis of the total votes¹⁵⁴ the reserve candidate has gained.”

Article 56: Dissolution of the House of Representatives

The House of Representatives may be dissolved¹⁵⁵:

1. When the House does not sit for two consecutive ordinary sessions without the existence of any circumstances beyond its control.
2. When dissolution is proposed by one third (1/3) of the members¹⁵⁶ of the House; and is approved by two thirds (2/3) of the total number of members of the House.
3. The Constitutional Court¹⁵⁷ shall issue a ruling in respect of the matters referred to in Clauses 1 and 2 of this Article, and shall submit the ruling relating to Clause 1 to the President and that relating to Clause 2 to the House of Representatives.
4. The House of Representatives may also be dissolved by the President after the public has agreed, in a national referendum¹⁵⁸ organised by the Constitutional Court, to the reasons for the dissolution.
5. When the President considers the ruling of the Constitutional Court issued in respect of the matters referred to in Clauses 1 or 2 of this Article, or the result of the national referendum under Clause 4 of this Article, he shall promulgate a Presidential Decree dissolving the House of Representatives and at the same time setting out the date of the election of the new House, which shall take place within 60 (sixty) days.

¹⁵⁵ Note that under Article 69 this procedure for the dissolution applies equally to the House of Elders. This is a highly unusual Article in the Constitution of a presidential system of government, with its high degree of separation of powers. The power of the Head of State to dissolve an elected parliament is normally found in parliamentary systems or mixed presidential/parliamentary systems.

¹⁵⁶ This must refer to a third of the total membership of the House, as this part of the Clause does not refer to the members present and voting at a sitting and the following part of the Clause refers expressly to the approval of the Dissolution by two thirds of the total membership.

¹⁵⁷ This Court is the Supreme Court: see Article 101 of the Constitution. The House Justice, Laws & Constitution Committee and the House Legal Adviser are empowered under Rule 49 of the House Standing Rules to deal with any legal cases relating to dissolution that may arise in connection with this Article.

¹⁵⁸ Such a referendum is likely to be carried out under procedures similar to that adopted for the referendum on the Constitution mentioned in Article 125 of the Constitution.

6. If the national referendum does not approve of the dissolution of the House of Representatives or the new elections cannot be held, the term of office of the House shall continue.
7. The House of Representatives shall not be dissolved during the first year of its term of office, or during the last year of the President's term of office.

Article 58: The Election of the Members of the House (*of Elders*) and their Period of Office

1. The members of the House of Elders shall be elected in a manner to be determined by law¹⁵⁹.
2. The period of office of the House of Elders is six (6) years¹⁶⁰, beginning from the date of its first meeting.

¹⁵⁹ Although this Clause uses the phrase "election", the Indirect Election of the House of Elders Bill (March 2003) initially proposed by the Government three years ago, stated that members of the House of Elders will be selected from each community (on the basis of the current allocation to each community in the present House) by a presidentially appointed committee. While Article 62 refers to the "selection" of the members of the House, a system of "indirect election" by the communities can still fall within the definition of "election". The Government's proposal was understandably rejected by many quarters, not least for its implications for the separation of powers enshrined in the Constitution. In May 2006, the Elders, on the proposal of the President, extended their own term of office for a further four years to October 2010. On 16 September 2006, the House of Representatives passed, by a narrow majority, a bill which proposed direct elections to the House of Elders, but the Elders rejected the bill on a point of principle, which meant that, under Article 78(5) of the Constitution, the Representatives had to muster a two-thirds majority to overturn the rejection. They could not raise such a majority and hence the bill lapsed. No further progress has been made as yet regarding the system of indirect (or direct) election of this House

¹⁶⁰ The six-year term of the current House expired in early 2003. Unlike Article 42(3) of the Constitution which allows extension of the term of office of the House of Representatives by a Resolution of the House of Elders, there is no provision in the Constitution for extending the term of office of the latter House. So in March 2003, the Government submitted to the House of Representatives a Bill relating to the Indirect Elections of the members of the House of Elders. This proved to be controversial and as the term of the Elders was coming to an end, the House of Representatives decided on 27 March 2003 that it would for the time being put the Bill to one side, but would approve a single clause (Clause 19) in the Bill which stated:

"If the indirect elections of the House of Elders can not take place due to dire circumstances or because of the practical arrangements, the House of Representatives shall, on receipt of the President's reasoned proposals, consider when the circumstances will be overcome and shall reach a resolution thereof."

The House passed this as a one-clause bill, and so did the Elders. The House of Representatives also considered another presidential proposal which this time appeared in the form of a Presidential Decree (Decree No. 105 of 27 March 2003), and which stated that in the light of the resolutions of both Houses relating to Clause 19, it was proposed that "the term of office of Elders must always expire one year after that of the House of the Representatives and that of the President". This was agreed by everyone. When, therefore, the House of Elders extended the term of office of the House of Representatives in 2003 for two years from 16 May 2003 to 16 May 2005, and then again in 2005 for 143 days to 15 October 2005, the Elders' term was automatically extended and was always to expire a year afterwards – i.e. on 15 October 2006. Nonetheless, on 6 May 2006, the Elders considered a Presidential Decree proposing to extend their term of office for another four years up to October 2010 and promptly voted to endorse it. The Decree had attached to it an 'advisory opinion' from the Supreme Court (sitting as the Constitutional Court), which the President apparently sought secretly on 22 April 2006, and was given by the Court in the same fashion, on 24 April 2006. The House of Representatives was not aware of the proposal and rejected the decision as it believed that the precedent set previously for the extension of the Elders' term should have been followed.

Article 59: Eligibility for Candidacy

Without prejudice to the requisite age and level of knowledge as set out below, any person who is standing for election to the House of Elders must fulfil the same conditions¹⁶¹ required for eligibility for election to the House of Representatives:

1. He must not be less than 45 (forty-five) years of age.
2. He must be a person who has a good knowledge of the religion or an elder who is well versed in the traditions.

¹⁶¹ These conditions are set out in Article 41.

Article 60: The Membership of the House of Elders

1. The House of Elders shall have 82 (eighty-two) members

...

Article 69: The Dissolution of the House

The House of Elders may be dissolved in the same manner¹⁶² as the House of Representatives.

¹⁶² See Article 56. The comments in that note apply to equally to the House of Elders. In a presidential system with a high degree of separation of powers, this reserve power of the President to dissolve both Houses is incongruous.

Article 72: Vacant Seats in the House of Elders and Procedures for Filling them

1. A seat in the House of Elders may become vacant on the realisation of one of the conditions set out in Article 50¹⁶³.
2. If a seat of the House of Elders becomes vacant during any period prior to the final six months of the term of office of the House, it shall be filled as determined by law¹⁶⁴, and the new member shall serve for the remainder of the term of office of the House.

¹⁶³ Article 50 refers to loss of members of the House of Representatives, but Article 68 relates to the loss of members of the House of Elders. The former is wider than the latter, and any conditions additional to those set out in both Articles will equally apply to the House of Elders.

¹⁶⁴ The position under Article 130(3) now is that any vacancy is filled by a person selected by the same community that chose the departing incumbent at the 1997 Conference of the Somaliland Communities. Many of the current members of the House, including its Speaker, have been chosen using this procedure since 1997. The Indirect Elections of the House of Elders Bill 2003 (Article 7) simply referred to this Article and Article 130(3) of the Constitution as the procedure for filling vacant posts, and signified that the current procedure would continue. In contrast, the 2006 bill (also rejected), which proposed direct elections, stated that any vacancies would be filled in the same way as those of the elected House of Representatives.

Article 82: The Conditions for Eligibility for Election as President or Vice-President

To be elected as President or Vice-President, a person must fulfil the following conditions:

1. He must be a citizen of Somaliland by birth, and, notwithstanding residence as a refugee in another country, must not hold any other citizenship.
2. He must be a Muslim¹⁶⁵, and must behave in accordance with Islamic religion.
3. He must not be less than 40 years of age.

¹⁶⁵ See the footnote comments on the similar requirement under Article 41(1) for membership of the House of Representatives and, by extension (under Articles 59 and 94(5)), for membership of the House of Elders and the Council of Ministers.

4. He must be physically and mentally fit to fulfil his duties.
5. He must possess knowledge of and experience in management (public and otherwise).
6. He must not have been convicted by a court for an offence against the Somaliland nation.
7. His spouse must be Muslim.
8. He must be fully apprised of the realities of the country, having been resident in the country for a period of at least two years before the date when the election is scheduled to take place.
9. He must register¹⁶⁶ his private property.

¹⁶⁶ No law has been passed to set up this register and the 2001 Election Law does not refer specifically to this important constitutional condition. Nonetheless, Article 26(2) of the 2001 Law lays a specific duty on the Electoral Commission to ensure that all candidates fulfil the relevant eligibility conditions, which for Presidential elections are as set out primarily in this Article. Incidentally, while no such precondition for registration of private property is required of parliamentary or local council candidates, in the case of the latter, Article 22 of the Regions & Districts Law 2002 (as amended in 2007) enjoins the successful candidates to register their private property (personal or real) within one month of the election. The register shall be kept and maintained by the Executive Secretary of each local council.

Article 83: Election Procedures

1. The President and the Vice-President shall be elected jointly through a direct general election¹⁶⁷ by means of a secret ballot.
2. The joint election of the President and the Vice-President shall be based on the list system¹⁶⁸ and shall take place a month before the end of the term of office of the outgoing President¹⁶⁹.
3. The outgoing President and Vice-President shall continue in office until the new President and the Vice-President assume their offices within a month (*of the election*¹⁷⁰).

¹⁶⁷ See the Presidential and Local Elections Law (Law No. 21 of 2001). The first such direct election took place in May 2003. Prior to that the President and Vice-President were elected by a constituent assembly at the Somaliland Conferences in Borama (1993) and Hargeisa (1997).

¹⁶⁸ This refers to the 'joint ticket' on which each party's Presidential and Vice-Presidential candidate run. The election is on the basis of first past post between the three 'tickets' put forward by the three parties – see Article 22(1) of the Presidential and Local Elections Law (Law No. 21 of 2001).

¹⁶⁹ This is a much clearer Clause than the comparable one relating to the election of the House of Representatives, Article 42(2), but it also sets a tight timetable for the election and the handover of office, especially when read with the following Clause.

¹⁷⁰ The Clause does not state clearly the starting date of this one month period. While the choice of a month in both this Clause and in Clause 2 of this Article was probably not just coincidental, this provision is, in my view, aimed at minimising the occurrence of a period of interregnum. This Article broadly follows the practice in presidential systems where the election dates as well as the inauguration dates are set out clearly in the constitution or by law, but are also given as periods of time (or 'windows') rather than specific dates, to allow some margin for the difficulties faced by a new democracy. The Clause makes clear that even after the election, the incumbent President shall remain in office for a transition period of no more than one month, the exact date of which to be decided, presumably, on consultation between the outgoing President and the President-Elect. It is hoped that agreed arrangements for this transition period can be developed. For example, with the exception of any unusual and unexpected delays in the Supreme Court's declaration of the result, an agreed set date of the swearing-in of the new President could be the day when the term of office of the outgoing President comes to an end. In practice, while the election must be held a month before the end of the term of the incumbent President, the result of the election only becomes final when the Supreme

4. The two candidates in the list which obtains the highest number of votes cast in the Presidential and Vice-Presidential election shall be recognised as the successful candidates.
5. If on the expiry of the term of office of the President and the Vice-President, it is not possible due to security considerations to hold the election of the President and the Vice-President, the House of Elders shall extend their term of office¹⁷¹ while taking into consideration the period over which the problems should be overcome and the election can be held.

Court confirms the outcome under Article 64(c) of the 2001 Election Law. In the last (and first) Somaliland Presidential election in 2003 the incumbent won the election and so the issue of transition and transfer of office was not addressed. The election took place on 14 April 2003, the NEC issued the provisional results on 19 April 2003, the Supreme Court declared the results on 10 May 2003 and the re-elected President was sworn into office on 16 May 2003, the date from which, under Article 88(1) of the Constitution, the term of his presidency started.

¹⁷¹ This was done by the House of Elders on 12 January 2002 when the five-year term of President M I Egal, which was due to expire on 23 February 2002 was extended by one year to 24 February 2003. On his death in May 2002, President Egal was succeeded by Vice-President Dahir Rayale Kahin for the remainder of the term of office. As the Presidential election was due to be held in April 2003, the House of Elders decided on 18 January 2003 to extend the term of President Kahin to 15 May 2003. The election took place on 14 April 2003 and President Rayale was re-elected with a very slim majority.

Article 88: Term of Office

1. The term of office of the President and the Vice-President is five years beginning from the date that they are sworn into office.
2. No person may hold the office of President for more than two terms¹⁷².

¹⁷² This term limitation is very common nowadays in most Constitutions. This Article does not say that the two terms a president serves must be full elected terms, and neither does it mention terms which president vice-presidents inherit. The following Article 89 deals with assumption of office by a vice-president. The first scenario is in Article 89(1) (which was introduced in the 2000 constitutional revision) and relates to the situation where a President vacates office within the first three years of his five-year term, in which case the Vice-President shall act as a 'temporary President' (i.e. a caretaker) and the election must be held within six months. In that scenario I think it will be difficult to argue that someone which the Constitution describes as 'temporary' – *Ku-meel gaadh* for six months has held a term of office as a 'substantive' President. The second scenario is in Article 89(2) where the vacancy arises during the last two years of the incumbent's term, in which case the Vice-President inherits the remainder of term and nominates his own Vice-President. But unlike the comparable provisions of the US Constitution where a Vice-President does inherit the remainder of the term of office whenever a vacancy arises, and there is a Clause that addresses when such a term would count for the purposes of the term limits clause even if it is an inherited term (i.e. more than two years under the 22nd Amendment), the relevant Somaliland Constitution is silent on this point . The US 22nd Amendment is worded differently and states that "no person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once...".

In short, the issue to be decided in respect of Article 88(2) is that as it does not say that "no one shall be elected (*looma dooran karo*) to the office of President for more than two years" and simply talks about the holding of the office (*jagada ma qaban karo*), should President Rayale's first short term prior to his election count as a term? It is possible that the "holding of office" formula was chosen in 1997 and remained in the 1999 revision of the Constitution because at the time no one could guess when the first direct elections of the President might take place, but that is the wording in this Article and cannot be simply read as referring to "elected office" only. Without any express and clear constitutional provision, disregarding the period during which a president "holds the office" when he

was not elected to it would mean that such a president may well end up serving in office for more than two terms, which would negate the two term limit, as currently drawn up in this Article.

Article 89: Procedure for Filling the Vacancy

1. In the event of the one of the circumstances set out in Article 86 happening to the President within the first three years of his five-year term of office, the Vice-President shall act as a temporary President, and the election of the President shall be held within six months.¹⁷³
2. In the event of one of the circumstances set out in Article 86 happening to the President within the last two years of his five-year term of office, the Vice-President shall assume the office of President for *the remainder of the term*¹⁷⁴, and shall then nominate a Vice-President from among the members of the House of Representatives subject to the approval of the two Houses¹⁷⁵. If the two Houses refuse to confirm the nomination, he shall nominate another member (*of the House of Representatives*) within 30 days, beginning from the date of the refusal of confirmation¹⁷⁶.
The person so appointed shall serve (*as Vice-President*) for the remainder of the constitutional term of office and shall, at the same time, relinquish his membership of the House of Representatives.
3. Similarly, in the event of the one of the circumstances set out in Article 86 happening to the Vice-President, the President shall nominate a member of the House of Representatives as Vice-President, subject to the approval of the two Houses. The honourable appointee shall hold office for the remainder of the term of office, and his seat in the House of Representatives shall then become vacant. If the two Houses refuse to confirm the appointment, the President shall nominate another member within 30 days, beginning from the date of refusal of confirmation by the two Houses.
4. In the event of the one of the circumstances set out in Article 86 happening to both the President and the Vice-President at the same time, the office of President shall be assumed temporarily by the Speaker of the House of Elders.

¹⁷³ This was added in the 2000 revision of the Constitution and was not in the 1997 Constitution. In the old Constitution, the Vice-President assumed the office of President until the end of the presidential term.

¹⁷⁴ The Constitution says here “for the remaining two years”, but clearly the period could be, and is likely, to be less than two years. The Presidential term of office is five years and the succession process during the first three years is dealt with in the preceding Clause.

¹⁷⁵ This Clause was invoked on 3 May 2002 when President Egal died and Vice-President Kahin assumed office for the remainder of the term, which was at that time due to expire in February 2003. President Kahin’s nomination as Vice-President, Mr Ahmed Yusuf Yasin, was approved by the two Houses. A controversy arose well after the event, that as the first Presidential election had not been held by then and the formation of the party system had not yet been completed, any presidential succession should have been dealt with under the more relevant Article 130(4), which says that the Speaker of the House of Elders shall assume the office and the two Houses shall elect the President and the Vice-President within 45 days. There did appear to have been a number of serious practical difficulties in following Article 130(4) – no election law was in place at the time and the political associations were just formed but had not yet become political parties. This issue has been further explored elsewhere by the author in connection with Article 130(4), which is no longer relevant since the first Presidential elections held in 2003.

¹⁷⁶ The need for the confirmation of the nomination of Vice-President by the two Houses in these circumstances was made clearer in this Clause in the revision of the Constitution.

The election of the President and the Vice-President shall then be held within 60 days, beginning from the date of the occurrence of the circumstance.

Article 109: The Structure of the Country

1. The territory of the Republic of Somaliland shall consist of regions, and each region shall be divided into districts.
2. The structure of the regions and the districts, their boundaries and hierarchy shall be determined by law¹⁷⁷.
3. Changes in the number of regions and districts and their boundaries and the reasons for the changes shall be proposed by the Council of Government (*Cabinet*) and approved by the House of Representatives and the House of Elders.

¹⁷⁷ The relevant law is the Regions and Districts Law (Law No. 23 of 2003 as amended in 2007).

Article 111: The Regional and District Councils

1. The regions¹⁷⁸ and the districts of the country shall have legislative councils, whose powers are limited to passing bye-laws which do not conflict with the laws of the country, and executive councils.
2. The total membership of each regional or district council, the conditions of membership¹⁷⁹ and their election procedures¹⁸⁰ shall be determined by law.
3. The Chairman of the district, shall, in consultation with the prominent members of village communities, propose village administration committees¹⁸¹ whose appointments shall be subject to the approval of the legislative council of the district.
4. The regional and district councils shall have power to plan their economic and social affairs.
5. The Chairman of the region shall be appointed by the Government and shall act as the representative of the central government in the region and the districts that come under it.
6. The Chairman of the region is the link between the central government and the districts of the region and shall come under the Ministry of the Interior.
7. The term of office of the regional¹⁸² and district councils shall be five (5) years.

¹⁷⁸ The Regions have non-elected councils chaired by the Government appointed Regional Governor (see Article 111(5) of the Constitution) and have an Executive Committee and a Development Council, but not a Legislative Council (see Articles 12 –14 of the Regions and Districts Law). In the Law on the Structure of the Ministry of Internal Affairs and the Administration of the Regions and Districts 1993 which was largely replaced by the Regions and Districts Law, the Regional Council was called the Legislative Council.

¹⁷⁹ For districts, see Articles 5, 6 and 25 of the Regions and District Law; and for regions, Article 12 of the same Law.

¹⁸⁰ The procedures for elections of members of District Councils are set out in the Presidential and Local Council Elections Law (Law No. 20 of 2001). Regional Councils are not elected

¹⁸¹ The maximum number of members of each such Council shall be seven – Article 33 of the Regions and Districts Law.

¹⁸² This constitutional term of five years for Regional Councils does not appear to be addressed in the Regions and Districts Law and might be covered in the forthcoming Regulations that might be issued under Article 54 of that Law. In reality, the term limit does not affect the composition of the Regional Council, whose membership is defined by the posts held rather than by the postholders – i.e. the Chairman and Deputy and the Executive Secretary, all appointed or dismissed at any time by the central government and the Mayors of the Districts who are elected or dismissed at any time by the District Council members (Article 12 of the Regions and Districts Law). As Clause 2 of this Article

8. a) A regional or district council may be dissolved before the end of its term of office.
 - b) The conditions which could lead to such dissolution and the procedures for dissolution shall be determined by law¹⁸³.
9. The secretary of the region or the district and the heads of the branches or sections of the Ministries shall continue to fulfil the council's responsibilities¹⁸⁴ in line with the existing laws (*and bye-laws*) until the election of a new council.
10. The regional and district councils shall have their own proper regulations, and shall be assisted in this task by the Ministry of Interior.

Article 127: The Limits of Amendments or Corrections to the Constitution

No proposal to amend or correct the Constitution shall be made if it includes a provision which is in conflict with the:

- a) Principles of Islamic Sharia.
- b) Unity of the country (territorial integrity).
- c) Democratic principles and the multi-party system.
- d) Fundamental rights and individual freedoms.

mentions the "election procedures" of Regional, as well as District Councils, this Clause is more suited to elect Regional Councils.

¹⁸³ For District Councils, this is set out in Article 38 of the Regions and Districts Law and is triggered by failure to meet, without good reason for two consecutive ordinary sessions, or by the passing of a dissolution resolution of the Council under qualified majority. As for Regional Councils, the Chairman may be dismissed by the President, but there is no dissolution procedure for them as the Council members (other than the Mayors of the districts in the region) are not elected (see Article 12 of the Regions and Districts Law).

¹⁸⁴ This Clause relates to situations where the local council has been dissolved.

Article 128: The Basis and the Supremacy of the Constitution

1.
2. The Constitution shall be the supreme law of the land, and any law which does not conform to it shall be null and void¹⁸⁵.

¹⁸⁵ Under Article 15(5) of the Organisation of the Judiciary Law, anyone who is complaining about a contravention of the constitution, of whatever nature, may lodge a reasoned complaint/petition at the Constitutional Court, and if there is an arguable case, the Court is obliged to consider the matter. As the Court has (as yet) no special rules of procedure and under the Judiciary Law it is expected to rely on the Civil Procedure Code, the petition must contain the procedural matters set out in Article 119 of the Code (such as name, representative, details of the complaint etc.). The Code (and to some extent the Civil Code) will also govern the form in which such cases are submitted by groups which are not natural or juridical persons. Under Article 15(1) of the Organisation of the Judiciary Law, the Court has the power to set aside temporarily any law or article/clause under contention until it reaches a final reasoned decision.

Article 130: The Implementation of the Constitution

....

3. In the event of one of the circumstances listed in Article 50¹⁸⁶ happening to a member of the House of Elders or the House of Representatives, the community which he

¹⁸⁶ Also, by implication, the circumstances listed in Article 68, in respect of the members of the House of Elders. Until the indirect or direct election of the House of Elders is settled and a new law passed, this transitional Clause will continue to apply to the filling of any vacancies that arise.

represented shall fill that vacancy until such time as the system of elections through parties is adopted.

....

**CHAPTER FIVE: THE REGULATION OF POLITICAL ASSOCIATIONS & PARTIES
LAW (as amended) – LAW NO. 14/2000**

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF SOMALILAND

- HAVING SEEN:** Articles 9, 22 and 23¹ of the Constitution of the nation;
- HAVING NOTED:** The proposals of the Internal Affairs Sub-Committee (of the House), the contributions of the members of the House of Representatives and the House of Elders in the debates relating to this Law;
- HAVING CONSIDERED:** the need for moving from a (political) system based on representation through the various communities to one based on political parties and free elections;

HAS APPROVED THE FOLLOWING LAW:

Article 1: Definitions

1. Committee: means the Committee for the Registration of Political Associations and the Approval of Parties.
2. Region/District: means the legally recognised regions/districts of the Republic of Somaliland.
3. The legally recognised councils: means the Constitutional councils of the Republic of Somaliland, which are:
 - The House of Elders.
 - The House of Representatives.
 - The Council of Ministers².
4. Association/associations: means a unit of politically organised section of the society which has been registered for participating in the local government elections prior to its recognition as a political party.
5. Party/parties: means party/parties which have been approved for participation in the general elections of the Parliament and those for the President and the Vice-President.
6. Foreigner: means any person who is not a patriot³ (citizen) of the Republic of Somaliland.
7. Public media: means radio stations, newspapers, cinemas, public assembly places and other information dissemination tools which are managed by the state.
8. Public assets: means the movable or immovable assets of whatever form, which are owned by the state.
9. Application form: means the special form issued by the Committee that sets out the information and particulars required of associations which apply for registration.
10. National election: means the general election which will be contested by the three (3) national parties⁴.

¹ Article 9 relates to the political system, Article 22 to political, social and electoral rights and Article 23 to freedom of movement and association.

² See Articles 81 and 94 of the Constitution for the composition of the Council of Ministers.

³ See Article 4 of the Constitution and the Somaliland Citizenship Law.

⁴ Under Article 9 of the Constitution, the number of political parties shall not exceed three.

Article 2: The Committee for the Registration of Political Associations and the Approval of Parties

The Republic of Somaliland shall have a general committee which is independent and which will have the responsibility for registering associations and approving political parties.

1. The Committee shall consist of seven (7)⁵ members. At least two of the members shall be lawyers.
 - a) They shall have a Chairman, a Deputy Chairman and a Secretary⁶.
 - b) The Committee (members) shall be chosen on the basis of the following conditions⁷:
 1. He must be a Muslim and must behave in accordance with the Islamic religion.
 2. He must be a citizen who is not younger than 40 years of age.
 3. He must be physically and mentally able to fulfil his duties.
 4. He must be educated to at least secondary school level.
 5. He must not have been the subject of a final sentence for a criminal offence by a court within the preceding five years.
 6. He must be a responsible person of good character and behaviour, and must be known for his impartiality.
 7. He must have at least ten years' experience of work and management.
 8. He must have been resident in the country of the Republic of Somaliland for the preceding three years.
 9. As for the two lawyer members, they shall in addition fulfil the conditions for selection of judges of the Supreme Court⁸.
 - c) They shall have agents in the regions and districts of the country.
 - d) The Committee shall continue in office for a period of six months⁹ after their approval of the three parties which have succeeded in the nationwide elections¹⁰.
2. The President of the Republic of Somaliland shall nominate the Committee for the approval of political parties, and the nomination shall be approved¹¹ by the House of Representatives on a simple majority vote¹².

⁵ On 12 February 2001, The House of Representatives agreed to a Government request to increase the number of members to nine (9), but no further appointments were made.

⁶ On 20th February 2001, the Committee elected at its first meeting Lawyer Mohamed Jama Bodle (Guun) as Chairman, Adan Gedi Qayad as Deputy Chairman and Suleiman Ali Yusuf Ali (Kore) as Secretary.

⁷ Except for age, conditions numbered 1 to 6 are similar to those for members of the House of Representatives (see Article 41 of the Constitution), and indeed the Political Parties Bill previously stated that the eligibility criteria of the Committee members was the same as that for members of the House.

⁸ The conditions, at that time, were set out in the 1962 Organisation of Judiciary Law – see Article 21, which apart from promotion through the judicial ranks, made appointments to the Supreme Court conditional on possession of a minimum of ten years' legal experience.

⁹ An early version of this law stated that the term of office of this Committee was five years (Article 1(1)(d)) but this was changed in the final bill to this period and no provisions of the law covered the extension of the term of office of the committee beyond this period or its reappointment of new committee members.

¹⁰ The nationwide local elections took place on 15 December 2002. On 25 December 2002, the Committee, having received the results of the election from the Electoral Commission announced formally that UDUB, KULMIYE and UCID had been recognised as the three national political parties accepted under Article 9 of the Constitution.

¹¹ On 10 February 2001, the House approved the nomination of the following six members:

1. Mohamed Jama Bodle.
2. Hassan Ahmed Nur.

3. The Committee shall receive emoluments which shall be set out in a special law.
4. The Chairman of the Supreme Court shall administer the following oath to the Committee (members) within seven¹³ days of the day when the House of Representatives approves of their nomination:
“I SWEAR BY ALLAH THAT I AM NOT A MEMBER OF A POLITICAL UNIT, ASSOCIATION OR PARTY, AND WILL NOT BE A MEMBER OF ANY (SUCH) ASSOCIATION OR PARTY WHILE IN OFFICE; AND SHALL WORK FOR THE SOMALILAND SOCIETY WITH JUSTICE, EQUALITY AND HONESTY.”

Article 3: Receipt of Applications for Registration

1. The Committee shall announce through the media of the country the period for receipt of applications for registration of political associations, the closing date for such applications and the addresses of the headquarters of the regions/districts of the country to which the applications should be submitted. The period for receipt of applications shall be two months beginning from the day when the announcement¹⁴ has been made. *[The period for receipt of applications for registration shall be reopened¹⁵ for two months beginning from the date the Committee issues a notice¹⁶ to this effect..*
2. Any association seeking registration as a political association shall submit an application in the prescribed form to the Committee and shall enclose the following particulars and documents:
 - a) The date when and the place where the association held its first founders’ meeting.
 - b) The list of the names of the founders of the association (the executive committee¹⁷) and the methods of election of the officers.
 - c) The structure of the association, showing the full name of the association, its written abbreviation, symbol and acronym.

-
3. Ali Yusuf Ahmed.
 4. Yusuf Omer Mohamed.
 5. Mohamed Ahmed Dualeh.
 6. Abdillaahi Bokh Kunshe.

Two days later, the House approved the seventh appointee, Adan Gedi Qayad.

¹² In contrast, the permanent Electoral Commission members are nominated not only by the President, but also by the opposition associations/parties and the House of Elders, and their nominations are approved by the House of Representatives on the basis of an absolute majority – see Article 11 of the Presidential and Local Council Elections Law – Law No. 20/2001.

¹³ It is not clear from this Clause whether the oath should be administered within seven days or on the seventh day, but, from the context, I have chosen the former interpretation.

¹⁴ In July 2001, the Committee announced that all associations wanting to be registered must submit their applications during the two month period starting 21 July 2001 and ending 21 September 2001.

¹⁵ As the elections could not be held before the expiry of the term of office of the current President (and Government), the House of Elders resolved on 12 January 2002 that the term of office of the President be extended by one year and that, among other things, the registration of associations/parties be opened again for a period not exceeding two weeks (Resolution 3 of January 2002 in the 16th session of the House). On 18 February 2002, the House of Representatives resolved that the period of registration would be reopened for two months, and finally this amendment was signed into law by the President on 11 March 2002.

¹⁶ The Committee issued a notice on 18 March 2002 that registration would be reopened for a period of two months starting 18 March 2002 and ending 18 May 2002.

¹⁷ As it is likely that the founders and elected Executive Committee may be different from each other, this Clause may be interpreted as requiring both sets of names.

d) Proof of full payment of the non-refundable deposit of SI.Sh. 5,000,000 (five million).

Article 4: Provisional Political Parties

1. On expiry of the application period for registration of associations, the Committee shall confirm the associations which fulfil the necessary conditions¹⁸, and shall grant them a provisional approval¹⁹ which will enable them to operate.
2. The period in which the associations can so operate shall be three (3) months beginning from the date when the provisional approval has been granted.
3. Every association/party shall submit, within the period set out in Clause 2 of this Article, the following documents and particulars:
 - a) The holding of the general meeting of the association or party, the date when and the place where it was held, and the main issues dealt with.
 - b) Proof that the association has functioning branches and that it has registered at least 500 (five hundred) members in every region²⁰.
4. The Committee shall issue to every association/party which is granted provisional approval enabling it to operate, a copy of this Political Parties Law so that the Law can form the basis of its rules.
5. The rules of every political association/party shall show clear adherence to (the principles of) democracy, power-sharing and decision-making from the bottom up, and not from the top-down.
6. Every association (party) shall submit to the committee ten printed copies of its rules and the details of its addresses in all the regions and districts of the country.
7. The rules of every association/party shall conform to the provisions of the Constitution and the other laws of the Republic of Somaliland.
8. A patrial²¹ of Somaliland may become a member of any association/party.
9. A political association which has been granted approval as a party²² shall not amalgamate with another party prior to the election²³. In the same way, the rules of

¹⁸ These are set out in the preceding Article 3(2).

¹⁹ On 25 September 2001, the Committee announced that seven associations had been granted provisional approval for a period of three months starting from 25 September 2001. These associations were UDUB (United Democratic Nation) – the party set up by the President of the Republic; UCID – Justice & Welfare Party; SAHAN – Somaliland Alliance for Islamic Democracy; BIRSOL – Salvation and Protection of Somaliland’s Aspirations; HORMOOD – Champions for Peace & Prosperity; UMAD – Unification of Somaliland’s Viewpoints; ILAYSKA – Somaliland Beacon Light Party. (*The translation of the names was in the English Language Weekly, The Republican, of 22 September 2002*). These seven associations were the ones that registered within the two month registration period. On 18 March 2002, the Committee announced that of the seven registered associations, five fulfilled all the conditions for provisional registration, and, subject to them not breaking the Law, they could participate in the nationwide local elections. The remaining two, UMAD and ILEYSKA were asked to take advantage of the reopening of the register and to work to fulfil all the conditions, but later, on 24 September 2002, the Committee announced that UMAD had failed to fulfil the legal requirements.

When the registration was reopened in 2002, two other associations, ASAD and KULMIYE, were registered.

²⁰ Somaliland has six regions – Awdal, Hargeisa (previously known as North West), Sahil, Togdher, Sanag and Sool.

²¹ All citizens, whether patrial or not, have the same rights under Article 8 of the Constitution.

²² This Clause is by no means clear. If it refers to the granting of provisional approval, then the bar on amalgamation of parties lasts only until the first nationwide local elections.

²³ Again, it is not clear to which election this refers, and as the phrase “general election” which is defined in Article 1 of the Law has not been used in this Clause, it suggests that the election referred to here may be

any such party shall make it clear that no member or members of the party who have been elected to the legally recognised Councils²⁴ may be expelled from the party, and that these elected members shall not join any other party.

10. The programme of every party shall address clearly the following issues:
 - a) The maintenance of the peace, harmony and the public order of the country.
 - b) The advancement of education and religion.
 - c) The promotion of health and welfare.
 - d) The care and protection of the environment.
 - e) The development and utilisation of the natural resources of the land.
 - f) The promotion of knowledge and technology.
11. The three associations which in the local election gain 20 per cent of all the votes cast in every region shall be recognised as a national political party, and shall be issued with a certificate of recognition as a national party.
12. If only one association succeeds in gaining 20 per cent of the votes in every region, the Committee shall recognise as political parties that party and the other two associations which come next in the number of votes cast for them in every region.
13. If no political association gains 20 per cent (of the votes)²⁵, the Committee shall recognise as political parties the three associations which have gained the highest number of votes cast in the elections in the regions of the country.

the first nationwide local elections. Presumably the Committee will publicise its interpretation of this Clause and ultimately the Supreme Court may have to decide on any challenges. One of the earlier versions of the Political Parties Bill included in this Clause the phrase “after the election”, rather than “prior to the election”. This would have been more in line with the following part of this Clause which bans members elected to office from joining other parties after the election. As it is now, there could be a party joining another after the election, but the members of that party who had been elected to office can not follow their party, presumably until their term of office expires and they have to stand again for re-election through the new amalgamated party. It has been my criticism of this Law that with amalgamations after the elections, Somaliland may end with an overweening single party, and as the Law does not make any provision at all for the formation and registration of new parties, a new Law and procedures would have to be set in place to allow the creation of other parties up to the limit of three allowed by the Constitution. By then a new method of choosing between the new aspiring associations would have to be worked out.

²⁴ See Article 1 for the definition of “legally recognised councils” – these are the two Houses of Parliament and the Council of Ministers. It is not clear why instead of local councils, the latter – the Council of Ministers, which is not an elected body – is included. Under Article 90 and 94 of the Constitution, the President appoints and dismisses ministers. In contrast members of district authorities will be elected (see the Presidential & Local Councils Law Elections Law – Law No. 20/2001).

²⁵ As no association reached the 20 per cent threshold in all the six regions at the local council elections, the three with the highest votes cast for them in all the regions were recognised as the three parties. The results, as issued by the Electoral Commission, were as follows:

Organis.	N.W.	Sahil	Togdher	Awdal	Sanag	Sool	Total
ASAD	10,943 5.8%	2,281 8.375%	9,283 13.938%	8,727 8.68%	6,655 12.53%	1,707 27.26%	39,596
Hormod	29,104 15.615%	1,188 4.362%	1,454 2.183%	7,229 7.19%	1,409 2.65%	154 2.45%	40,538
KULMIYE	29,923 16.05%	5,309 19.49%	17,476 26.246%	13,679 13.611%	13,701 25.80%	3,070 49.03%	83,158
Sahan	14,748 7.912%	2,054 7.54%	15,234 22.87%	4,499 4.476%	11,356 21.38%	51 0.814%	47,942
UCID	30,676 16.458%	2,900 10.648%	4,821 7.23%	7,422 7.385%	3,401 6.40%	224 3.577%	49,444

14. If the number of votes cast for two or more associations is equal, the election shall be staged again²⁶ at a time set by the Government²⁷.

Article 5: Matters which Associations/Parties Are Forbidden to Undertake

1. No party/association shall pass false or inaccurate information to the Committee.
2. No party’s rules shall include a provision or provisions which are contrary to the Constitution or Islamic Sharia.
3. No association/party shall receive financial support from foreign sources which it can use for its functions or political activities.
4. No association/party shall use or utilise for its own electoral activities Somaliland public²⁸ resources.
5. No association/party shall use armed²⁹ groups or forces for the furtherance of its own interests.

Article 6: The Rights of Political Parties

The political parties which have been issued with a certificate as a party shall have the right to:

- a) have access to the national public media in an equitable manner, and, having obtained the approval of the appropriate agencies, to own their own special information services;
- b) express freely their political opinions, without damaging public order and the overall peace of the Republic;
- c) be free from suppression or closure, and have the right to own private property;
- d) put forward critical comments or criticise other political parties or the Government;
- e) submit, in writing, to the relevant Regional Court any complaints or grievances they may have about the work of the Committee;
- f) appeal, dissatisfied with the decision issued by the Regional Court, to the Constitutional Court³⁰, which shall review the issue.

Article 7: The Candidates Standing for Elections

1. Any citizen of Somaliland shall have the right both to stand for election and to vote, but only the following can be candidates for elections:

UDUB	70,989 38.08%	13,502 49.577%	18,330 27.52%	58,939 58.64%	16,574 31.215%	1,055 16.85%	179,389
Total	186,383	27,234	66,598	100,495	53,096	6,261	440,067

²⁶ This Clause is subject to the preceding clauses. In the earlier version of the Bill, such a tie was to be settled by drawing lots in the presence of the Chairman of the Supreme Court. The risk of costly second round election to decide which of the associations would become the three parties allowed under the Constitution did not materialise.

²⁷ This has to be read in the conjunction with Article 14(1) of the Presidential and Local Government Elections Law of 2001 which gives the independent Electoral Commission the power to set the date of elections and to inform the President so that he can issue the appropriate Decree.

²⁸ I have chosen the word ‘public’ rather than ‘national’, which is nearer to the Somali phrase used in this Clause, to signify that this includes resources owned by both national and local government.

²⁹ Article 23(4) of the (Revised) Constitution outlaws associations which are military in nature or are armed. The formation of armed groups is also dealt with by the Penal Code.

³⁰ This is the Supreme Court sitting as the Constitutional Court. The appeal will leapfrog the Regional Appeal Courts. It is usually the Supreme Court that deals with electoral complaints.

- a) A Somaliland citizen who has been nominated for election by a party and who has fulfilled the conditions set out by law.
 - b) No independent person who has not been endorsed in the name of (an approved) party shall stand as a candidate³¹.
2. The Regional Committee of every party shall nominate the candidates at the district level.

PRAISE BE TO ALLAH

MOHAMED HUSSAIN OSMAN
GENERAL SECRETARY OF THE HOUSE OF REPRESENTATIVES

AHMED MOHAMED ADAN (QAYBE)
CHAIRMAN OF THE HOUSE OF REPRESENTATIVES

NOTE:

This Law was passed by the House of Representatives on 19 June 2000 (Resolution No. GW/KF-11/133/2000) and the House of Elders on 8 July 2000 (Resolution No. GG/jsl/KAL-11/G10217/2000); and the President signed it (Presidential Decree No. 26 of 2000) on 6 August 2000. It came into force on the latter date.

³¹ In 2003, the Constitutional Court confirmed in the case of *Fawzia H Yusuf & Others*, that no independent candidates could stand for election, in that case, to the office of President. No reasoned written decision was issued by the Court.

CHAPTER FIVE: THE LAW ON PRESIDENTIAL & LOCAL DISTRICT COUNCILS ELECTIONS 2002 (LAW NO: 20/2001)

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF SOMALILAND

Having seen: Articles 9, 22, 25, 83 and 111 of the National Constitution of the Republic of Somaliland;

Having considered: The need to move away from a (political) system based on representation through the various communities and the need to realise the long-awaited aspiration of the nation to have free contests for positions of authority in the state;

HAS HEREBY APPROVED THIS LAW:

Article 1: Definitions

Election: means the sifting of candidates running for office by means of majority votes cast by the relevant electorate.

Commission: means the highest committee responsible for the organisation of and the decision-making in respect of the elections.

Polling Station: means the place where a number of the members of the public who reside near each other cast their votes.

Electoral Ward¹: means the area which encompasses various polling stations which are all set for voting in connection with two or more specified candidates.

Agent: means the person appointed by an association²/party to act as its agent to follow the election activities at the polling station or the electoral offices.

Candidate: means the person nominated by an association/party to contest an election.

Voter: means the person who fulfils the conditions for voting and casts his vote.

Local Council: means the council elected by the voters in a district to act as the administrative and legislative local government in the district.

Electoral Region: means an area which covers a number of electoral districts.

Electoral District: means an area which includes at least one polling station.

Seat: means a position of authority which will be filled by one person through an election.

¹ The Law does not set up any "electoral wards". The various electoral offices or units are set out in Article 10 of this Law. No wards or constituencies different from the four electoral offices/units (polling station, district, region and national) have been set up under either this Law or the 2005 Electoral Law. This term survived from the earlier draft versions of this Law, which, at various stages, initially covered the elections of both Houses of Parliament and of the local (municipal) district councils. In this earlier bill, the actual districts were chosen as both the electoral "wards" and had their district electoral offices and polling stations, but for the parliamentary elections the bill proposed that "the country will be divided into electoral wards which are based on the borders of the existing districts". As no agreement could be reached on the allocation of the parliamentary electoral "wards" or constituencies and the allocation of seats, it was decided to separate the parliamentary elections law from that relating to the local elections.

² The phrase association/party (i.e. *urur/xisbi*) is used throughout the Law to underline the fact that of the registered associations/parties which will be participating in the first nationwide local elections in 2002, only three would, after these first election, be accepted as the three political parties allowed under Article 9 of the Constitution (see Article 3 of the Political Parties Law).

- Symbol/Symbols:** means a unique logo or sign which identifies one association/party.
- List/Lists:** means the names of candidates submitted by an association/party, which are arranged in the order in which they are to be elected³.
- Election Campaign:** means the activities of the associations/parties and candidates in competing for the understanding and support of the voters.
- Central Office:** means the supreme headquarters for the management of the election activities to be carried out by the Commission.
- District Office:** means the office which manages the polling stations in the district.
- Regional Office:** means the office which manages the election activities in the region.
- Polling Station Office:** means the office which manages the election activities at the polling station.
- Observers:** mean the international or local inspectors accredited by the Commission, who shall ensure that the election activities are conducted properly.

Article 2: General Principles

This Law shall govern the election of local⁴ Councils and the election of the President and Vice-President.

Article 3: Term of Office

The term of office of the elected candidates shall be:

- a) Five years for the President and the Vice-President.⁵
- b) Five years for the Local Councils.⁶

Article 4: Membership of the Local Councils

The total membership of the Local Councils⁷ to be elected shall be:

³ The party lists for the local elections are therefore closed, in contrast to the lists in the 2005 Election Law, which are partially open, except in the case of any region where the parliamentary election could not take place (see Articles 1 and 12 of the 2005 Law).

⁴ The law covers the elections of the local district councils. The regional councils are currently unelected and consist of central government employees and the elected mayors of the districts in each region – see Article 12 of the Districts & Regions Law 2002, as amended in 2007 (Law No. 23/2002). But as Article 111 of the Constitution states that a Law shall determine the election of the regional (as well as the district) councils, the amended Article 12 of the Regions & District Law makes it clear that that the current arrangements apply only until the regional councils are elected. No law to govern such elections has so far been passed.

⁵ Article 88 of the Constitution already sets out that the term of office of the President/Vice-President is five years “beginning from the date that they are sworn into office”.

⁶ This is also set out in Article 111(7) of the Constitution.

⁷ The districts and their assigned categories are set out in Article 6 of the Regions and Districts Law 2003, as amended in 2007, and are as follows: 6 Category A districts, other than the capital city; 5 B districts; 11 C districts and 19 D districts (42 in total). The Annex to the Law (and Article 7) state that all the 19 category D districts are to be considered as “temporary administrative” districts until such time as the Government delineates their borders, assesses them as fulfilling the legal criteria set out in the Law and submits its assessments to the House of Representatives, within 12 months of the promulgation of the Law. It is only then that the requisite number of councillors for such districts can be elected. Prior to the completion of this process, these temporary districts shall remain a part of the districts from which they were separated (Article 7(4)). As the end of 2008 approaches, no assessments have yet been made and submitted to the House. This reconfirms the position in 2002 when Article 7(d) of the then Regions & Districts Law 2002(d) confirmed that the districts graded D would not have district councils elected for them at 2002 local elections. Similar considerations apply to the 16 districts created by Presidential Decrees on 23 March 2003 – indeed the Decrees made it clear that the announcements would have no effect on the forthcoming elections.

- a) The Local Council of the Capital City, 25 members.
- b) The Local Councils of category A Districts, 21 members.
- c) The Local Councils of category B Districts, 17 members.
- d) The Local Councils of category C Districts, 13 members.
- e) The Local Councils of category D Districts, 09 members.

Article 5: Conditions relating to Voters

1. He⁸ must be a patrial citizen⁹ of Somaliland.
2. He must not be less than 16 years¹⁰ of age during the year¹¹ the elections are being held.
3. He must be free and not in prison.

Note: Article 30 of the Voter Registration Law 2007 states that “the Commission shall issue a voting card to every citizen who has registered. To exercise his right to vote, it is incumbent on a citizen to go to the (relevant) polling station¹² while carrying his voting card”. This is in effect the main condition relating to voters. Article 10 of the 2007 Law enumerates the above conditions as also being necessary for voter registration – Editor.

Article 6: Rights of the Voter

Every voter who fulfils the conditions set out in the Law¹³ shall have the right to:

1. cast his vote in the district where he is¹⁴ and where the election is being held.

⁸ It is trite to state that ‘he’ includes ‘she’ throughout this Law. Note also Article 8 of the Constitution which gives all citizens equality of rights and obligations before the law regardless of gender, birth, status etc.

⁹ Article 22(2) of the Constitution also states that “every citizen who fulfils the requirements of the Law shall have the right to be elected (to an office) and to vote”. Article 4 of the Constitution defines citizenship on grounds of patriality (i.e. descent from a person residing in Somaliland on 26 June 1960 or earlier) and confirms that the law shall determine the acquisition and loss of Somaliland citizenship. The Somaliland Citizenship Law (Law No. 22/2002) sets out both the patriality principle and the rules relating to naturalisation (i.e. ten years residence, surrender of other nationality, etc.). Naturalised citizens and others, like wives who acquire citizenship under the Citizenship Law, have, as citizens, the right to vote. Any differential treatment of citizens in connection with this basic democratic right is likely to be contrary to Article 25 of the International Covenant on Civil and Political Rights 1966 and Article 13 of the African Charter on Human and Peoples’ Rights 1981. It was no surprise, therefore, that by the time the 2005 Election Law was passed, this issue was addressed and the comparable Article in that Law (Article 5(1)) includes the additional phrase “or a naturalised citizen in accordance with the Citizenship Law”. This is an improvement, but it would have been more comprehensive if the change covered not just all naturalised citizens, but all persons who “acquired citizenship in accordance with the Citizenship Law”, which would also cover, for example, wives who acquire citizenship through Article 9 of the Citizenship or children who acquire it under Article 10 of the same Law. Nonetheless, as the new Voter Registration Law 2007 now confines the right to cast votes to citizens who have registered themselves, the confirmation of Somaliland citizenship is now more pertinent at the registration stage and not necessarily on the polling day, and Article 1(4) of the 2007 Law correctly defines citizens as every person who fulfils the conditions set out in the 2002 Citizenship Law. Perhaps similar words can be used when a consolidated electoral law is finally promulgated.

¹⁰ The Referendum Law and the previous Elections Bill (as well as the earlier pre-1969 ‘Somalian’ laws) set the voting age as 18, but various states are now considering lowering of the age of voting.

¹¹ The choice of this imprecise phrase, in the Law as well as in the 2005 Law, has, in my view, more to do with the Somali custom of identifying age by year and season, rather than by date, as there was (and is) no birth registration. When the registration of voters is completed, however, the issue of the qualifying age of prospective voters would be addressed at the registration stage and not at the election polling stations.

¹² See Article 31(8) – the Voter Card confirms the relevant polling station.

¹³ Presumably this Law, and now also the Voter Registration Law 2007.

¹⁴ This Clause referred literally to the location of the voter, presumably on the date of the election, rather than where he normally resided, and was used when there was no voter registration system.

Note: Under Article 14(c) of the Voter Registration Law 2007, “every voter shall cast his vote at only the polling station where he was registered” – Editor.

2. A voter who is away from the territory of the Republic of Somaliland shall cast his vote at the nearest diplomatic office of the Republic of Somaliland, but the Commission shall decide whether that is available or feasible¹⁵.
3. Voting shall be personal, free, direct, and secret, and all votes shall be given equal weighting.
4. Each voter shall have only one vote for each election.
5. The members of the Electoral Commission shall not be entitled to vote while in office.

Article 7: Employees of the State and of Governmental Bodies

1. The employees of the state and those of the independent governmental bodies, as well as members of the armed forces of whatever rank, shall not be eligible to stand for the local or Presidential/Vice-Presidential elections unless they have submitted their written resignations 180 days¹⁶ before the date of the elections. *(But in the forthcoming elections (the first elections¹⁷) the period for resignation shall be 40 days before the date of the elections. Italics and brackets added by Editor.)*
2. Such resignation must be confirmed in writing by the office or the body which has the power to do so¹⁸.

Article 8: Timing of the Elections

The Commission shall declare, in accordance with the Constitution¹⁹, the dates when elections shall be held and their declarations shall be published as Presidential Decrees.

¹⁵ Somaliland is as yet unrecognised, and therefore has no accredited legations abroad which can facilitate registration and voting of expatriates. The 2007 Law does not cater for registration of citizens outside the country and does not envisage in its current state voting outside the country. Nonetheless, this Clause is an enabling provision which can be activated by the Electoral Commission when circumstances permit, but any future registration of voters abroad will require an amendment of both the 2007 Law and the two electoral laws.

¹⁶ These are minimum periods. Note the comparable provision in the 2005 Law, which sets the period as four months – see Article 7(3).

¹⁷ The first elections were the local district council elections which were held in December 2002.

¹⁸ Presumably, this is the governmental office or body which employed the person concerned.

¹⁹ In the case of Presidential elections, Article 83(2) of the constitution states that the election shall “take place a month before the end of the term of office of the outgoing President”. Article 83(5) of the Constitution allows for the House of Elders to resolve an extension of the term of office of the sitting president but only in the exceptional circumstance where security considerations make the holding of the election impossible. The use of this Article in the past when the election could not be held because of reasons unrelated to security (e.g. preparations for the election, voter registration, etc.). To minimise disagreements about this matter, the three parties and the Electoral Commission, in an accord signed on 9 June 2008, agreed that “If unforeseen circumstances that would postpone the implementation of the Presidential election appear, the National Electoral Commission and the three national political parties will reach a joint collective decision about it. The House of Elders shall approve the timeline and the collectively agreed timetable without further (term) extensions” – see Clause 6 of the Accord.

As for local elections, Article 111(7) simply sets out the term of office of local councils as being five years. Article 20 of the Regions & Districts Law 2002 (as amended) confirms that the five-year term starts from the date when the (Regional) Court announces the outcome of the local district council elections (under Article 62 of this Law) and adds, confusingly, that it ends 14 days after the Court announcement relating to the new elections!

Article 9: Polling Stations

1. When the elections of the President and the Vice-President are being held, the country shall be divided in line with the respective areas of the Regions²⁰ of the Republic of Somaliland into electoral regions, which shall be further subdivided into polling stations.
2. When the local council elections are being held, the administrative area of each district shall be recognised as an electoral district, and shall be subdivided into polling stations where the votes will be cast.
3. The Commission shall, in consultation with the Ministry of Internal Affairs, the Chairmen of the Regions²¹ and of the Districts, set up the polling stations of the districts/regions, at the latest, 40 days before the date of the elections.

Note: Article 11(1) of the 2005 Law includes the additional stipulation that the Commission shall also consult the national parties about the setting up of the polling stations, and Article 11(2) sets the deadline for their establishment as being no later than 60 days before the polling day.

THE ELECTORAL COMMISSION OF THE REPUBLIC OF SOMALILAND**Article 10: Structure of the Electoral Commission**

The structure of the offices of the Electoral Commission shall be as follows:

- a) Polling Station Electoral Office.
- b) District Electoral Office.
- c) Regional Electoral Office.
- d) Central Electoral Office.

Article 11: Electoral Commission

1. The Commission shall consist of seven members²² who are as follows:
 - a) The Chairman and six members.
 - b) The Commission shall elect²³ from among its members the Chairman²⁴ and the Deputy Chairman.

²⁰ These are still the six regions set out in Article 5 of the Regions & Districts Law 2002, as amended in 2007.

²¹ Otherwise known as Governors.

²² Article 30 of the 2005 Election Law, as initially passed by the two Houses and signed by the President, proposed to increase the membership of the Commission to nine, but was referred back for repeal by the President on 24 April 2005. Despite the questions about this repeal, the total membership of the Commission remained the same and indeed the House accepted this in the appointment process of the new Commission in 2007.

²³ It follows from this also that the Commission may de-select the Chairman and Deputy Chairman so long as the legal and procedural matters mentioned in Clause 5 of this Article, and any agreed internal procedures which are not contrary to the Constitution and laws of the land are followed. On 3 May 2008, four of the Commissioners (while one was on sick leave and another on suspension) decided to discipline the then Deputy Chairman, Hirsi Ali Hassan, who on 29 April 2008 issued a very highly publicised press release rebutting some comments made by the President about the Commission made. The Commissioners felt that the Deputy Chairman had acted on his own and had thereby infringed the internal rules of the Commission. They then resolved to remove him from the post of Deputy Chairman with effect from 4 May 2008 and to administer a final warning to him. In response to this, Hirsi Ali Hassan decided to resign from the Commission. Mr Ali Mohamed Abdullahi who replaced him as an opposition party (KULMIYE) nominee had his appointment confirmed by the House on 20 May 2008 and was then elected by the Commission as Deputy Chairman.

²⁴ The following have served as Chairmen of the Electoral Commission since its formation in 2002:

Previous Commission:

- c) The term of office of the Commission is five years, beginning from the date the House of Representatives approves its appointment, and the term of office may be renewed²⁵.
- d) Employees of the state, members of Parliament, members of the Council of Ministers²⁶, and members of the armed forces and persons who hold positions in associations/parties²⁷ cannot become members of the Commission.
2. The Electoral Commission shall be appointed²⁸ by the President²⁹ of the Republic of Somaliland after he has received³⁰ the (following) nominations:

1. Abdullahi Abdi Haji Omer (a Presidential nominee).
2. Ahmad Haji Ali Adami (a House of Elders nominee).

Current Commission:

3. Mohamed Yusuf Ahmed (a Presidential appointee), from 23 September 2007, but resigned as Chairman on health grounds in March 2008 although he remained a member the Commission.
4. Mohamed Ismail Mohamed (a Presidential appointee) – , from 22 March 2008 to his resignation on 1 February 2009.
5. Jama Mohamoud Omer (a Presidential appointee) has been elected as chairman on 2 February 2009.

²⁵ The renewal of membership on expiry of the five-year term is subject to the nomination procedure under Clause 2 of this Article. Direct renewal by the House of Representatives of the membership of outgoing commissioners under this Clause is tantamount to usurping the nomination rights given by the Law, under Clause 2 of this Article, to the House of Elders, the opposition parties and the President. The Law gives the House of Representatives powers of confirmation or rejection of the nominations made by others, and not the powers of both nomination and confirmation which renewal of membership of the Commission by them alone would entail. Although the Supreme Court did not explain it thus, its unanimous (and, in my view, correct) decision on 6 May 2007 to nullify the House of Representative's resolution on 23 February 2008 to renew the term of the outgoing Electoral Commission was based on these considerations. The brief court decision simply stated that the term-renewal resolution of the House ran contrary to Articles 11 and 12 of this Law, and ordered that the House consider the nominations forwarded to them by the President.

²⁶ For the Council of Ministers, see Article 94 of the Constitution.

²⁷ The Law refers to associations/parties as it was introduced before the first local council elections in 2002 which was contested by registered associations only. No formally accepted "parties" existed at the time when this Law was passed, so the addition of the word parties signifies, in my view, the fact that the Law would still be in force long after the three parties allowed under Article 9 of the Constitution are identified from among the registered associations under the selection process set out in the Political Parties Law. Nonetheless if, as advanced by aspiring new political associations, the Political Parties Law process is restarted, this Law would not require any amendment in respect of the local council elections. There is no sign that this will take place now, and the June 2008 accord between the three parties and the NEC to hold the Presidential election before the local government election appears to have shut the door to any aspiring new political associations, who were asking to be allowed to participate in the local council election.

²⁸ President Egal announced the first Electoral Commission appointees on 18 December 2001 (12 days from the date when he signed this Law) and on 19 December 2001 passed these on to the House of Representatives for confirmation. The House confirmation hearings took place on 12 January 2002. Although the prospective appointees met and held informal discussions with the then registered political associations, there is nothing in this Law which allows these appointees to exercise the powers and duties of the office until such time as their appointments are confirmed by the House under Article 11(3) of this Law. Indeed, Article 11(1)(c) of the Law states clearly that the term of office of Commissioners starts only from the date of the House confirmation of their appointment. It has become the practice of Somaliland Presidents to allow presidential appointees awaiting House confirmation of their appointments to take over their new offices immediately by relying on Article 114(3) of the Constitution, which sets an outside limit of three months for delay in confirmation, but Article 114 relates explicitly to appointments under the Constitution only and not to Electoral Commission appointments, which are made under this Election Law. (Incidentally, many commentators in any case question the usefulness of Article 114(3), which is not even confined to House recess periods and may well have encouraged longer delays in submission of appointments to the House.)

²⁹ There are differing views about the President's role in this process, which could well do with clarification when this Law is revised. In view of the fact that the President can without the involvement of anyone else nominate three out of the seven Commissioners, it has been argued, especially by the opposition parties, that

- a) 2 members selected by the House of Elders.
 - b) 2 members selected by the registered opposition associations/parties³¹.
 - c) 3 members selected by the President.
3. The appointment of the Commission shall be approved³² by the House of Representatives on an absolute majority vote³³ of half of their members plus one, and

the President's role in respect of the remaining four Commissioners should simply involve the forwarding of the names to the House of Representatives, as any other interpretation would mean that the President would, in effect, be making all the nominations. With the term of office of the first Commission expiring on 21 January 2007, the President issued his formal call for Commission nominees from the House of Elders and the political parties on 18 January 2007 and asked, in his letter (JSL/M/GG/081/2-2757/012007 of 18 January 2007), that the House and the two political parties should within seven days forward to him eight nominees (four each) and he would then forward four (two from each nominating body) to the House of Representatives for confirmation. This was understandably not acceptable to the Elders or the Parties. Both the House of Elders and the two parties objected to this request, which, they said, was not in line with Article 11(2) of this Law. When the Elders and UCID Party later forwarded their three nominees to the President, the latter added his three nominees and submitted them to the House for confirmation. On 23 February 2007 the House decided instead to renew the term of office of the previous Commission, thereby sparking a serious legal and political controversy. The President referred the House resolution to the Supreme Court which decided on 6 May 2007 to rescind the House resolution and ordered that the House consider the six nominees forwarded to them by the President, as well as the last nominee to be appointed by the other opposition party, KULMIYE. The House finally considered all the seven nominees on 2 June 2007.

This "appointing" role of the President had previously also caused controversy in 2004 when the President vetoed the Commission nominee submitted to him by both opposition parties on 2 October 2004 to replace a Commissioner who died. The nominee, Mohamed Hashi Elmi was a former Minister and the President stated, in his rejection letter dated 14 December 2004, that he did not consider the nominee (whom he had recently dismissed from ministerial office) to be impartial and added that, in any case, the nomination, if approved, would leave a region unrepresented in the Commission. This proved to be controversial, but in the end one of the opposition parties, UCID, submitted another nominee from the same region as the deceased Commissioner, and the House finally confirmed the appointment. Some prominent members of the House argued that the confirmation of this nomination was linked, at the time, to a proposal in the then new Election Bill to increase the number of Electoral Commissioners to nine, which was later rejected by the President.

³⁰ The question arose in 2007 whether the "appointment" by the President can be only be after he has received all the nominations, as there was a delay in the submission of the KULMIYE Party nominee, but while that may well be prudent, in practice there is nothing in this Article or the Rules of the House (Article 43) which make this a compulsory requirement. Note, however, that Article 11(1)(c) states that the five-year term of office of "the Commission" as a body commences on the date of its appointment, but while it is preferable that all the appointments are considered by the House for confirmation at the same time, there is nothing in this Clause which compels the House to confirm the appointments on the same date – that certainly was not the case in either 2002 or in 2007.

³¹ In December 2001 when the first Electoral Commission under this Law was being nominated, the political associations, other than the governmental UDUB association, registered initially under the Political Parties Law after the initial deadline for registration on 21 September 2001, were Hormood, UCID, ILEYS, SAHAN, UMAD and BIRSOL (seven in total, including UDUB). (ILEYS and UMAD were later de-registered and ASAD and KULMIYE were registered when the registration was formally reopened from 18 March to 17 May 2002.) After the 2002 local elections and the 2003 Presidential elections, there were only two opposition parties (not political associations) and it was accepted that they would make these two nominations. The arrangement that each party should nominate one appointee only crystallised, in my view, after the president's rejection in December 2004 of the nomination made by both parties, and the acceptance of another nominee by one of the parties (see the other footnotes relating to this Clause).

³² The House of Representatives approved six of the seven nominees for the first Electoral Commission on 21 January 2002, as follows:

1. *Ahmed Haji Ali Adami*, proposed by the House of Elders: 52 votes for, 1 against and 4 abstaining.
2. *Mohamad Sheikh Abdillahi* proposed by the opposition parties: 51 votes for and 6 abstaining. On his death, he was replaced by *Ahmed Abdillahi Hoori*.

3. *Shukri Haji Ismail Bandare*, proposed by the opposition parties: 56 votes for, with 1 against.
4. *Abdillahi Abdi Haji Omer (Jawaan)*, proposed by the President: 52 votes for, 1 against and 5 abstaining (resigned in November 2006).
5. *Ahmed Adan Ali Godir*, proposed by the President: 54 votes for, 1 against and 3 abstaining.
6. *Mohamoud Garad Mohamed*, proposed by the President: 54 votes for, 1 against and 2 abstaining.
7. After two ballots, the seventh nominee, *Muse Jama Mohamed*, proposed by the House of Elders was rejected: 40 votes for, 6 against and 12 abstaining. There were concerns about the date when this nominee's role as legal adviser to the House of Elders came to an end.

On resubmission of the same nominee, *Muse Jama Mohamed*, the House of Representatives approved his appointment on 1 March 2002, with 50 votes for and 2 abstaining. This decision was quoted as a precedent in 2007 (see below).

Appointments considered by the House on 2 June 2007:

1. *Mohamed Yusuf Ahmed* (Presidential appointee): 43 for, 4 against, 22 abstaining.
2. *Mohamed Ismail Mohamed* (Presidential appointee): 52 for, 14 abstaining.
3. *Jama Mohamoud Omer* (Presidential appointee): 61 for, 5 abstaining.
4. *Ahmed Mohamed Haji Dahir* (UCID Party appointee): 58 for, 1 against, 7 abstaining. On March 2008, the Commissioners announced that they could no longer work with this Commissioner and, having excluded him from the office, requested that he be replaced. However, on 20 May 2008, the House rejected (with 55 votes for the rejection) a proposal from the President (on the recommendation of the Commission) to terminate the appointment of this Commissioner, and hence reaffirmed his appointment.
5. *Hirsi Haji Ali Hassan* (Kulimye Party appointee): 54 for, 3 against, 9 abstaining. Resigned in early May 2008 after the remaining Commissioners (not including a suspended member, No. 4 above) removed him from the position of Deputy Chairman and gave him a final warning about alleged public statements he made. His replacement, *Ali Mohamed Abdulleh* (Kulimye Party appointee), was confirmed by the House on 20 May 2008: 58 votes for, no abstentions.

The two (House of Elders nominees) failed to receive the absolute majority of the House on the same date. *Muse Ahmed Mohamed's* votes were 35 for, 11 against, and 18 abstaining; and *Mohamed Ahmed Abdi Hamud's* votes were 36 for, 6 against, and 24 abstaining. This sparked a controversy among the Representatives, on the one side and the House of Elders and the President, on the other, especially after the House of Elders insisted on resubmitting the same nominees again on 8 June 2007. The impasse was broken on 28 August 2007 when an Eminent Persons Mediation Panel was set up to mediate on a number of disputes, including this one. The Panel resolved, among other things, that the Representatives should reconsider the same two nominees. The House agreed to do so, and, on 27 August 2007, the first nominee received 39 votes for, 21 against and 12 abstentions, and the second, 38 votes for, 21 against and 12 abstentions; both thereby failing again to get the requisite absolute majority vote of the House.

Finally on 3 September 2007, the House voted on and approved the appointment of the following two (House of Elders) nominees:

1. *Ismail Muse Nur* (House of Elders appointee): 63 for, no abstentions.
2. *Hassan Mohamed Omer* (House Elders appointee): 62 for, no abstentions.

Sadly, this all meant that, with the expiry of the term of office of the previous Commission on 20 January 2007, the completion of the process to appoint the new members of the Commission had taken eight and a half months!

³³ There are 82 seats in the House. With the death of one member of the House on 20 January 2002, the day before the House considered the Electoral Commission nominations, the absolute majority required for approval for each Electoral Commission nominee was 41. By the time of the second vote on 1 March 2002 for the seventh member of the Commission, the total actual membership of the House went down (with the death of another member and three expulsions for non-attendance) from 81 to 77, but the 50 votes gained by the nominee in this round were sufficient. In the June 2007 confirmations, with the elected House of 82 members, the two nominees who obtained 35 and 36 votes respectively did not reach the absolute majority required. As both candidates were House of Elders nominees, who hailed from the communities in the eastern and western regions of Somaliland and in the face of seemingly contradictory unofficial explanations for their rejection, this created a controversy, especially between the two Houses, which was finally resolved when two other nominees from the same communities were forwarded by the House of Elders three months later, and their appointments were promptly confirmed by the Representatives.

after the House Internal Affairs Committee has ensured that the appointees fulfil the conditions³⁴ set out in this Law.

4. The central office of the Electoral Commission shall have its headquarters at the capital city.
5. The Commission shall fulfil its duties in accordance with the Constitution and this Law³⁵. Commission meetings shall be quorate³⁶, and resolutions of the Commission shall be approved on a simple majority vote.
6. The Commission shall carry out its duties independently, and shall in no way be interfered with by anyone.

Article 12: Eligibility Criteria for Membership of the Commission

1. He must be a patrial³⁷ citizen of Somaliland.
2. He must be no less than 40 years of age and no more than 60 years³⁸.
3. He must be a Muslim³⁹ and must behave in accordance with Islamic religion.
4. He must be educated to at least secondary school level or equivalent.
5. He must not be a member of a political association/party and must be independent of all of them.
6. He must be renowned for respect, honour and fairness towards (all) the members of the society.
7. He must never have been convicted by a court for a crime.
8. He must be physically and mentally able to fulfil his duties.

Article 13: Dismissal of the Commission (Members)

1. A member of the Commission may be dismissed⁴⁰:

³⁴ The conditions are set out in Article 12.

³⁵ In addition, of course, to the 2005 Election Law and the 2007 Voter Registration Law.

³⁶ The Article does not set the quorum of the Commission. In the circumstances a reasonable quorum could be half of the Commission members plus one, i.e. four.

³⁷ See the comments made in connection with Article 5(1) of this Law, where this phrase is also used in connection with voters.

³⁸ It was often rumoured that this upper age condition was not applied rigorously. This issue particularly came to the fore in 2007 when it was alleged that this condition was applied selectively.

³⁹ This religion condition is also found in the Somaliland Constitution (i.e. Article 41(1) relating to members of the House of Representatives). Somalilanders are Muslims, but the interpretation of the second part of the requirement relating to behaviour has not arisen, so far, in any proposed appointment.

⁴⁰ This Article covers dismissal of commissioners and, by implication, steps leading to such action, but does not cover disciplinary action short of dismissal. Commissioners have adopted internal rules of procedure and have largely dealt with reported disagreements within these procedures. Such disputes have, however, bubbled over when the new Commission decided to 'discipline' one of its members, Ahmed Mohamed Haji Dahir, for various alleged infringements of their internal rules and issued him with a formal warning on 16 January 2007 (Ref. KDQ/21-00/420/08). The warning was administered by all the other six members who accused Ahmed Mohamed of '*af-lagaado aanad ugu aabo yeelin, xurmo la'aan, dagaal iyo qalalaase*' – unjustified criticisms, disrespect, fighting and creating discord. Ahmed Mohamed denied the allegations and stated that he was free to point out the deficiencies of the proposed short voter registration periods and the fact that the expected government funds were not readily forthcoming. On 8 March 2008, it was also reported that Commissioner Ahmed Mohamed was denied entry to the Commission office and was, in effect, suspended from his duties, and it was alleged that this led to an altercation between the Commissioner and the then Chairman. On 9 March 2008, the Chairman confirmed that the Commission had formally asked the President that the Commissioner be replaced, as the others could no longer work with him, and that the Commissioner had, the mean time been suspended from his duties. The opposition parties criticised the

- a) when he breaks one of the conditions of his appointment;
 - b) when he is unable to fulfil his duties due to lack of capability or ill health;
 - c) when he commits acts of wanton behaviour, theft, corruption or similar matters⁴¹.
2. When it is suspected⁴² that the matters set out above have happened, the President shall appoint an investigation committee which shall report on the issues so that he can reach a decision thereupon.
 3. The President has the power to dismiss⁴³ the Commission⁴⁴ provided that the House of Representatives approves the decision on a simple majority vote.
 4. When a vacancy arises in the Commission due to dismissal, death or resignation, it shall be filled in accordance with the procedure adopted when the outgoing member was initially appointed⁴⁵.

decision as being contrary to this Law in respect of both the privileges and immunities accorded to commissioners and the procedures for the dismissal of commissioners (see reports of the joint UCID/KULMIYE parties press conference held on 10 March 2008). Although no one appeared to have raised it, the final administrative decisions (and not the electoral decisions for which other avenues of redress are set out in the electoral laws) of the Commission, like those of other public bodies, can be challenged at the Supreme Court under Article 10(3)(c) of the Organisation of the Judiciary Law by the aggrieved party. This is one of the areas which need to be addressed in any review of this Law. (Incidentally, see following footnotes for the outcome of this issue.)

⁴¹ Some of these acts may well amount to crime, in which case issues relating to the privileges and immunities of the Commissioners will also need to be addressed – see Article 21 of this Law and Article 63 of the 2005 Law.

⁴² The Clause does not explain who the appropriate persons/bodies are who might articulate such suspicions relating to individual commissioners, what procedures they should follow and, more importantly, the threshold that might trigger the President's decision to appoint an investigation committee. Issues of capability and conduct have been addressed by the Commission under its general power to conduct its duties in accordance with the Constitution and the electoral laws (Article 11(6)) and its internal procedures, but the Commission has no specific power to discipline its members in the same way that it can discipline staff of the electoral offices under 14(3) of this Law. For issues that relate to allegations of the circumstances listed in Clause 1(a) to (c) of this Article, and are presumably sufficiently serious to warrant possible dismissal, it is open to the Commission to take a decision in a quorate meeting to refer the matter to the President. This happened in March 2008 when Commissioners requested the removal from office of Commissioner Ahmed Mohamed Haji Dahir (see the above footnotes relating to Clause 1 of this Article). It was reported that the President appointed an investigating committee and, on 17 May 2008, informed the House of Representatives that he had accepted the recommendations of the investigating committee and asked that they approve the dismissal of the Commissioner under this Article. On 20 May 2008, the House, having considered a report on this matter from its Internal Affairs Committee, rejected the President's proposed dismissal of Commissioner Ahmed Mohamed on a vote of 55 against the motion, 2 for and 1 abstaining. The House Committee mentioned in their report their dissatisfaction with the way the Commissioner was denied access to the Commission office.

⁴³ This power to dismiss is circumscribed by Clause 1 of this Article, which lists the circumstances in which a Commissioner may be dismissed, and Clause 2 which sets out the investigatory process which must be followed by the President before a dismissal can be put to the Representatives for approval. Any other interpretation which gives the President power of dismissal without the procedural safeguards in Clauses 1 and 2 of this Article will run counter to the independence of the Commission set out in Article 11(6) of this Law.

⁴⁴ This of course also includes individual members of the Commission.

⁴⁵ Although it is not expressly stated in the Law, the term of the whole Commission is five years starting from the first date of confirmation of their appointments (or of the first group, if not all) as set out in Article 11(1)(c) of this Law, and hence any replacements of the original appointees shall serve only for the remainder of the original five-year term. This should have been made unequivocally clear in this Law. In practice, when a new Commissioner took over the place of a deceased commissioner in 2004, he served until the Commission's term of office expired in January 2005. Nonetheless, when another Commissioner, Deputy Chairman Abdillahi Abdi

Article 14: Powers of the Commission

The Commission shall have the power to:

1. set the date⁴⁶ of the elections, and inform the President so that he can issue a Decree⁴⁷;
2. set the number and the location of the polling stations of the districts and the regions;
3. appoint, dismiss, or discipline the staff⁴⁸ of the central office and those of the electoral districts and the electoral regions;
4. plan the budget for administering the electoral activities⁴⁹;
5. declare the provisional results of the elections of the President and the Vice-President pending their confirmation by the Supreme Court;
6. inspect the polling stations and any other places connected with their duties either randomly or in a planned fashion;
7. adjudicate on the disagreements relating to the elections, which have been forwarded to them by their electoral offices;
8. conduct research into how the country can have polling stations where candidates can compete for votes;
9. register⁵⁰ voters before the date of the election.

Note the additional “general” (not, in my view just confined to the House of Representatives election) powers and duties given to the Commission under the 2005 Election Law. These are set out in Article 31 (schedule of electoral activities) and Article 32 (electoral officeholders) – both Articles, because they expressly refer to this Law. There are also Article 63 (allegations against the Commission) and Article 64, and also Article 33 (contracts offered by the

Omer, resigned in late 2006, a few months before the end of the term of the Commission, his position was not filled.

⁴⁶ This Law does not set the minimum period between announcement of the dates of the elections and the polling date, but note that under Article 26 the lists of candidates should be submitted to the electoral offices 45 days before the polling day, and, therefore any announcement must predate this deadline.

⁴⁷ The comparable provision in the 2005 Law is Article 8. In practice, the Commission consults widely before deciding on a date and the President’s role is confined to issuing the decision as a Presidential Decree.

⁴⁸ The phrase staff (or employees), ‘*shaqaalaha*’ in Somali, is used in this Clause, and does not extend to officeholders appointed by the Commission to cover the electoral offices at the regions, districts and polling stations, who are covered primarily by Article 19 of this Law and Article 32 of the 2005 Law.

⁴⁹ See also the additional duty under Article 31 of the 2005 Law to “publish officially a schedule with time frames, which sets out the plan” of its electoral activities.

⁵⁰ This Law did not set up the details of a registration scheme for electors, but the initial intention of the Electoral Commission (and of the international donors) had been to register potential voters in early 2002. In July 2002, the Commission initially announced that voter registration would take place on the same date as the local council election polling date, but after further consultations, it was announced that the voter registration would start on 16 November 2002, but would only take place at 130 registration stations in the six regional seats and Gabiley. It was estimated that potentially half of the electors resided in or near these main towns. The assigned polling stations for the forthcoming local elections numbered 800, but the registration was to take place only at the 130 stations in the main towns. The plan was that persons who registered would be issued with cards, while others were still free to vote on the polling date (15 December 2002) after they proved their eligibility to vote. Overall the registration was not a success and no voters’ lists were published by the Commission. There was widespread multiple registration while in some areas no registration took place. On the polling date on 15 December 2002, all voters, registered or not, were allowed to cast their ballots and indelible ink was used to avoid multiple voting.

With the passage of the Voter Registration Law 2007 (as amended in 2008), the Commission embarked on a nationwide registration exercise in October 2008.

Commission) which all relate to the Commission and arguably are no more confined to the House elections than these general provisions relating to the Commission which are included in this Law relating to Presidential and local elections – (Editor).

Article 15: Budget of the Electoral Commission

1. The Commission shall have its own budget, which is prepared by it and submitted to the President. When an agreement is reached on the budget, it shall be forwarded to the House of Representatives for approval.
2. The Commission shall utilise the elections budget independently, and shall submit quarterly accounts to the Comptroller General.

Article 16: Polling Station Office⁵¹

1. The Polling Station Electoral Office shall consist of a chairman and two scrutineers. The elder of the two scrutineers shall act as deputy chairman. The Office shall also have a secretary.
2. The chairman, the secretary and two scrutineers shall be appointed by the Commission which has the power to transfer them, if that is deemed necessary.
3. If, due to urgent matters, it becomes necessary to replace a scrutineer or the secretary while the voting is in progress, the chairman of the polling station shall replace him with someone selected from the persons present at the polling station and meeting the criteria for eligibility for voting set out in this Law.
4. The Polling Station Office has the responsibility for conducting the election activities at the station.

Article 17: District Electoral Office

1. There shall be a District Electoral Office at the headquarters of each district. The Office shall consist of a chairman and two scrutineers, the elder of whom shall act as deputy chairman.
2. The District Electoral Office shall also have a secretary and two counting officers.
3. The chairman, the scrutineers, the secretary and the counting officers shall be appointed by the Commission which has the power to transfer them.
4. The District Electoral Office has the responsibility for conducting the electoral activities in the district.

Article 18: Regional Electoral Office

1. There shall be a Regional Electoral Office at the headquarters of each region. The Office shall consist of a chairman, a deputy chairman and secretary appointed by the Commission.
2. The Regional Electoral Office has the responsibility for conducting the election activities in the region.

Article 19: Electoral Officeholders

1. Persons appointed by the Commission to hold electoral offices must be informed of their appointments at least 15 days before the date of the election.

⁵¹ This was referred to as the “Polling Station Electoral Office” in Article 10(a) above.

2. No one appointed to serve in an electoral office may be excused from the appointment unless there is a true reason which satisfies the Commission.
3. Persons appointed to the membership of the polling stations, district or regional electoral offices shall have administered to them the following oath of office by Chairman of the District Court:
 “I SWEAR BY ALLAH THAT I SHALL FULFIL MY ELECTORAL DUTIES IN A CONSCIENTIOUS AND HONEST WAY AND THAT I SHALL BE IMPARTIAL IN RESPECT OF THE ASSOCIATIONS/PARTIES AND THE CANDIDATES AND THAT I SHALL WORK IN ACCORDANCE WITH THE LAW AND JUSTICE.”
4. The members of the Commission shall have the above oath administered to them by the Chairman of the Supreme Court.
5. Members of the armed forces, members of organisations which are organised⁵² in ways similar to those of the armed forces, the chairmen of the districts, regions and local councils, and candidates standing for elections cannot be appointed to electoral offices.
6. The term of office of the members of the polling station, district and regional electoral offices shall come to an end when the results of the elections are declared. The Commission may, however, extend the term of office of any of them, if it considers necessary.
7. State employees, members of the national armed forces, and members of associations/parties are not eligible to serve as chairmen of the district and regional electoral offices. The eligibility criteria for the appointment of the chairmen of the district and regional electoral offices shall be the same as those for the appointment of the members of the Commission⁵³.

Note also Article 32: Electoral Officeholders of the 2005 Law

Without prejudice to the matters set out in Articles 19 and 20 of the Election Law (Law No. 20/2001)⁵⁴ which relate to officeholders, it shall be the duty of the Commission to:

1. *check thoroughly that the officeholders entrusted to undertake the heavy responsibilities of the election are proficient and able to fulfil these responsibilities;*
2. *provide the officeholders with adequate training and, at the same time, ensure that the officeholders can fulfil their duties properly, before the polling day;*
3. *prepare transport for undertaking the activities and communication equipment for the electoral offices and the inspectors⁵⁵. (Editor)*

Article 20: Allowances for Officeholders

1. The allowances payable to electoral officeholders shall be set by the Commission. The allowances shall be based on the varying responsibilities of each officeholder.

⁵² This is likely to cover the police, the corrections service, and any other uniformed public services. Article 23 of the Constitution (freedom of movement and association) outlaws any (private) associations which are military in nature or are armed.

⁵³ See Article 12 above.

⁵⁴ These two Articles set out the conditions for the appointment of electoral officeholders and their allowances.

⁵⁵ Inspections are the responsibility of the Electoral Commission under Article 14(6) of this 2001 Law, and can presumably be carried out also by members of the Central, District and Regional Electoral Offices who are all empowered to fulfil the election activities, in general – see Articles 17(4) and 18(2).

2. Officeholders who are employees of the state or public bodies shall be paid half of the relevant allowance.
3. Officeholders who are assigned to work at (*electoral*) offices which are away from their place of residence shall be entitled to subsistence allowance during their absence. Such allowance shall be set by the Commission.

Article 21: Privileges of the Commission, Candidates and Officeholders

1. All officeholders working at the electoral offices and agents of associations/parties set out in this Law shall enjoy the legal status of public officers.
2. Candidates, electoral officeholders and the agents of the parties shall not be detained during the elections unless they have been caught *in flagrante delicto* in respect of an offence punishable by imprisonment for three years or more.
3. Any offences committed by the above persons shall be pursued after the election has taken place and the persons concerned are relieved of their responsibilities.
4. The members of the Commission shall, during their term of office, have privileges similar to those enjoyed by the members of the Council of Ministers, and their privileges may be removed in line with Article 94(8) and Article 96(4) of the Constitution⁵⁶.

Note also Article 63 of the 2005 Law: Allegations against the Electoral Commission

If a member (or members) of the Electoral Commission commits an act which may amount to a serious crime or may jeopardise the conduct and order of the election or the public order in the country, the allegations against the member, the removal of his privileges and the prosecution shall all be dealt with in line with the procedures set out in Clauses 96(1), 96(4) and 96(5) of the Constitution⁵⁷. (Editor)

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⁵⁶ These Articles relating to the Council of Ministers state the following:

“94(8): No Minister or Deputy Minister may be detained unless caught *in flagrante delicto* in respect of an offence punishable by imprisonment for three years or more, or the President has removed his privileges after having been satisfied by proposals put to him by the Attorney General.

96(4): If the Attorney General charges a Minister or a Deputy Minister with an offence set out in Clause 1 of this Article (i.e. Article 96(1) relating to high treason and contravention of the Constitution), he shall forward the details of the charges to the President. If the President is satisfied with the details provided by the Attorney General, he shall remove the privileges of the Minister or Deputy Minister. But if he is not so satisfied he shall order the Attorney General to drop the charges.

See also Article 63 of the 2005 Law for acts which “may amount to a serious crime or may jeopardise the conduct and order of the election or the public order in the country” and the procedures for removal of privileges and immunities in such cases.

⁵⁷ Article 96 sets out the impeachment procedures for the President, the Vice-President, Ministers and Deputy Ministers accused of committing the two crimes set out in Clause 1 – high treason or contraventions of the Constitution. Article 21(4) of the 2001 Election Law gives the members of the Electoral Commission the same privileges enjoyed by Ministers under Article 94(8) of the Constitution. Therefore, no Commission member may be detained unless caught *in flagrante delicto* in respect of an offence punishable by imprisonment for three years or more, or the President has removed his privileges after having been satisfied by proposals put to him by the Attorney General. Under Article 96(4) of the Constitution, if the privileges are removed following an accusation against the Minister (or the Commissioner) to the effect that he committed the crimes in Article 96(1) (i.e. high treason or constitutional infringement), then the prosecution of the case will be heard by the High Court of Justice (which consists of the Chairman and four judges of the Supreme Court sitting with four members of the two Houses – see Article 96(5)).

Article 22: The Election System

1. The local elections shall be based on a 'proportional representative system'⁵⁸ where the seats are allocated on the basis of the proportion of votes cast in the region⁵⁹ or district for each association/party. The election of the President and the Vice-President shall, however, be based on a 'majority system'⁶⁰ as set out in the Constitution⁶¹.
2. In local elections, each association/party shall submit a list of the candidates standing for election. The number of candidates in each list must not be less than twice the number of seats to be filled at each district.
3. The number of seats won by each list containing the candidates contesting the local council elections shall be allocated on the basis of 'proportional representative list system'⁶².
4. Voting shall not be held in any district where there is only one list submitted and there is no contest. The seats of the district shall then be allocated to the top corresponding number of candidates in the list.

Article 23: Procedure for Declaration of Candidates

1. The list of candidates for election to the local council shall be declared by the district committee of each association/party and shall show clearly the names of each candidate in full (three names)⁶³, their place of birth and year of birth. If there are candidates whose full names are the same, then they shall be differentiated through the addition of their nicknames (if they have them) and their fourth name⁶⁴. The list shall also confirm clearly the district in which the candidates are standing for election.
2. The list of candidates shall be accompanied by the following:
 - a) Confirmation of resignation from public service appointments as set out in Article 7 of this Law.
 - b) Four (4) copies (of the list) which show clearly the emblem/symbol of the association/party.

⁵⁸ The English language phrase 'proportional representative system' is used in parenthesis in this Clause in the original Somali version. See also Article 59 below for how the local seats shall be divided up on the basis of the Hare Quota and, presumably, the largest remainders.

⁵⁹ It is not clear why the region is mentioned in this sentence.

⁶⁰ This English language phrase 'majority system' is used in parenthesis in this Clause in the original Somali version.

⁶¹ See Article 83:

"1. The President and the Vice-President shall be elected jointly through a direct general election by means of a secret ballot.

2. The joint election of the President and the Vice-President shall be based on the list system and shall take place a month before the end of the term of office of the outgoing President.

3.

4. The two candidates in the list which obtains the highest number of votes cast in the Presidential and Vice-Presidential election shall be recognised as the successful candidates.

5."

⁶² The English language phrase 'proportional representative list system' is used in parenthesis in this Clause in the original Somali version.

⁶³ To reflect the patrilineal nomenclature of Somalis, a full name (be it male or female) consists of the (first) name of the person followed by the (first) name of his/her father and then the (first) name of his/her grandfather.

⁶⁴ The fourth name shall be that of the great grandfather (see above).

- c) Declaration by each candidate to the effect that he accepts his candidacy and that he fulfils the relevant conditions.
 - d) Receipts for payment of the deposits of the candidates issued by the Ministry of Finance as set out in Article 25 of this Law.
3. The sequential order of the names of the candidates in a list shall be accepted as having been so chosen by the relevant association/party.
 4. Any disagreements within an association/party about the declaration and submission of a list of candidates shall be resolved by the central Committee of that association/party.

Article 24: Symbols of the Lists of Candidates

1. The symbols shown in the lists of candidates declared by the associations/parties shall be different from each other.
2. No association/party shall use a symbol which has been used previously in an election by another association/party.
3. Symbols shall be unique and shall show a recognised sign, but shall not show a governmental, tribal or sectarian sign.
4. An association/party shall use the same symbol when declaring candidates for elections at local or Presidential/Vice-Presidential level.

Article 25: Deposit

Candidates for office shall pay the following non-refundable deposit:

- a) SI.Sh. 1,000,000 in respect of each candidate for presidential⁶⁵ office.
- b) SI.Sh. 50,000 in respect of each candidate for a local council.

Article 26: Receipt of the List of Candidates

1. The lists of candidates for President and Vice-President shall be submitted to the Commission office⁶⁶ and those for the local councils to the District Electoral Offices before six o'clock in the afternoon (6 p.m.) of the day which is 45 days⁶⁷ before the polling day. The lists shall be accompanied by the attachments set out⁶⁸ in this Law.
2. The Commission office⁶⁹ or the District Electoral Offices shall ensure that the candidates in the lists fulfil the relevant conditions, and the name of any candidate who did not fulfil the relevant conditions shall be referred back to the association/party which submitted it for a substitution to be made by that association/party within a set period.

Article 27: Publicising the Lists of Candidates

1. The Commission and each District Electoral Office shall prepare the methods for publicising the (list of) candidates and shall ensure that the sequential order of the candidates in the lists is kept and their symbols are clearly shown.

⁶⁵ Although it is not clear, it appears that there are no specific deposits to be paid by vice-presidential candidates. This may be because each candidates list will include both a presidential and vice-presidential candidate – see Article 83(2) of the Constitution and Article 26 of this Law.

⁶⁶ This is presumably the Central Electoral Office as set out in Article 10 above.

⁶⁷ 60 days in the 2005 Law – Article 16(1).

⁶⁸ See Article 23 above.

⁶⁹ The Central Electoral Office.

2. The Commission and all its Polling Station Electoral Offices shall prepare written publicity of the lists of district candidates and shall display them in all the polling stations of the district.
3. The Commission and its offices shall display 30 days⁷⁰ before the polling day the lists of district candidates at public meeting places, notice-boards, local government offices, etc.⁷¹, and shall also publicise the lists through a loudspeaker transported around the streets, and, if possible, through radio broadcast or publication in the press.

ELECTION CAMPAIGNS

Article 28: The Beginning and End of the Election Campaign

Election campaigns shall start when the publicity set out in Article 27 is carried out⁷² and shall finish 48 hours before the polling day.

Article 29: The Holding of Meetings and Demonstrations

1. Persons organising meetings and demonstrations relating to the election campaign shall inform in writing the Chairman of the District and the relevant police station 48 hours before the event. The Chairman of the District⁷³ may ban the holding of such meetings or demonstrations if he is satisfied that they might damage the health, morals or general peace etc., and it is incumbent on him to order that the meetings or demonstration may be held at places and times set by him.
2. No more than two meetings or demonstrations can be held in a town or village in any one day.

Article 30: Display of Boards

1. Board displays and election campaign leaflets shall be submitted to the office of the Chairman of the District 48 hours before they are displayed. No fees shall be charged for these submissions.
2. No election campaign boards or leaflets shall be displayed at mosques, government offices and transport, diplomatic and international organisations centres, etc.

Article 31: Weapons and Military Uniforms

⁷⁰ 45 days in the 2005 Law – Article 20(3).

⁷¹ The abbreviation '*iwm*' in Somali is the same as 'etc.'. In this context, it can be read to refer to 'other similar places'.

⁷² This in effect means that the official election campaigning will be confined to a maximum period of 28 days.

⁷³ In my recommendations relating to the Bill (see www.somalilandforum.com), which, I understand, have been considered by the House of Representatives Elections Bill Committee, I suggested that only the police (and of course the courts) should have this power, as the Chairman of the District Council or his party could indeed be standing in elections. It is encouraging, however, that there is an obligation on the Chairman of the District to come up with an alternative place or time for the banned meeting or demonstration to take place. Although there are still remnants of the public order laws passed by the dictatorship which give district chairmen considerable powers, these will now have to be interpreted within the constitutional guarantees of freedom of assembly and expression (Article 32 of the Somaliland Constitution). *Note also the slightly different provisions of Article 23 of the 2005 Law.*

No weapons, military uniforms⁷⁴ or similar materials may be carried or worn in election campaign meetings or demonstrations.

Article 32: Agents of the Parties/Associations

1. The central committee or the regional/district committees of each association/party may send an agent⁷⁵ who has the right to vote to any polling station where their candidates are standing for election. They may also send a substitute if the agent is absent.
2. Agents sent by the associations/parties shall be present when the electoral office is conducting its activities, and shall submit any concerns or requests for clarification that they may have, which shall be recorded.
3. The names of the agents of the associations/parties shall be submitted to the Commission or its offices ten days⁷⁶ before the polling day. The Commission or its offices shall issue each agent with a written permission allowing him access into and freedom to exercise his duties at his designated polling station.

ELECTION OF LOCAL COUNCILS

Article 33: Conditions Relating to Candidates for Local Councils

1. He must be a patrial citizen of Somaliland.
2. He must be actually resident in the district where he is standing for election.
3. He must be a Muslim and must be known to behave in accordance with Islamic religion.
4. He must not be less than 35 years of age during the year the election is taking place.
5. He must be suitable for this office on the basis of his standing within the community.
6. He must not have been the subject of a final sentence for a criminal offence proven in a court within the preceding ten years⁷⁷.
7. He must be educated to secondary school level if standing for elections in districts graded Category A or B⁷⁸, or, at a minimum, to intermediate school level or equivalent if he is standing for election in districts graded Category C or D.
8. He must be a local district tax-payer or must have participated in a voluntary capacity in activities which are of public interest in the district.

Article 34: Association which do not become Parties⁷⁹

⁷⁴ Besides other laws relating to possession of weapons, Article 23(4) makes unlawful any association which is military in nature or is armed.

⁷⁵ Two agents in the 2005 Law – Article 28(1).

⁷⁶ 21 days in the 2005 Law – Article 28(3).

⁷⁷ This period is twice that applying to candidates for both Houses of Parliament – Articles 41 and 59 of the Constitution.

⁷⁸ See Article 4 above for various district grades. The classification of the districts in accordance with these grades shall be set out in the local government legislation. Surprisingly, as the district council of the capital is set out separately from the other districts which are graded A to D (according to, it seems, their importance and urban size), this Clause leaves out the requirements for the educational qualifications of the candidates standing for election in the capital. The logic of the grading, though, suggests that the minimum required of candidates in the capital ought to be education at secondary level. It cannot be any higher, as that is also the minimum required for parliamentary candidacy.

⁷⁹ Under Article 3 of the Political Parties Law 2000, the three associations which have obtained the highest votes in the first nationwide local elections shall be approved as the three political parties allowed under

Associations which do not succeed in becoming an approved party but gain seats in the local elections in some districts must join one of the three approved parties⁸⁰.

ELECTION OF THE PRESIDENT AND THE VICE-PRESIDENT

Article 35: Conditions for Candidacy to the Offices of the President/Vice-President

1. The conditions for candidacy to the offices of the President and Vice-President shall be those set out in Article 82⁸¹ of the Constitution.
2. Candidates standing for election to the offices of President and Vice-President must be members of and be nominated for election by an association/party which has been registered⁸² or approved.

Article 36: System for Election of the President and the Vice-President

The system for electing the President and the Vice-President shall be as set out in Clauses 1 to 4 of Article 83⁸³ of the Constitution.

PROCEDURES FOR CONDUCT OF THE ELECTIONS

Article 37: Electoral Offices Equipment

1. The National Electoral Commission shall prepare for each polling station the following equipment:
 - a) A copy of this Law.

Article 9 of the Constitution. The successful local council candidates belonging to the other three political associations (SAHAN, HORMOOD and ASAD) joined the three main parties.

⁸⁰ After the December 2002 local council elections, the three top registered political associations (UDUB, KULMIYE and UCID) were formally declared as the three parties allowed under Article 9 of the Constitution.

⁸¹ "Article 82: The Conditions for Eligibility for Election as President or Vice-President

To be elected as President or Vice-President, a person must fulfil the following conditions:

1. He must be a citizen of Somaliland by birth, and, notwithstanding residence as a refugee in another country, must not hold any other citizenship.
2. He must be a Muslim, and must behave in accordance with Islamic religion.
3. He must not be less than 40 years of age.
4. He must be physically and mentally able to fulfil his duties.
5. He must possess knowledge of and experience in management (public and otherwise).
6. He must not have been convicted by a court for an offence against the Somaliland nation.
7. His spouse must be Muslim.
8. He must be fully apprised of the realities of the country, having been resident in the country for a period of at least two years before the date when the election is scheduled to take place.
9. He must register his private property."

⁸² By then, the only registered parties will be the three accepted under the Political Parties Law and Article 9 of the Constitution.

⁸³ "Article 83: Election Procedures

1. The President and the Vice-President shall be elected jointly through a direct general election by means of a secret ballot.
2. The joint election of the President and the Vice-President shall be based on the list system and shall take place a month before the end of the term of office of the outgoing President.
3. The outgoing President and Vice-President shall continue in office until the new President and the Vice-President assume their offices within a month (*of the election*).
4. The two candidates in the list which obtains the highest number of votes cast in the Presidential and Vice-Presidential election shall be recognised as the successful candidates."

- b) A sealed container which has in it the stamp of the polling station as well as ink and a stamp pad.
 - c) A sealed container which has in it the ballot papers.
 - d) The ballot boxes.
 - e) A container for carrying the ballot papers.
 - f) Three forms to record the voting activities.
 - g) A tabulated form.
 - h) Enough ballpoint pens for marking the ballot papers.
 - i) At least five posters showing how voters can mark the ballot papers.
 - j) A bottle of indelible ink for marking the voters.
 - k) The various written materials that may be required.
2. When combined⁸⁴ local elections are being held, the materials referred to in 1(c) to 1(g) in the preceding clause shall be provided in duplicate, but shall be marked differently.
 3. The Commission shall prepare for the Central Electoral Office and for each district/region the following materials:
 - a) A copy of this Law.
 - b) A sealed container which has in it the stamp of the District or Regional (Electoral) Office as well as ink and a stamp pad.
 - c) Three forms to record the election⁸⁵ activities of the District/Region (Electoral offices).
 - d) Tabulation forms.
 - e) Various stationery.
 4. The equipment for each (electoral) office shall be placed in a separate container which shall be locked and sealed. The Commission shall send the equipment and the ballot boxes at the appropriate time to the electoral offices of the district/region which shall, in turn, pass them on to the polling stations.
 5. The Commission shall prepare for its district/regional offices extra ballot papers kept in sealed envelopes for use by any electoral office that requests them. Such requests must be accompanied by reasons, and the ballot papers shall be handed to the Chairman of the polling station.
 6. In places which are not easily accessible, the Commission may pass the sealed envelopes containing the extra ballot papers to the relevant person who is undertaking election inspections⁸⁶, and who can hold them in the same way as the District/Region Electoral Office.

Article 38: Ballot Papers

⁸⁴ The reference to combined local elections is not clear unless it is presaging the possibility of regional council elections being held at the same time as district council elections. Although it is not stated, this Clause could apply to occasions when Presidential or parliamentary elections may be held at same time as those for the district councils.

⁸⁵ The Law refers here to the voting activities, but as voting only takes place at the polling stations, it is submitted that this refers to the "election" activities conducted by the District and Regional Electoral Offices.

⁸⁶ The inspections are the responsibility of the Electoral Commission (see Article 14(6)), and can presumably be carried out also by members of the Central, District and Regional Electoral Offices who are all empowered to fulfil the election activities, in general – see Articles 17(4) and 18(2).

An upright and rectangular symbol of each association/party shall be printed on each ballot paper. Each symbol shall have an accompanying blank space for the voter's mark. Each ballot paper shall have a gummed edge so that it can be folded and sealed.

Article 39⁸⁷

1. Every polling station where voting is taking place shall have two small booths where voters can enter and mark their ballot papers therein and are so arranged as to ensure secret balloting.
2. The ballot boxes for holding the ballot papers shall be placed in full view of or beside the tables used by the Chairman of the polling station.

Article 40: Display of the List of Candidates

1. A copy of the display referred to in Article 27 of this Law shall be affixed to places which can be seen by everyone and form parts of the electoral offices or are inside and outside of the polling stations.
2. A copy of the publicity referred to in Article 27 of this Law which the Commission prepared from the list of candidates in the order in which the lists were passed to it shall be affixed to visible places outside and inside the electoral offices.

Article 41: Distribution of Electoral Equipment

1. The District Electoral Office shall ensure that the necessary equipment shall reach each polling station where the voting will take place at six o'clock⁸⁸ in the morning (6 a.m.) before the polling day.
2. The Commission shall deliver to the district electoral offices the equipment required for voting at the latest four o'clock⁸⁹ in the afternoon (4 p.m.) of the day before the polling day.
3. Every polling station shall be issued with:
 - a) A note declaring the names of the polling station officers.
 - b) A note declaring (the names of) the agents of the associations/parties who shall be present at the polling station.

Article 42: Polling Station Office

1. When the polling station Chairman receives the equipment referred to in the preceding Article, he shall:
 - a) prepare the office and inform the scrutineers and the secretary that they are the officers of the station and instruct them in how they will fulfil the duties assigned to them;
 - b) ensure that the approved agents of the associations/parties are present;
 - c) having confirmed, in the presence of officers of the station and the agents of the associations/parties, that the containers are sealed, open them, and check that the equipment is complete;
 - d) having confirmed, in the presence of officers of the station and the agents, that the envelopes containing the (polling) station stamp and the ballot papers are sealed,

⁸⁷ This Article has no heading.

⁸⁸ Ten o'clock in the 2005 Law – Article 39(1).

⁸⁹ Five o'clock in the 2005 Law – Article 39(2).

open the envelopes, mark the ballot papers with the polling station stamp and place them neatly in a suitable container. No person, other than those approved in writing⁹⁰, shall be present at the polling station at this stage;

- e) ensure that the displays setting out the voting procedures and the lists of the candidates are affixed to the assigned places;
 - f) ensure that the necessary equipment assigned for the voting is utilised in the way set out in the Law so that the election activities are carried out properly.
2. He (the polling station Chairman) shall record that all the above activities have been carried out. The record shall also show the stamp of the polling station and the total number of ballot papers received by the polling station.
 3. He shall then ensure that all the officers and the agents confirm through their signatures that everything is in place as planned.
 4. When the Chairman of the polling station confirms that all the above activities have been carried out, he shall declare that the voting may commence.

Article 43: Powers of the Chairman of the Polling Station

1. The Chairman of the polling station shall keep order during the election. He may instruct the police to remove a person from the polling station or detain a person who has committed an offence in connection with the election activities or a person who is manifestly insane.
2. The police shall not enter the polling station unless ordered to do so by the Chairman.
3. Police officers and state employees shall fulfil any requests made by the Chairman of the polling station so as to ensure smooth voting and avoid overcrowding around the polling station officers' table or in the immediate vicinity of the polling station.
4. The Chairmen of the polling stations and those⁹¹ of the central (electoral) office shall have the right to exercise the powers set out in this Article.

Article 44: Access to the Polling Station

1. Only persons managing⁹² the polling station, agents of associations/parties and voters may enter the polling station.
2. It is forbidden for voters to carry weapons at the polling station. Voters shall proceed ahead of each other in the order of their arrival, but if there are persons who are working on election activities and who wish to cast their ballot, they may be allowed to proceed ahead of the other waiting voters. Only one person at a time may enter the polling station.

Article 45: Steps before Voting

1. A voter may cast his vote after:
 - a) he has given the particulars of his name, age and identification;

⁹⁰ As set out in Article 41(3) of this Law.

⁹¹ The word used here is in the plural, but there is only one central office as set out in Article 10 above.

⁹² This Clause seems to overlook the right of observers and also of the Central Electoral officeholders to enter the polling stations for observation and inspection. Indeed, other than Article 1 which defines observers, there is no mention of the role of observers in the Law. It is hoped that this will be covered by the guidance to be issued by the Electoral Commission.

- b) his right to vote has been verified and he has fulfilled the voting conditions⁹³ after his identification, including any documents he is carrying, other witness statements or means of proof, has been checked promptly⁹⁴.
2. Indelible ink shall be marked on the little fingernail of the voter's left hand. If he has no left hand, then the little fingernail of the right hand shall be marked, and if he has no hands, then a visible part of his body shall be marked.

Article 46: Persons who cannot Vote

1. Voters who attend the polling station in person may place their votes in the ballot box.
2. If, due to physical incapacity, a person may not be able to cast his vote, the Chairman of the polling station may allow another voter who is trusted by the incapacitated person to help him cast his vote.
3. The Secretary of the polling station shall record the reason why the incapacitated person was allowed to be helped in casting his vote. The record shall also show the details of the incapacitated person and his helper.

Article 47: The Voting Procedure

1. On completion of the activities set out in the preceding Article(s), the Chairman of the polling station shall hand the voter a ballot paper which has the polling station stamp affixed to it and which has been detached from its remaining counterfoil.
2. The voter shall then enter the small booth where he will mark the ballot paper and fold it.
3. Using a ballpoint pen provided by the Secretary of the polling station, the voter shall put his mark on the right side of the party symbol for which he is voting. The voter shall then fold the ballot paper, seal the gummed edges together and place it in the appropriate ballot box.
4. The voter must leave the polling station after he has placed the ballot paper in the box and the Chairman of the polling station has checked that the indelible ink stain on him is clearly apparent. If the ink stain is not so apparent, it shall be applied again so as to show that the person has already cast his vote.
5. If the voter notices that the ballot paper he was given is incomplete or damaged, he shall return it and ask the Chairman of the polling station for a replacement. Such an incident shall be recorded in writing.
6. The Chairman of the polling station shall have the power to eject from the station any voter who, without any excuse, loiters at the station, and to confiscate his ballot paper. Any such ejected voter may be allowed to vote after all the other waiting persons have cast their votes.
7. The Chairman of the polling station shall order promptly that any voter who is found to have additional ballot papers, or ballot papers which are different from the ones in use, or who has voted previously, shall be detained and handed over to the police so that he can be taken to court. Such an incident shall be recorded in writing.

Article 48: Conduct of the Voting

⁹³ See Article 5 above.

⁹⁴ This includes the voter card – see Article 30 of the Voter Registration Law 2007.

1. Voting shall be completed within one day, beginning at seven o'clock⁹⁵ in the morning (7 a.m.) and finishing at six o'clock in the evening (6 p.m.).
2. If there are voters who are still queuing outside to vote, the finishing time shall be disregarded and voting shall continue until all such waiting voters have cast their votes.

Article 49: Decisions about Complaints at the Polling Station

The Polling Station (Electoral) Office shall reach provisional decisions about complaints (if any), such as those made orally or any arguments relating to voting activities of the polling station. These complaints and arguments shall be recorded in writing.

Article 50: Activities before the Counting of Votes

1. After all the voters have cast their votes, the Chairman of the (polling) station shall announce loudly that the voting has finished.
2. When the Chairman of the (polling) station gathers from the table all the papers and equipment which are not necessary for the count, he shall start the following activities:
 - a) Check the total number of voters by looking at the number of ballot papers issued.
 - b) Collect and count all the ballot papers that have not been used and place them in the first envelope.
 - c) Confirm and affix his signature on the incomplete or damaged⁹⁶ ballot papers which were returned by the voters or were seen by the officers to be so, and place them in the second envelope.

Article 51: Counting of the Votes

1. When the Chairman of the (polling) station has completed the activities set out in the preceding Article, he shall start the count of the ballot papers in the ballot box. To enable this, a Scrutineer shall remove from the ballot box two⁹⁷ ballot papers at a time, which he shall pass on to the Chairman. The Chairman shall open each ballot paper and announce loudly (the name of) the association/party which gained each vote. The ballot paper shall then be passed by the Scrutineer to the second Scrutineer and shown to the agents of the associations/parties. The Secretary shall then record the vote in the appropriate tabulated form which relates to the association/party for which the vote was cast and shall place the ballot paper in the appropriate box.
2. No ballot paper shall be removed from the ballot box while the preceding ballot paper(s)⁹⁸ are still being processed and placed in the (appropriate) box. Only the officers of the (polling) station shall manage these tasks.

⁹⁵ Six o'clock in the 2005 Law – Article 45(1).

⁹⁶ I have chosen the same words used in Article 47(5) above for consistency, but the words used here are different and can be translated literally as 'bad or imperfect' ballot papers. Article 47(5) gives voters the right to return ballot papers which are incomplete or damaged.

⁹⁷ One at a time in the 2005 Law – Article 48(1).

⁹⁸ Although Clause 1 of this Article allows the Scrutineer to remove two ballot papers at a time, the reference to the 'preceding' ballot paper(s) in this Clause is in the singular and not plural, thereby suggesting only one ballot paper was removed at a time. This Clause is not drafted clearly, and in the light of the preceding Clause, it is translated as forbidding any other ballot papers to be removed from the box while the two papers that have been removed by the Scrutineer are still being processed. Any other reading would negate Clause 1 and the Scrutineer shall only remove one ballot paper at a time. No doubt the Electoral Commission shall issue a clear guidance on this point.

3. When the Chairman of the (polling) station completes the count, he shall confirm the total number of (issued) ballot papers⁹⁹ and reconcile them with the total votes cast for the associations/parties as well as the total number of disputed ballot papers or incorrect ballot papers or those which are invalid in accordance with Article 57¹⁰⁰ of this Law.
4. When the Chairman of the (polling) station completes his confirmation and affixes his signatures, he shall place in the third envelope the incorrect or disputed ballot papers or those which were considered to be invalid, and the records of any complaints or objections.
5. The Chairman of the (polling) station shall finally place the counted ballot papers in the fourth envelope.

Article 52: The Closure of the Counting Activities

1. When the Chairman of the (polling) station completes the counting activities set out in the preceding Article, he shall declare publicly the total number of voters, the correct votes cast and the number of votes cast for each association/party list.
2. The envelopes shall then be sealed, and shall have affixed to them on the outside the stamp of the polling station and the signatures of the Chairman of the (polling) station, and those of at least one of the scrutineers and of all the agents of the associations/parties which have candidates standing for election at the polling station.
3. The details of the materials in each envelope shall be noted on the outside of each envelope.
4. The counting activities shall be completed as set out (above) in a continuous manner and without any interruptions or engagement in other activities.
5. The written records shall show clearly the activities set out above.

Article 53: Incorrect¹⁰¹ or Disputed Votes

1. When the ballot papers are being counted, the following papers shall be considered void:
 - a) If they are different from the ballot papers which the Commission has chosen for use in the election.
 - b) If they do not have the stamp of the polling station affixed to them.
2. The counted ballot papers shall become void if:
 - a) the ballot paper contains any writing or signs or skilfully applied impressions, which are not as authorised;
 - b) the ballot paper does not show clearly the association/party for which the vote was cast and this cannot be recognised;
 - c) the ballot paper shows that the voter has marked the symbols of more than one association/party.
3. A vote may become void when the all the officers of the polling station so resolve jointly. If, however, there is no such joint resolution and there is disagreement, the relevant ballot paper shall be recognised as a disputed one.

⁹⁹ That is presumably the total number of issued ballot papers.

¹⁰⁰ It is Article 53 and not Article 57 which sets out the details of void ballot papers.

¹⁰¹ It appears that various words have been used for incomplete or incorrect or spoilt ballot papers at in various clauses. This Article aims to summarise ballot papers which can be adjudged to be void.

4. The District Electoral Office shall reach decisions about disputed ballot papers.

Article 54: The Written Records of the Polling Station

1. The written records of the polling station shall be the appropriate forms designed by the Commission for this purpose which shall be kept in triplicate¹⁰².
2. Two copies of the written records shall be placed in the same container which holds the sealed envelopes referred to in Article 55 (of this Law) and shall be forwarded to the District Electoral Office. The third copy, together with the various remaining election materials, shall be forwarded to the Chairman of the Regional Electoral Office.

Article 55: The Transport and Transfer of Materials

1. The Chairman of the polling station, accompanied by at least one of the officers (of the polling station) and the guarding police officers, shall transport without any delay the written records and the envelopes of the polling station and hand them over¹⁰³ to the District Electoral Office.
2. When the envelopes are being handed over to the District Electoral Office, they shall be checked so as to ensure that they are sealed and have not been opened or interfered with¹⁰⁴. The Chairman of the District Electoral Office shall issue a receipt confirming transfer of the materials.
3. The Chairman of the District Electoral Office shall forward¹⁰⁵ the sealed envelopes containing the result¹⁰⁶ of the voting relating to the election of the President and the Vice-President, as well as the third copy of the written records, to the Chairman of the Regional Electoral Office.

Article 56: The Work of the District Electoral Office

1. On receipt of the materials set out in Article 55 of this Law, the Chairman of the District Electoral Office shall:
 - a) instruct the scrutineers, the secretary and the counting officers to get ready for the work;
 - b) call the agents of the associations/parties, which have fielded candidates at the District elections and were approved by the Commission, so they can be present during the conduct of the (election) activities;
 - c) after he and the officers and the agents have ensured that the containers are sealed and have not been opened previously, open the containers and check and remove the equipment; *(and)*
 - d) after they¹⁰⁷ have jointly ensured that the envelopes are sealed and have not been opened previously, open the envelope which contains the stamp and check that the number on the stamp has been affixed to the written records.
2. The District Electoral Office shall then check that the written records and the envelopes set out in Articles 50, 51 and 54 of this Law are complete.

¹⁰² Eight copies in the 2005 Law – Article 51(1).

¹⁰³ The 2005 Law sets a time limit of 12 hours within which the handover should take place – Article 52(1).

¹⁰⁴ The 2005 Law says that this should be done in the presence of the party agents – Article 52(2).

¹⁰⁵ See also Article 56 (3).

¹⁰⁶ See Article 57 below for how the result for the district is arrived at.

¹⁰⁷ The Chairman, officers and agents.

3. When the District Electoral Office confirms the result of the voting for the elections of the President and the Vice-President, it shall forward it to the Regional Electoral Office, which shall, in turn, forward it to the Central (Electoral) Office.

Article 57: The Counting of the Votes for the Presidential Election

When conducting the activities relating to the Presidential election, the Chairman of the District Electoral Office shall:

- a) count and add up all the votes cast in all the polling stations;
- b) confirm the votes which were declared void in all the polling stations;
- c) reach a decision about the disputed votes as set out in Article 53 of this Law;
- d) add up the total votes cast in the polling stations for each party which has fielded candidates in the district;
- e) forward to the Regional Electoral Office the result of the votes cast and the complaints (if any).

Article 58: The Work of the Regional Electoral Office¹⁰⁸

1. After receiving the third copy of the written records of the polling stations, the total result of the votes as declared by the districts in the region and the total votes cast for each party as forwarded by the District Electoral Offices of the region, the Regional Electoral Office shall check the calculations of the results of the total votes.
2. The Chairman of the Regional Electoral Office shall make a written record of this task in the appropriate form in triplicate, and shall forward two copies to the Central Electoral Office (the Commission¹⁰⁹) and the original record to the Supreme Court of the country.
3. On receipt of the result of the votes for the election of the President and the Vice-President, the Regional Electoral Office shall forward it to the Commission for confirmation and declaration on a provisional basis.

Article 59: The Counting of the Local Elections and the Declaration of the Result

On receipt of the materials set out Article 55 (of this Law) in relation to the local elections, the Chairman of the District Electoral Office shall:

1. count and add up all the votes cast in the polling stations of the District;
2. confirm the void votes of all the polling stations in the district;
3. reach decisions about the disputed votes;
4. count the number of valid votes cast for each association/party in the district election;
5. divide the total number of valid votes cast in the district by the number of seats¹¹⁰ of the local district, and calculate the proportion of the votes each association/party has gained;
6. confirm the number of local seats each association/party is entitled to;

¹⁰⁸ It would probably have been more appropriate for this Article relating to the Regional Electoral Office to come after the following three Articles which conclude the work of the District Electoral Office.

¹⁰⁹ This the first reference in the Law to the Central Electoral Office being the Commission.

¹¹⁰ This will give the quota (or quotient) of votes for each seat (the Hare Quota). Seats are then allocated for each full quota that a party/association obtains. As there is no further prescription about any remaining seats, it is submitted that these will be assigned on the basis of largest remainders. This is, in effect the 'quotient and largest remainders' proportional representation system which was set out in the Elections Bill and was used in the last 1969 democratic elections in Somalia. See also Article 22(1) of this Law.

7. declare then the names of the candidates of each association/party who have won the election, in the sequence of their positions in the lists as set out in Article 23 of this Law¹¹¹;
8. declare publicly the result of the district election and display on the notice-board of the District Electoral Office the names of the successful candidates.

Article 60: Forwarding the Records

1. The records of the activities set out in Articles 55, 56 and 58 of this Law shall be noted on the appropriate forms designed by the Commission for these purposes, and must kept in triplicate.
2. The copies of the records shall be distributed as set out in Articles 55 and 58 of this Law.

Article 61: Issuing Resolution Relating to the Local Elections

The District Electoral Office shall issue the resolution relating to the district elections by means of a concise written notice setting out the names of the candidates who were successful in the local elections, which shall be displayed at the administration office of the relevant local government, and copied to the Central (Electoral) Office.

Article 62: The Review of the Local Elections

1. The Chairman of the Regional Court shall review and confirm the resolution relating to the local elections. He shall reach decisions about any disputes or complaints which have arisen during the voting activities and have been generally forwarded to him by the District Electoral Office(s)¹¹².
2. Any concerns or claims which have not been submitted to the electoral offices may be forwarded to the Regional Courts within ten days, beginning from the date¹¹³ of the announcement of the result of the elections.

Article 63: The Work of the Central Electoral Office

1. On receipt of the materials and the written records set out in Article 60 of this Law, the Chairman of the Commission shall:
 - a) instruct the assistants and the secretariat to get ready for the tasks;
 - b) call the agents of the associations/parties so that they can be present during the conduct of the (election) activities;
 - c) check, together with others, that the envelopes are sealed and have not been opened and then open them and remove the materials therein;

¹¹¹ See Article 23(3) – the higher a name is on a party list, the more likely it is that he shall get one of the seats on the basis of the proportion of votes cast for the party.

¹¹² The Regional Court, like the Regional Electoral Office, covers all the districts in the region – see Article 7 of the Organisation of the Judiciary Law.

¹¹³ In common law jurisdictions, this has been interpreted as meaning that the first date is counted and therefore the final date is nine days after the first day. But, the practice in Somaliland has been to count the period of 10 or 20 days from the day following the announcement or incident. Article 110 of the Somali Civil Procedure Code lays down the general rule for calculation of time limits – if the period is in days or hours, the beginning day/hour is not counted, but if the period is based on months/years, it shall be counted on the basis of the calendar. Days which are holidays are still counted, but if the last day of the period is a holiday, the time limit shall expire on the following working day.

- d) after checking, together with others, that the envelopes are sealed and have not been opened, open the envelope containing the stamp of the electoral office and note in the written record the number of the stamp; *(and)*
 - e) pass the remaining equipment on to the Secretary.
2. The Central Electoral Office shall then confirm the receipt of the written records set out in Article 60 of this Law which are expected from the District and Regional Electoral Offices.

Article 64: The Declaration of the Result of the Presidential Elections

When the Chairman of the Commission receives from the District and Regional Electoral Offices (all the written records¹¹⁴), he shall:

- a) reach decisions about the claims relating to the voting and the count;
- b) count and add up (arithmetically¹¹⁵) the valid votes and the incorrect or invalid votes which have been forwarded by the Regional Electoral Offices;
- c) having confirmed fully and being satisfied that the (election) activities have been conducted properly, declare the provisional results of the elections of the President and the Vice-President.

Article 65: Elections Claims

1. The Supreme Court shall have (the sole) jurisdiction to deal with claims relating to the elections of the President and the Vice-President. These claims must reach the Court office within 20 days, beginning from the date¹¹⁶ when the election results are declared. No late claims shall be considered.
2. On receipt of the written records from the District and Regional Electoral Offices and from the Central Office of the Commission, and having checked that the elections have been conducted properly in law and in the way the calculations were done, the Supreme Court shall declare the result of the election of the President and the Vice-President.

Article 66: Implementation

This Law shall come into force on signature¹¹⁷ by the President and shall be published in the Official Journal of the Government.

Praise be to Allah

Mohamad Hussain Osman
General Secretary, House of Representatives

Abulqadir H. Ismail Jirdeh
Acting Chairman, House of Representatives¹¹⁸

¹¹⁴ See the preceding Article 63(2).

¹¹⁵ This phrase which appears in parenthesis in the Somali text is presumably used to emphasise that the job involves calculating the sums only and not recounting the actual votes.

¹¹⁶ See the note relating to the similar Article 62(2) above.

¹¹⁷ The President signed this Law on 6 December 2001

¹¹⁸ The House of Representatives approved this Law on 14 November 2001 (Resolution of the House GW/KF 15/200/2001).

CHAPTER SIX: THE HOUSE OF REPRESENTATIVES ELECTION LAW 2005

This Law was initially passed by the House of Representatives on 18 January 2005 (with 64 votes for, 7 against and Speaker not voting – 72 members present out of 82), and was also endorsed by the House of Elders on 5 February 2005 (with 58 votes for, 4 against, 1 abstaining and the Speaker not voting – 64 members present out of 82). The Law included provisions to the effect that the allocation of seats must be based on a census or a nationwide voter registration which must be carried out before the election, the date of which was already set by then as being 29 March 2005 and with the twice extended term of the House of Representatives coming to an end on 25 May 2005. The Law also set out that if the polling did not take place in every part of the country, it would be tantamount to ‘high treason’.

The political parties and the President objected to these clauses which they felt would mean that the election could be held in the foreseeable future. In particular, many pointed out that in the prevailing political situation in the country no one could guarantee that polling would take place in every corner of the land. Under Article 77(4) and 77(6) of the Somaliland Constitution, any law passed by a two-thirds majority of both Houses cannot be referred back to the Houses by the President and, in such a case, the House which initiated the Law (almost always the House of Representatives) shall itself then promulgate it if the President fails to sign it within 21 days of the law being forwarded to him. But, if the President considers that such a law is in conflict with the Constitution, he shall inform the speakers and ask the Attorney General to refer the law to the Constitutional Court, which in Somaliland is the Supreme Court (see Article 101 of the Constitution). The President did just that in respect of this law on 21 February 2005, after having received it from the House of Elders on 17 February 2005, and the Constitutional Court issued a unanimous ruling on 26 February 2005 in which it partially accepted the President’s arguments.

The Court decided to declare null and void Articles 10, 13, 38 and 44 of the Law (as it was then) and added that any procedural deficiencies in the Law (arising out of the decision) could be remedied by importing the relevant provisions of the 2001 Presidential and Local Council Elections Law (Law No. 20 of 2001). The Court decision did not cover the controversial issue of the allocation of the 82 parliamentary seats to constituencies or electoral units, and neither did the 2001 Election Law. This was the very issue that the House of Representatives had been unable to agree on since 1999, and had then finally chosen on 18 January 2005 when it passed the Law to shelve the whole issue by insisting that it be decided after a national population census and voter registration had been conducted. While this was of course a sensible idea, it was not an option that could be implemented for some years, let alone within the remaining term of office of the House which was due to come to an end on 25 May 2005. In the light of the Supreme Court decision, the President, following the joint advice of all the three parties and the Somaliland Electoral Commission, proposed to the House on 27 March 2005 the adoption of a ‘sunset’ clause which would allow only the first election to take place before a population census and voter registration, and set out that this election should be conducted on the basis of allocation of seats to the six regions on a pro rata formula based on the 1960 Somaliland legislative election. The House of Representatives approved the President’s proposed changes to the Law on the allocation of seats on a vote of 61 for, 2 against, with Speaker not

voting (total of 63 members present out of 82) on 2 April 2005, and this formula now appears in Article 12 of the Law. The House also agreed to set up a committee to ensure that the final wording of the Law was in accord with the Court's decision and the amendments they had agreed to. **The amended Law was then signed and published by the President on 12 April 2005, and is set out here.** The Somaliland National Electoral Commission now declared that the election would take place on 15 September 2005, and the House of Elders, using Article 42(3) of the Constitution, for the third time, decided in May 2005 to extend the term of the House of Representatives to 15 October 2005.

**REPUBLIC OF SOMALILAND
HOUSE OF REPRESENTATIVES ELECTION LAW
(Law No. 20-2/2005)**

(As amended after the Supreme Court Ruling and including References to the Electoral Code of Conduct¹)

The House of Representatives of the Republic of Somaliland

Having seen: Articles 22, 40, and 41 of the National Constitution of the Republic of Somaliland;

Having Considered: The constitutional right of the citizen to stand for elections and to vote;

Having Confirmed: That the holding of the election of the House of Representatives shall complete the democratic processes aimed at consolidating fully the statehood of Somaliland.

Has promulgated the following Law, which shall form an annex to Law² No. 20 of 2001:

Article 1: Definitions

Election: means the process of sifting of candidates running for membership of the House of Representatives by means of majority votes cast by the citizens who vote.

Commission: means the national committee responsible for the organisation of electoral activities.

Polling Stations: means the places where a number of the public who reside near each other cast their votes, as assigned by the Commission.

Agent: means the person delegated by a party to follow the election activities at the polling stations or at the district or regional electoral offices or the Commission headquarters.

¹ The National Electoral Commission and the three political parties agreed to and signed the 'Code of Conduct for the Political Parties' on 18 July 2005. The sections of the Code which explain further this Law or fill some of its gaps are added here as footnotes under the relevant articles of this Law. Another code of conduct for electoral reporting was also signed on the same date by the two main Somaliland journalists' associations, SOLJA and SSWJ.

² The Presidential & Local Council Election Law 2001, which shall be referred to in these footnotes as the 2001 Election Law.

Candidate:	means the member nominated by a party to run for membership of the House of Representatives in accordance with the law.
Voter:	means the person who fulfils the conditions for voting set out in this Law and casts his vote.
Seat:	means the position of membership of the House of Representatives to which one person can be elected.
Symbol:	means the registered unique logo or sign which identifies one party/candidate ³ .
List:	means the names of candidates for election to the House of Representatives submitted by each party to the Commission, who shall compete equally for the election regardless of their position ⁴ in each list, which shall have no bearing on their election.
Public Officials:	means the senior public officers of a rank equivalent to a departmental director or above and the heads of the governmental agencies, as well as the senior officers of the armed forces and the police of a rank equivalent to a commander of a group or of a police station, or above.
Election Campaign:	means the activities of the parties and their candidates in competing for the support and understanding of the voters, in accordance with this Law.
Central Office:	means the supreme headquarters for the management of the election activities to be carried out by the Commission.
Regional Office:	means the office, set up by the Commission in accordance with this Law, which manages the election activities in the region.
District Office:	means the office, set up by the Commission in accordance with this Law, which manages the election activities in the district.
Polling Station Office:	means the station where the citizens cast their votes and the voting activities are managed.

³ In a society with very high illiteracy, such symbols are crucial for helping the voters identify their choice of party and while this definition refers to ‘candidates’ as well, neither Articles 13 and 16(2) of the Law referring to the lists of candidates nor Article 18 relating to symbols make provision for candidates’ symbols. This is understandable, as this would have considerable implications for the cost, design and size of the ballot papers. It would be advisable for the Commission to conduct a research after the election to assess the effect that using names of candidates only, under each party symbol, might have on the voting, and also what effect, if any, the position of the names within each party list might have on the voting, as there are indications in other electoral studies that names appearing higher on a list tend to attract more votes. These issues are explored further in the notes to Articles 12 and 13 below. This also presages the move from a closed list system to a partially open list system although it appears that the Law has not gone so far as to propose ‘panachage’ where voters may either vote en bloc for an entire list (as each list contains the same number of available seats), vote for individual candidates on more than one list, or vote for only some individual candidates on one list. This would have been very complicated and the system that this Law adopts is a simple one in which each voter shall have only one vote for one candidate only, even though each of the six electoral regions will have multiple seats ranging from 10 to 20 (see Article 12).

⁴ This confirms that lists submitted by the parties are not closed and are hence open, unlike those in the local government elections – see Articles 1, 22(4) and 23(3) of the 2001 Election Law where the lists for local elections were submitted by each party in sequential order, which signified their position in the allocation of any seats which that a party may win. There is only one exception to this, which is set out in Article 12(7) and relates to the very unlikely situation where the voting cannot take place in a whole region. See also Articles 12 and 13 of this Law.

Officeholders:	means the various personnel assigned by the Commission to work at polling stations, the district and regional electoral offices and the central headquarters as set out in this Law.
Contraventions:	means any act, be it a deed or a spoken word, which affects the conduct of the election and the public order;
Observers:	means the international or national inspectors accredited by the Commission, who shall check that the election activities are conducted properly.
Remainder⁵:	means the number of (<i>remaining</i>) votes which amount to less than the total needed for the allocation of one seat.
Sequential Order:	means various things which are connected and are noted in a way that they follow each other sequentially.

PART I: GENERAL PRINCIPLES

Article 2: Scope of this Law

This Law shall be used for the conduct of the election of the members of the House of Representatives of the Republic of Somaliland.

Article 3: Total Membership and Election of the House of Representatives

The House of Representatives of the Republic of Somaliland shall consist of 82 (eighty-two) members who shall be elected in a direct general election through a free and secret ballot, as set out in Article 40 of the Constitution.

Article 4: Term of Office

The term of office of the successful candidates for the election of the House of Representatives shall be five (5) years, beginning from the date the Supreme Court declares the outcome of the election as set out in Article 42(1) of the Constitution of the Republic of Somaliland.

Article 5: Conditions relating to Voters

1. He⁶ must be a patrial citizen of Somaliland or a naturalised citizen⁷ in accordance with the Citizenship Law⁸.
2. He must not be less than 16 years⁹ of age during the year¹⁰ that the elections are being held.

⁵ The Somali word '*jajab*' can more accurately be translated as a 'fraction', but I have preferred the word 'remainder' which although it exists in Somali as '*hadhaa*', is, in my view, more suitable to explain the remaining votes left after the quotient for a seat is deducted.

⁶ It is trite to state that he includes she throughout this Law. Note also Article 8 of the Constitution which gives all citizens equality of rights and obligations before the law regardless of gender, birth, status, etc.

⁷ This is a welcome addition clarifying Article 5(1) of the 2001 Election Law which raised the danger of non-patrial citizens ending up with fewer rights when indeed Article 22(2) of the Constitution confirmed that "every citizen who fulfils the requirements of the Law shall have the right to be elected (to an office) and to vote".

⁸ Somaliland Citizenship Law – Law No. 22 of 2002.

⁹ This is in line with Article 5 of the 2001 Election Law. Previous laws set the voting age as 18.

¹⁰ The choice of this imprecise phrase, in the Law as well as in the 2005 Law, has, in my view, more to do with the Somali custom of identifying age by year and season, rather than by date, as there was (and is) no birth

3. He must be free and not in prison on the date of the election.

Note: Article 30 of the Voter Registration Law 2007 states that “the Commission shall issue a voting card to every citizen who has registered. To exercise his right to vote, it is incumbent on a citizen to go to the (relevant) polling station¹¹ while carrying his voting card”. This is in effect the main condition relating to voters. Article 10 of the 2007 Law enumerates the above conditions as being also necessary for voter registration.

Article 6: Rights of the Voter¹²

Every voter who fulfils the conditions set out in this Law shall have the right to:

1. Cast his vote at the *place where he is*¹³ and where the election is being held.
(Article 30 of the Voter Registration Law 2007 lays down that a person may cast his vote only at the polling station where he is registered – Editor)
2. When the Republic of Somaliland receives international recognition, citizens who fulfil the conditions¹⁴ relating to voters and who reside in a foreign country at the time when the election is held shall cast their votes at their nearest diplomatic offices of the Republic of Somaliland abroad.
3. Voting shall be personal, free, direct, and secret, and all votes shall be given equal weighting.
4. Each voter shall have only one vote for each election.

Article 7: The Right to Stand for Election

1. Every citizen who fulfils the condition set out in this Law may stand, in accordance with this Law, as a candidate through the Party¹⁵ of which he is a member.
2. The Executive Committee of each Party has the exclusive power to appoint candidates, and shall, on receiving the proposals of the Regional Committee of the Party, issue, in an Executive Committee resolution, the list of candidates which the Committee has endorsed on a majority vote.
3. Employees of the state and those of the independent governmental bodies, as well as members of the armed forces, of whatever rank, shall not be eligible to stand for election to the House of Representatives unless they have submitted their resignations four months before the date of the election, as set out in Article 41(7) of the national Constitution¹⁶.

registration. When the registration of voters is completed, however, the issue of the qualifying age of prospective voters would be addressed at the registration stage and not at the election polling stations.

¹¹ See Article 31(8): the Voting Card confirms the relevant polling station.

¹² Note that the corresponding Article in the 2001 Election Law contains an additional clause to the effect that “the members of the Electoral Commission shall not be entitled to vote while in office”.

¹³ This Clause refers literally to the location of the voter on the date of the election, rather than the place where he normally resides and applied to elections before the voters’ register was introduced.

¹⁴ See the preceding article, Article 5.

¹⁵ Article 9(2) of the Constitution states that there shall only be three political parties in the Republic of Somaliland. The three parties registered under the Regulation of Political Associations and Parties Law (as amended), Law No. 14 of 2000, are UDUB (the incumbent President’s Party), KULMIYE and UCID. No independent candidates can stand for elections and a legal challenge on this point before the Presidential elections in 2003 was dismissed by the Somaliland Supreme Court.

¹⁶ Article 41(7) states that “No employee of the state shall be eligible for candidacy (*of the House*) unless he has tendered his resignation from office prior to a period determined by law. Such resignation shall be accepted”. Incidentally, the corresponding period set in the 2001 Election Law was 180 days, except for the first local elections, when the period was 40 days (see Article 7(1)).

4. Such resignation shall be accepted and shall be confirmed in writing by the person who has the power to do so.¹⁷

Article 8: Timing of the Elections

The Commission shall declare the date when election of the House of Representatives shall be held, as set out in Article 42 of the Constitution¹⁸, and the declaration of the Commission shall be published as a Presidential Decree.

Article 9: Establishment of Electoral Regions

1. In the election of the House of Representatives of the Republic of Somaliland, the country shall be divided, in accordance with Article 109 of the national Constitution¹⁹, into electoral regions which will have the same boundaries as the six districts which existed on 26 June 1960 and which are now the regions.
2. The National Commission, in consultation with the Ministry of Internal Affairs, the Chairmen²⁰ of the Regions and the three national parties, shall establish the electoral regions²¹, at the latest, 60 days before the polling day.
3. Having consulted the Ministry of the Interior, the Chairmen of the Regions and the three national parties, the Commission shall announce, and inform the media of, the assigned electoral regions.

PART II: THE ELECTORAL SYSTEM

Article 10: The Electoral System

1. Every party which intends to stand in the election of the House of Representatives shall be required to submit to the national Commission a list of the candidates it has chosen to run in the election. The names of the candidates shall be set out in a sequential order, and shall relate to each region on the basis of the number of seats²² allocated to each region.

¹⁷ Presumably, this is the head of the governmental office or body which employed the person concerned.

¹⁸ Article 42(2) of the Constitution states that “the President shall announce the election of the new House a month before the expiry of the period of office of the outgoing House”. The extended term of the current House expires on 25 May 2005, and the original date set for the election, 29 March 2005, has passed and no date which accords with Article 42(2) of the Constitution was possible. Now that 15 September 2005 has been set as the date of the election, an extension of the term of the current House under Article 42(3) of the Constitution is very much on the cards. This Article, which was used before twice in 2002 and 2003, states that “if the election of the House of Representatives cannot be conducted due to dire circumstances, the outgoing House shall continue in office until the end of these circumstances and a new House is elected. Dire circumstances are: a widespread war, internal instability, serious natural disasters, such as earthquakes, epidemic diseases, (and) serious famines, and shall be determined and resolved by the House of Elders on the proposal of the Council of Government.”

¹⁹ Article 109 simply confirms that the country will be divided into regions and districts, but it is the Regions and Districts Law (Law No. 23 of 2003), which states that the country shall be divided into six regions, and each region shall consist of districts graded A, B, C or D (Article 5). The six regions, which correspond to the six Principal Districts in 1960 are: Hargeisa region, Togdher region, Sanag region, Awdal region, Sool region and Sahil region. See Article 12(1) of this Law for the number of seats allocated to each region.

²⁰ Otherwise known as Governors.

²¹ This will not be onerous as this Law (Article 12) sets the existing six regions as the electoral regions.

²² In comparison, the 2001 Election Law set out that each party list for the District Council election must not be less than twice the number of seats to be filled in each district (Article 22(2)). The 2001 Election Law included a

2. The seats allocated to each electoral region shall be won by the parties on the basis of 'proportional representation system'²³ as reflected by the votes cast for each party in the region.

Article 11: Polling Stations

1. Every electoral region shall have polling stations which shall be chosen by the national Commission, in consultation with the Ministry of Interior, the Chairmen of the Regions and the national parties.
2. The Commission shall establish such polling stations, no later than 60 days²⁴ before the polling date.

Article 12: The Procedure for Allocation of Seats

1. In order to give priority to the national interest which will be served by the holding of an election, the allocation of the seats of the House of Representatives to each region²⁵ for this election only²⁶ shall be as follows:
 1. Hargeisa Region 20 seat
 2. Togdher Region 15 seats
 3. Awdal region 13 seats
 4. Sanag Region 12 seats
 5. Sool Region 12 seats
 6. Sahil Region 10 seats
2. On completion of the polling and counting of the total valid votes for each region, the total votes shall be divided by the number of seats allocated for each region, thus arriving at the number of votes required for each seat²⁷. The total votes cast for each party in each region shall then be divided by the number (of votes) required for each seat to arrive at the number of seats each party shall gain in each region.
3. If, when the total valid votes for each region are divided by the number of seats for that region, there is a remainder of votes for each specific party which are less than the

further Clause 22(4) which made it clear that where there is only one party list submitted for a district, there will be no need to hold the voting, as there is no contest and the allocated seats shall be gained by that party. Although this is unlikely to happen in the parliamentary elections which are based on the smaller number of regions, the Supreme Court ruling which stated that any deficiencies in this Law can be remedied by the application of the relevant provision of the 2001 Law means that should this eventuality happen in respect of the parliamentary elections, Article 22(4) of the 2001 Election Law can be relied upon in these circumstances.

²³ The English language phrase 'proportional representative system' is used in parenthesis in this Clause in the original Somali version. See also Article 12 below for how the local seats shall be divided on the basis of the Hare Quota and the largest remainders.

²⁴ In the 2001 Election Law, the period was 40 days.

²⁵ The Regions and Districts Law (Law No. 23 of 2003) defines the six Regions, which are practically coterminous with the six 1960 Principal Districts.

²⁶ This is a 'sunset' Clause applying only to this first popular direct election of the House of Representatives and is based on a pro rata formula of the number of seats allocated to each of the six principal districts in Somaliland in 1960, which are now the six regions. There were only 33 seats then (as was later confirmed by section 17 of the first 1960 Constitution of the independent State of Somaliland) and the allocation per region was first used for the February 1960 Somaliland Legislative Council elections, and was also followed in the subsequent 1964 and 1969 parliamentary elections. This allocation was not based on any population census or voter registration.

²⁷ This is the quotient or the quota per seat.

number required for one seat, the parties shall divide the remaining seats on the basis of the largest remainders.

4. When the activities set out in Clauses 2 and 3 of this Article are completed, the seats each specific party gains from the total seats for each region shall be allocated amongst the candidates in that party on the basis of a simple majority of the total votes cast for each candidate²⁸.
5. If serious circumstances or situations do not permit the holding of the election in any locality of the country, the Commission shall evaluate the situation and arrive at a decision about it after having gained the agreement²⁹ of the Government and the national parties.
6. The seats allocated³⁰ for the polling stations where the election can not take place shall be distributed to the parties on the basis of the proportion of total valid votes each party gained in the relevant region.
7. If, however, the election can not take place in the whole of one region, the seats for that region shall be divided among the parties on the basis of the proportion of total valid votes each party gained throughout the country. The seats allocated for each party will then be distributed among its candidates in the order that their names appear on the candidates' list.

Article 13: List of Candidates

1. Every party shall submit to the Commission a list of the names of its candidates who have been chosen by the party to contest the election. The list shall be based on the

²⁸ Except for the unusual position in Clause 7 of this Article, this is why the position of the candidates within each list does not matter as set out also in Article 1 of this Law, but this Clause fails to state what will happen in the possible situation where two or more candidates in the same list receive the same number of votes (even after recounts) and there is only one seat for that party to be allocated. The 2001 Election Law does not assist in this matter and the issue may well have to be adjudicated upon, in the end, by the Supreme Court under Article 61 of this Law. It is open, however, for the Commission and the three parties to agree before the election a fair mode of breaking such a tie, which could be a toss of the coin (for a tie between two candidates) or the drawing of lots (for a tie between more than two candidates) conducted openly by the Commission in front of the candidates concerned and the agents. *The Code now includes the following agreed provision, which will apply in this eventuality:*

- "1. The National Electoral Commission will, in the presence of the concerned party's regional executive committee, recheck the spoiled ballot papers that were marked for the candidates who are tied for a seat to see if there are any valid ballot papers that were inadvertently counted as spoiled ballot papers. During the recheck, if valid ballot papers are found, they will then be counted for the candidate that they were marked for. If, however, the recheck process does not produce a clear winner, then*
- 2. The National Electoral Commission will openly conduct a drawing of lots between or among the candidates to determine who wins the tie seat. This will be done in front of the concerned party regional executive committee, Election Monitoring Board, media, etc."*

²⁹ *The Code adds that further elaboration on the allocation of such seats shall be provided when the National Electoral Commission undertakes the inspection of the polling stations in late June and early July 2005, and then, using the information gathered by NEC, the three political parties and the NEC shall devise a joint solution on the allocation of seats in these districts or regions.*

³⁰ Seats are only allocated to the electoral regions and not to the districts, let alone to polling stations and this Clause simply confirms that the votes cast for the three parties in the region where the election has taken place will decide the allocation of seats as between the parties in the whole region. This is clear enough, and strict adherence to the consultation process with all the three parties set out in Clause 5 of this Article should minimise disagreements.

total number of seats allocated for each region and the names shall be written in a numbered order.

2. As set out in Article 22 of the Constitution³¹, the Parties shall respect the electoral rights of citizens and their right to participate in political activities, and citizens may not be treated differently³² on the basis of their ethnicity, language, etc. The Parties must also encourage the participation of women and minorities in the affairs of the country as set out in Article 36(2) of the Constitution³³.

Article 14: Successful Candidates

5. The candidates in the parties' lists who are unsuccessful in gaining seats shall remain as reserve candidates and shall have the right to fill³⁴ any seat in the House of Representatives vacated by members of their party.
6. When a member (or members) of the House of Representatives vacates a seat in line with the reasons set out in Article 50 of the Constitution³⁵, and the Chairman (Speaker) of the House so declares, the Commission shall substitute, within a period of no more than two weeks, the departing member with a reserve candidate of the same party on the basis of the total votes³⁶ the reserve candidate has gained.

PART III: CANDIDATES

Article 15: Conditions Relating to Candidates

³¹ "Article 22: Political, Economic, Social and Electoral Rights

Every citizen shall have the right to participate in the political, economic, social and cultural affairs in accordance with the laws and the Constitution.

Every citizen who fulfils the requirements of the law shall have the right to be elected (*to a public office*) and to vote."

³² This Clause also echoes Article 8 of the Constitution which states that "all citizens of Somaliland shall enjoy equal rights and obligations before the law, and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status, opinion etc." and that "Precedence and discrimination on grounds of ethnicity, clan affiliation, birth and residence is prohibited...."

³³ "Article 36: The Rights of Women

1. The rights, freedoms and duties laid down in the Constitution are to be enjoyed equally by men and women save for matters which are specifically ordained in Islamic Sharia.

2. The Government shall encourage, and shall legislate for, the right of women to be free of practices which are contrary to Sharia and which are injurious to their person and dignity. ..."

³⁴ Subject, of course, to the total number votes they received.

³⁵ "Article 50: Loss of Membership of the House of Representatives

The membership of the House of Representatives shall be lost on:

1. the death of the member or incapacity which makes it impossible for him to fulfil his duties;
2. the voluntary resignation by the member, which has been accepted by the House;
3. one of the prerequisite conditions of his election being broken; or on the member's failure to fulfil his duties;
4. the passing of a final sentence for a crime which has been proven in a court;
5. the absence, without a valid excuse, from 20 (twenty) consecutive sittings."

"Article 51: Filling Vacant Seats in the House of Representatives

If a seat of the House of Representatives becomes vacant during any period prior to the final six months of the term of office of the House, it shall be filled as determined by law, and the new member shall serve for the remainder of the term of office."

³⁶ The comments relating to a tie of votes set out in the note to Article 12(4) apply equally to this situation. *In such a situation, the Code now says that same mechanism for breaking the tie under Article 12(4) shall be used in these circumstances as well.*

As set out in Article 41 of the Constitution, anyone standing for the House of Representatives' election must fulfil the following conditions:

He must be a patrial citizen of Somaliland or a naturalised citizen in accordance with the Law³⁷.

1. He must be a Muslim³⁸ and must behave in accordance with the Islamic religion.
2. He must not be less than 35 years of age during the year when the election is being held.
3. He must be physically and mentally able to fulfil his duties.
4. He must be educated to at least secondary school level or equivalent.
5. He must be a responsible person with appropriate character and behaviour.
6. He must not have been the subject of a final sentence for a criminal offence by a court within the preceding five years.
7. He must confirm in a note signed by him his candidacy for the election and that he will comply with the electoral laws and the codes of conduct.
8. He must pay the necessary candidate's deposit³⁹.

Article 16: Conditions Relating to Candidates

1. The Chairman or the General Secretary of each party shall forward the party's regional lists of candidates for election to the House of Representatives to the Commission office by six o'clock in the afternoon (6 p.m.) of the day which is 60 days⁴⁰ before⁴¹ the polling date. The lists must indicate clearly the four names⁴² of each candidate⁴³, his age and the region in which he is contesting a seat. If there are candidates whose full names are identical, then their nicknames (if any), as well as their full four names should be used.

³⁷ Somaliland Citizenship Law – Law No. 22 of 2002.

³⁸ This Clause is a constitutional requirement and appears in Article 41 of the Constitution and, incidentally in other articles of the Constitution. Examples are Clauses relating to office holders such as membership of the House of Elders (Article 59); appointments as Ministers/Deputy Ministers (Article 94(5)) and presidential candidates (Article 82(2)). All of these clauses are likely to be regarded as questionable under, for example, Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the African Charter on Human and Peoples' Rights which confirm that the rights and freedoms in both international instruments shall be enjoyed "*without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*". However, Article 8(1) of the Constitution which sets out equality of citizens covers all these grounds, but leaves out religion.

³⁹ See Article 21 for the amount of the deposit.

⁴⁰ The similar period in the 2001 Election Law was 45 days.

⁴¹ On the whole, where any act must be done not less than a certain number of days 'before' or 'after' an event, the date of the event is excluded from the calculation. So, for example, if the polling date is, 30th June, the deadline for submitting the list of candidates is 1 May.

⁴² The patrilineal nomenclature of Somalis means that a full name (be it male or female) consists of the (first) name of the person followed by the (first) name of his/her father and then the (first) name of his/her grandfather. The fourth name will be that of the great grandfather.

⁴³ *The Code now covers the situation where a candidate dies or becomes incapacitated between the submission of his name to the NEC and the polling day, in which case, the following provisions shall apply:*

1. *If, after the period established by the law to present the candidates and before 14 days before the voting day, a candidate's position becomes vacant due to the above-mentioned reasons, then the parties have the right to replace that candidate. However there shall be no change to the ballot paper and the replacing candidate will use the name and the symbol of the replaced candidate. When the final election results are announced, the replacing candidate's name will appear in all official election documents.*
2. *If, however, the position becomes vacant less than 14 days before the election date then the party can not replace the candidate. However, if there are any votes for the vacant position then they will be counted for the concerned party."*

2. The lists of candidates of each party forwarded to the Commission shall be accompanied by the following:
 - a) Evidence of the state of health, absence of criminal convictions, education, resignation from public service appointments (if relevant), etc. of each candidate.
 - b) Four copies of the lists which show clearly the symbol of the party.
 - c) Declaration by each candidate to the effect that he accepts his candidacy and that he shall comply with the law and the codes of conduct of the elections.
 - d) The Resolution of the Executive Committee of the party endorsing the list of candidates.
 - e) Receipts issued by the Ministry of Finance for payment of the candidates' deposits⁴⁴.
3. Any disagreements within a party relating to the selection of the candidates or the submission of the list of candidates shall be resolved by the Executive Committee of that relevant party.

Article 17: Checking the Eligibility of Candidates

1. The leadership of a party must take note of the national interest when they are selecting candidates and shall ensure that the candidates fulfil the fundamental conditions set out in the law, are able to execute properly the responsibilities they are competing for and can enhance the reputation and worth of the party and the nation.
2. The Commission shall, for its part and independent of others, verify that candidates submitted to it fulfil the (necessary) conditions. If the Commission is satisfied that a candidate (or candidates) in a list does not fulfil a (relevant) condition or conditions, it shall ask, within three days⁴⁵, the party that submitted the list to ensure that the relevant conditions be met or that a substitute candidate be submitted within a specified period.

Article 18: Symbols of the Lists of Candidates

5. The symbols shown in the lists of candidates submitted by the parties shall be different from each other.
6. No party may use a symbol which has been used previously in an election by another party.
7. Symbols shall be unique and shall show a recognised sign⁴⁶, but shall not show a governmental, tribal or sectarian sign.

Article 19: Privileges of the Commission, Candidates and Officeholders

⁴⁴ See Article 21 for the requisite deposits.

⁴⁵ It unclear as to when this three-day period will start, but it is likely to be the date when the Commission is satisfied that a candidate in a list does not fulfil a necessary condition.

⁴⁶ The symbols used by the three parties are as follows:



Candidates for the election of the House of Representatives whose candidacy has been publicised by the Commission shall not be detained during the elections unless they have been caught *in flagrante delicto* in respect of an offence⁴⁷ punishable by imprisonment for three years or more.

Article 20: Publicising the Lists of Candidates

4. The Commission shall publish the list of candidates for each region and shall ensure that the various symbols of the parties are shown clearly.
5. The Commission shall ensure that every polling station receives copies of the (relevant) lists of candidates for the region so that they can be displayed in all the polling stations of the region.
6. The Commission and its offices shall distribute formally 45 days⁴⁸ before the polling day the parties' lists of candidates by using the various types of media, and shall at the same time take all measures⁴⁹ to ensure that the public, wherever they are, are able without hindrance to see the lists of competing candidates.

Article 21: Deposit

Candidates competing for membership of the House of Representatives shall pay non-refundable deposit⁵⁰ of Sl.Sh. 1,000,000, at the Inland Revenue Office of the Ministry of Finance.

PART IV: ELECTION CAMPAIGNS

Article 22: The Beginning and End of the Election Campaign

The election campaigning shall start when the Commission declares that the election campaign is open, 30 days before the polling day, and shall finish 24 hours before the polling day⁵¹.

Article 23: The Holding of Demonstrations

1. Party officials who are organising public demonstrations relating to the election campaign shall inform the relevant town mayor⁵² in writing 48 hours before the planned event.

⁴⁷ Note also that Article 21 of the 2001 Election Law adds that any offences committed "shall be pursued after the election has taken place and the person is relieved of his responsibilities." The Article also extends the same privileges to electoral officeholders and party agents.

⁴⁸ This period was 30 days in the 2001 Election Law.

⁴⁹ Article 27 of the 2001 Election Law suggests displays at public meeting places, notice-boards, and local government offices, and also publicity through loudspeakers transported around the streets, and, if possible, through radio broadcast or publication in the press.

⁵⁰ This amount is the same as that payable for Presidential elections (see Article 25 of the 2001 Election Law).

⁵¹ Under Article 28 of the 2001 Election Law, campaigning was to close 48 hours before the polling day.

⁵² More appropriately, the Chairman of the District, as Mayors are known under the Regions and Districts Law (Law No. 23 of 2002). The 2001 Election Law also imposed an obligation to inform the local police station (Article 29). *The Code adds that:*

"The mayors shall prepare and publish a schedule of planned rallies and demonstrations for the three political parties during the campaign period. Furthermore, the schedule shall allocate equal number of days to the political parties for organising rallies, demonstrations, etc. Copies of the schedule must be sent to the NEC and to the parties at least 15 days before the start of the campaign period."

2. If two or more demonstrations are requested and planned to take place on the same day, the town mayor may order them to be held at different times. The town mayor may ban the holding of demonstrations if he is satisfied that they may damage the health, morals or public order⁵³ etc., and it is incumbent on him to order that these demonstrations may be held at a place or time specified by him.
3. No more than one demonstration⁵⁴ can be held in a town or a village in any one day.

Article 24: Display of Posters

Election campaign posters and leaflets⁵⁵ shall not be affixed to mosques, government offices and transport, the premises of foreign diplomats or those of international organisations, etc.

Article 25: Conduct of Assemblies and Demonstrations

In election campaign meetings and demonstrations held by the parties to attract the support of the voters, it is forbidden:

1. to carry weapons or wear military or similar uniforms;
2. to hold such campaigns or demonstrations near venerated sites, such as mosques, or other unsuitable places, such as schools, hospitals, etc.;
3. to utter speeches or show displays intended to damage the culture, religion, peace and public order, etc. or, in the same way, intended to damage a clan, a district, etc.; *and*
4. to use public property, of whatever kind, for the benefit of a candidate or a party.

Article 26: Use of Public Resources

1. The national parties shall have equal access to the government owned media⁵⁶ and to the use of the public assembly grounds⁵⁷ during the election campaign. The Commission,

The political parties shall inform the mayors 48 hours in advance of their intention to proceed with scheduled events (rally, demonstration).

Any party that has been denied by a mayor the right to hold demonstration has the right to appeal to the National Electoral Commission."

⁵³ These are the standard grounds for justifying derogation from rights of assembly and expression and are also set out in Article 25(4) of the Constitution, as well as international instruments such as Articles 21 and 22 of the International Covenant on Civil & Political Rights which say that any restrictions on freedoms of assembly and association must be laid down by law and must be "... necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health and morals or the protection of the rights and freedoms of others." It should be noted, however, that any such decision of the Mayor can be challenged at the Supreme Court under its general power to review administrative decisions if it is considered to be unlawful or unreasonable. *The Code now states that "any party that has been denied by a mayor the right to hold a demonstration has the right to appeal to the National Electoral Commission."*

⁵⁴ The 2001 Election Law set a maximum of two demonstrations in any one day (Article 29(1)).

⁵⁵ Although both this Law and the 2001 Election Law include this provision, the obligation to submit such posters and leaflets to the town mayor 48 hours before they are displayed which was in Article 30(1) of the 2001 Election Law has not been repeated in this Law. The Supreme Court ruling on 26 February 2005 to the effect that the provisions of the 2001 Election Law be read across was limited only to the articles of this Law which the Court declared invalid in its ruling (which have all now been replaced) and in which, according to the Court ruling, the importation of the 2001 provisions was necessary for the conduct of the election activities. It is submitted therefore that any application of the 2001 Election Law to the House of Representatives election must pass this test. The need to submit posters and leaflets to the mayor is not, in my view, one that can be read across to this Law as it neither relates to the articles declared void by the Court, nor is it necessary for the conduct of the election.

in consultation with the parties and the Ministry of Information, shall undertake the allocation of the requisite hours (for each party).

2. No party may use for its own purposes the property⁵⁸ of the nation.

⁵⁶ For example, Radio Hargeisa, which is controlled by the Government and the daily paper, Maandeq. *The Code states that the NEC shall put in place the the following enforcement mechanisms to ensure compliance with the electoral law and procedures.*

"1. Use of Government Mass Media

a) Radio Hargeisa Broadcast During the Campaign Period

Implementation Mechanism:

Stage one: Daily Monitoring of Radio Hargeisa Somali Language Broadcast

The National Electoral Commission will monitor and record daily Radio Hargeisa Somali language broadcast. The mechanism for monitoring Radio Hargeisa Somali service broadcast is detailed in Annex 3 of this Code.

Stage two: Allocation of equal Radio Hargeisa air time for the three political parties

The National Electoral Commission will in consultation with the Ministry of information allocate equal airtime to the three political parties in line with the provisions of the airtime equal access schedule in Annex 4.

b) Maandeeq and Horn Tribune Newspaper: The National Electoral Commission will make the following two arrangements in respect of Maandeeq.

- 1. Monitoring, on a daily basis, the content of Maandeeq and Horn Tribune newspapers*
- 2. Allocation of equal space in Maandeeq and Horn Tribune to the parties*

The details of this arrangement are in Annex 5 of this Code.

c) Privately owned Media: The privately owned media shall also provide equal access of the media to the political parties who are prepared to purchase space in the private newspaper. No party shall be discriminated against in terms of this access. This provision shall also be included in the media Code of Conduct and the Media Guide shall clearly state the need for objective and balanced reporting on the part of the media."

⁵⁷ All towns and villages in Somaliland have designated open air public assembly points used for large assemblies, parades and demonstrations.

⁵⁸ *The Code adds the following:*

"The National Electoral Commission shall establish an Election Monitoring Board that will ensure that the three parties have equal access to the Public funds, Government owned mass media and Public Assembly Grounds. The Board members representing a cross-section of the society will be chosen on the basis of their moral authority (distinguished religious figures), academic qualifications, work experience, etc. The members will include academicians, former senior public finance officers, civil society members, etc. The Terms of Reference for the Board of Monitors are in Annex 3 of this Code. The Board will perform its tasks under the overall direction and supervision of the National Electoral Commission.

In order to enable the Board members to carry out their responsibilities effectively, the following prerequisites must be obtained.

- Presidential Decree directing government officers to cooperate fully with NEC and any other body established by NEC to assist it in carrying out its national duties.*
- Presidential Decree officially prohibiting the use of government vehicles, etc. for use of campaigning and affixing of party emblem, logos, slogan, etc., on government offices, premises and vehicles*

It shall be the responsibility of the National Electoral Commission to obtain from the President the above-mentioned Decrees.

In order to ensure the effectiveness of the Board, NEC will grant the Board the authority to investigate on its behalf any violation of the electoral law and the Code of Conduct and, if they deem it necessary, to recommend to the Commission a course of action to be taken against the offender.

During the election period, the government Ministers are not allowed to use government vehicles for campaigning for the party that they belong to.

Civil servants are also not allowed, in accordance with the civil service law, to publicly campaign for a party. Doing this will be considered as a serious contravention of the election management process and NEC may initiate appropriate disciplinary action against the culprit(s).

3. No party may use directly or indirectly property owned by foreigners, such as that of foreign NGOs and that of the UN agencies.

Article 27: Movement of Transport at Polling Day

1. Except for essential transport, such as those needed for public order, ambulances, water carriers, trucks with lifting equipment needed for electric pylon repairs etc., which will all be given permission⁵⁹ to move, no other public/government and private transport shall be allowed to move during the polling day from six o'clock in the morning (6 a.m.) to eight o'clock in the evening (8 p.m.).
2. The Commission shall issue travel permits and a distinct sign that can be recognised to persons involved in the conduct of the election and to the senior officials of the parties.
3. The Commission shall inform the public through the media, seven days before the polling day, of the ban on the movement of transport during the polling day, and any transport that contravenes the ban set out in this Article shall be dealt with in accordance with the Law⁶⁰.

Article 28: Agents of the Parties

4. The Executive Committee of each party may send two agents⁶¹ who have the right to vote to any polling station where its candidates are standing for election and to any district, regional or national electoral offices. Each party may also send substitutes, if the agents are absent.
5. Agents sent by the parties shall be present when the electoral offices are conducting electoral activities, and shall submit their concerns or requests for clarification (if any), which shall be recorded.
6. The names of the agents of the parties shall be submitted to the Commission or its offices 21 days⁶² before the polling day. The Commission or its offices shall issue each agent with an accreditation or written permission allowing him access into and freedom to exercise his duties at the polling station or electoral office to which he was assigned.

To enhance the trust and confidence among the parties and to create a climate conducive to the smooth and efficient conduct of the election, it is necessary that the government refrain from any action that might be construed as an abuse of power. Likewise, it is necessary that political parties refrain from any action that may be construed as being detrimental to the peace and stability."

⁵⁹ The Code adds:

"The NEC is the only body authorised to grant permission for the circulation of vehicles during the election day. In accordance with the electoral law, the NEC will inform the public through the media and through its regional and district offices of the ban on movement of vehicles during the voting day.

The NEC will also make it publicly known that any person who violates the ban will be dealt with in accordance with the law."

⁶⁰ At the very least this could lead to a prosecution under Article 505 of the Penal Code which states that the failure to observe an order given lawfully by a public authority in the interests of justice, public security, public order or hygiene shall be punishable (unless the act amounts to a more serious offence) with imprisonment of up to three months or a fine of 3,000 Shillings (at the 1960s rate).

⁶¹ In contrast, Article 32(1) of the 2001 Election Law gives the parties the right to send only one agent. The Code adds that:

" Parties may, if a need arises, substitute their agents provided that the substitutes are the reserve agents that were trained.

The parties further agree that the Party agents at the polling stations cannot be candidates at the election."

⁶² Ten days in the 2001 Election Law (Article 32(3)).

Article 29: Conditions Relating to Party Agents

The agents assigned by the parties to the polling stations or the electoral offices shall fulfil⁶³ the following conditions⁶⁴:

1. He shall be a patrial citizen of Somaliland.
2. He shall be not less than 25 years of age in the year when the election is taking place.
3. He shall be able to read and write.
4. He shall a responsible and well-behaved person.
5. He shall be trained by the Commission in the duties of an agent.

PART V: PREPARATION FOR AND MANAGEMENT OF THE ELECTION**Article 30: Total Membership of the Commission⁶⁵**

REPEALED

Article 31: The Schedule of the Electoral Activities

1. Without prejudice to the duties and powers⁶⁶ of the Commission as set out in the Election Law (Law No. 20/2001), it shall also be the duty of the Commission to publish

⁶³ *The Code adds: "The NEC shall draft detailed terms of reference for the party agents, which shall form Annex 2 of this Code of Conduct."*

⁶⁴ The Commission may wish to add as part of its code of practice that agents must not be candidates at the election, which is a sensible condition usually found in electoral laws. *The Code now covers this point – see footnote 59 above.*

⁶⁵ Shortly after signing this Bill into Law on 12 April 2005, the President asked the House of Representatives to repeal this Article. This caused considerable controversy as this Article was not one of the provisions affected by the Supreme Court ruling. As the Law (including this Article) was passed by two thirds of both Houses previously, this meant that the President could not, under Article 77 (4), refer it back to the House. The House resisted the President's direct referral, but, on 24 April 2005, 40 members of the House adopted the proposal as their own motion and tabled that the deletion of Article 30 be accepted. After a very short debate, the motion was passed, even though 20 members left the House in protest before the matter was put to the vote. In my view, as this was in effect a new Bill amending a an existing Law, it should have been forwarded to the second parliamentary chamber (the House of Elders) under Article 77(1) and 78(1) of the Constitution, after which the President would sign it before it became Law and this Article was repealed. It is of course unusual for an amendment to be tabled so soon after a Law has been passed. However, the view of the Government was that a referral to the House of Elders was unnecessary as this amendment formed part of the Bill, as a whole, which had already been considered by the House of Elders, and need not be referred again to the Elders. The President has therefore signed the Amendment and it has now come into force, and so the composition of the Commission remains as set out in Article 11 of the 2001 Election Law. Incidentally, the text of the repealed Article was as follows:

"In view of the experience gained from the previous elections and the breadth of the responsibilities assigned to the Electoral Commission and taking into consideration the concerns expressed by the national parties and their proposals for improving the electoral activities, it is necessary to amend Article 11(1) of Law No. 20/2001. The following Clause has therefore been added (to the Article):

"1. Two members have been added to the total membership of the National Electoral Commission, who shall be selected as follows:

- a. One shall be selected by the opposition parties, and*
- b. the other shall be selected by the President.*

The appointment of both members shall be subject to approval by the House of Representatives."

⁶⁶ Article 14 of the 2001 Election Law:

"The Commission shall have the power to:

1. set the date of the elections, and inform the President so that he can issue a Decree;

officially a schedule with timeframes, which sets out clearly the plan of its activities. Copies of the schedule shall be sent to the parties and shall also, at the same time, be publicised in the various media.

2. After the publication of the schedule, any changes to the plan of the activities considered to be necessary by the Commission shall be communicated to the parties and shall, at the same time, be publicised in the media.

Article 32: Electoral Officeholders

Without prejudice to the matters set out in Articles 19 and 20 of the Election Law (Law No. 20/2001)⁶⁷ which relate to officeholders, it shall be the duty of the Commission to:

4. check thoroughly that the officeholders entrusted to undertake the heavy responsibilities of the election are proficient and able to fulfil these responsibilities;
5. provide the officeholders with adequate training and, at the same time, ensure that the officeholders can fulfil their duties properly, before the polling day;
6. prepare transport for undertaking the activities and communications equipment for the electoral offices and the inspectors⁶⁸.
7. If the need arises, the Commission shall have the power to increase the number of officeholders at the polling stations and the district and regional electoral offices.

Article 33: Contracts for Provision of Electoral Equipment and Materials

1. To avoid corruption, personal interests and injustice, the Commission shall offer contracts for the supply of electoral equipment and materials through competitive tendering.
2. The Commission shall enter into a comprehensive agreement with the successful bidder, which shall set out clearly the details of the contract, the period and the time for the supply of the equipment and materials, the method of payment, etc.
3. Members of the Commission or their families or businesses shall not be awarded such contracts, nor shall they benefit in any other way from their responsibilities⁶⁹.

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2. set the number and the location of the polling stations of the districts and the regions;
 3. appoint, dismiss, or discipline the staff of the central office and those of the electoral districts and the electoral regions;
 4. plan the budget for administering the electoral activities;
 5. declare the provisional results of the elections of the President and the Vice-President pending their confirmation by the Supreme Court;
 6. inspect the polling stations and any other places connected with their duties either randomly or in a planned fashion;
 7. adjudicate on the disagreements relating to the elections, which have been forwarded to them by their electoral offices;
 8. conduct research into how the country can have polling stations where candidates can compete for votes;
 9. register voters before the date of the election.”

⁶⁷ These two Articles set out the conditions for the appointment of electoral officeholders and their allowances.

⁶⁸ Inspections are the responsibility of the Electoral Commission under Article 14(6) of the 2001 Election Law, and can presumably be carried out also by members of the Central, District and Regional Electoral Offices who are all empowered to fulfil the election activities, in general: see Articles 17(4) and 18(2) of the 2001 Election Law.

⁶⁹ Commissioners are public officers under Article 21(1) of the 2001 Election Law and also fall within the category of public officers under Article 240 of the Penal Code and are, therefore, covered by crimes such as

Article 34: Electoral Offices' Equipment/Materials

1. The National Electoral Commission shall prepare for each polling station the following equipment/materials⁷⁰:
 - a) A copy of this Law.
 - b) A sealed container which has in it the stamp of the polling station as well as ink and a stamp pad.
 - c) A sealed container which has in it the ballot papers.
 - d) The Registration Book.
 - e) A numbered ballot box for the ballot papers.
 - f) A four copy notepad for recording the electoral materials.
 - g) Three forms for recording the voting activities.
 - h) A tabulated form.
 - i) Enough red ballpoint pens for marking the ballot papers.
 - j) At least five printed posters showing how voters can mark the ballot papers.
 - k) A box of candles and matches for use in places where there is no electricity or if required.
 - l) The various stationery items that may be required.
 - m) Eight official forms for recording the results of the polling and for signature by the Chairman of the polling station and three party agents⁷¹.
 - n) Plastic cover or tent for covering the polling station electoral materials so as to prevent them from getting wet in the event of rain.

Article 35: Getting Electoral Equipment/Materials Ready

1. The Commission shall prepare for every District/Regional Electoral Office the following materials:
 - a) A copy of this Law.
 - b) A sealed container which has in it the stamp of the District or Regional Electoral Office as well as ink and a stamp pad.
 - c) A four copy note pad for recording the electoral activities at the district or regional electoral office.
 - d) Tabulation forms.
 - e) Various stationery.
2. The equipment for each electoral office shall be placed in a separate container which shall be locked and sealed. The Commission shall send the equipment and the numbered ballot boxes at the appropriate time to the Regional Electoral Offices which shall forward them to the district electoral offices so that the latter can, in turn, pass them on to the polling stations in their districts.

peculation (Article 241), misappropriation (Article 242), corruption (Article 245), abuse of office (Article 250), etc. Note, however, that Commissioners enjoy privileges under Article 21(4) of the 2001 Election Law, and see also Article 63 of this Law dealing with allegations against the Commissioners.

⁷⁰ One item missing from this list, but which is in the comparable list of equipment/materials in Article 37 of the 2001 Election Law is "a bottle of indelible ink for marking the voters". This is still essential for this election and is an example of one of the provisions in the 2001 Law which can be legitimately read into this Law in line with the Supreme Court ruling as, without voter registration, marking with ink is the only main way of preventing multiple voting.

⁷¹ Presumably one from each of the three parties.

3. The Commission shall prepare for the District/Regional Offices extra ballot papers kept in sealed envelopes for use by any electoral office that requests them. Such requests must be accompanied by reasons, and the ballot papers shall be handed to the Chairman of the polling station.
4. All the various equipment and materials used for the election shall be guarded carefully, recorded in registers at every place they are kept and returned to the central electoral headquarters at the conclusion of the election.
5. A five- to seven- copy notepad⁷² for recording the official result of the votes cast in the electoral district, which shall stamped and signed by three party agents and the Chairman of the polling station.

Article 36: Ballot Papers

1. Ballot papers shall have three equal, parallel and separate vertical columns. Each party shall have its own column with its symbol printed at the top in an upright and rectangular manner. The names of the candidates of each party in each region shall be printed underneath the party's symbol. A blank rectangular box for the voter to mark his choice of a candidate shall be printed in front of the name of each candidate. Each ballot paper shall have a small gummed edge so that it can be sealed.
2. An adequate number of specimen ballot papers for use by the parties shall be printed and distributed to the parties during the election campaign so as to inform and acquaint the public with the voting procedure. The specimen ballot papers shall not have serial numbers.
3. Ballot papers shall contain secret holograms which cannot be forged and shall also have serial numbers.

Article 37: Polling Booth and Ballot Box

1. Every polling station where voting is taking place shall have two small booths for voters to use when marking the ballot papers.
2. The ballot boxes for holding the ballot papers shall be placed in a visible place at the polling station, which is in full view of the Chairman of the polling station, the other officeholders at the polling station and the party agents.

Article 38: Display of the List of Candidates

A printed copy of the lists of the names of party candidates running for election at each region shall be displayed in a place at the electoral office or outside the polling station which is clearly visible.

Article 39: Distribution of Electoral Equipment/Materials

1. Taking into account any unexpected circumstances which might hinder the distribution of the electoral materials, the Commission shall ensure that the materials needed for the election reach each Regional Electoral Office at an appropriate time. The Regional Electoral Office shall, ensure that the materials reach District Electoral Office, at the latest, ten o'clock in the morning (10 a.m.) of the day before the polling day.

⁷² This Clause could have been more appropriately placed in the list of electoral materials set out in Clause 1 of this Article.

2. The District Electoral Office shall ensure that all the polling stations where the voting will take place in its district receive all the necessary materials before five o'clock in the morning (5 a.m.) of the polling day⁷³.
3. The Chairman of each polling station shall be issued with:
 - a) A note declaring the names of the polling station officeholders⁷⁴.
 - b) A note declaring the names of the agents of parties who shall be present at the polling station.
 - c) A note declaring the names of the international and local observers who are working in the district.

Article 40: Getting the Polling Station Office Ready

5. When the polling station Chairman receives the equipment⁷⁵ referred to in the preceding Article, he shall:
 - g) prepare the office and inform the scrutineers and the secretary of their duties and brief them on how they can fulfil their assigned responsibilities;
- a) ensure that the approved agents of the parties are present;
 - b) having confirmed that the containers are sealed, in the presence of the station officeholders and the agents of the parties, open them and check that the materials are complete;
 - c) having confirmed with the station officeholders and the party agents that the envelopes containing the (polling) station stamp and the ballot papers are sealed, open the envelopes, mark the ballot papers with the polling station stamp and place them neatly in a suitable container. No person, other than those assigned in writing⁷⁶ to the polling station, shall be present in the polling station at this stage;
 - d) ensure that the displays setting out the voting procedures and the lists of the candidates are affixed to the assigned places;
 - e) ensure that the necessary equipment assigned for the voting is utilised in the way set out in the Law so that the election activities are carried out properly.
6. He (the polling station Chairman) shall record that all the above activities have been carried out. The record shall carry the stamp of the polling station and shall indicate the total number of ballot papers received by the polling station and the Registration Book.
7. He shall then ensure that all the officers and the agents confirm through their signatures that everything is in place as planned.
8. When the Chairman of the polling station confirms that all the above activities have been carried out, he shall declare that the voting may commence.

Article 41: Powers of the Chairman of the Polling Station

⁷³ This is an hour earlier than the deadline set in Article 41 of the 2001 Election Law.

⁷⁴ Articles 16(1) & 16(2) of the 2001 Election Law set out the composition of the Polling Station Office as follows:

"1. The Polling Station Electoral Office shall consist of a chairman and two scrutineers. The elder of the two scrutineers shall act as deputy chairman. The Office shall also have a secretary.

2. The chairman, the secretary and two scrutineers shall be appointed by the Commission which has the power to transfer them, if that is deemed necessary."

⁷⁵ The words equipment (*qalab*) and materials (*agab*) appear to be used in various Clauses either separately or together and sometimes interchangeably.

⁷⁶ As set out in Article 39(3) of this Law.

1. The Chairman of the polling station shall keep order during the election. He may instruct the police to remove a person from the polling station or detain a person who has committed an offence in connection with the electoral activities or a person who is manifestly insane.
2. The police shall not enter the polling station unless ordered to do so by the Chairman.
3. If an unforeseen event arises which may have a detrimental effect on the proper conduct of the election, the Chairman of the polling station has the power to take interim measures to resolve the problems and shall record, in writing, the measures taken and forward the record to the District Electoral Office.
4. Police officers and state employees shall fulfil any requests made by the Chairman of the polling station so as to ensure smooth voting and avoid overcrowding around the polling station officerholders' table or in the immediate vicinity of the polling station.
5. The Chairman of the polling station shall have the right to exercise the powers⁷⁷ set out in this Article.

Article 42: Order at the Polling Station

1. Only officeholders working at the polling station, agents of the parties and voters casting their votes may enter the polling station⁷⁸.
2. It is forbidden for anyone, other than the forces keeping the peace at the polling station, to carry weapons at the polling station.
3. Voters shall form queues and only one person at a time may proceed to the polling booth. Voters shall move in the order of their arrival (in the queue), but a person may be allowed to proceed ahead if there are any special circumstances relating to him or he is a person working on electoral activities and wishes to cast his own ballot.

Article 43: Persons who can not Vote

1. Only voters who attend the polling station in person⁷⁹ may place their votes in the ballot box.
2. If, because of physical incapacity or age or other reason, a person in the polling station is not able to cast his vote, the Chairman of the polling station may mark the ballot for him in the presence of the party agents⁸⁰.
3. The Secretary⁸¹ of the polling station shall record the reason why the person was allowed to be helped in casting his vote and the record shall also show the name(s) of the person and that of his helper⁸².

Article 44: The Voting Procedure

⁷⁷ See also the additional power of the Chairman set out in Articles 44(6) and 44(7) and relating to persons who may loiter inside the polling station or those who possess additional ballot papers.

⁷⁸ This Clause which mirrors Clause 44(1) of the 2001 Election Law seems to overlook the fact that observers and inspectors may need to enter the polling stations for observation and inspection.

⁷⁹ This confirms that the Law does not allow any postal or proxy votes.

⁸⁰ In Article 46(2) of the 2001 Election Law, the Chairman, in these circumstances, may allow another voter who is trusted by the incapacitated person to help him cast his vote.

⁸¹ Under Article 16 of the 2001 Election Law, the polling station officeholders shall consist of a Chairman, two scrutineers, one of whom shall act as a Deputy Chairman, and a Secretary.

⁸² The helper will now always be the Chairman of the polling station, as set out in Clause 3 of this Article, and it appears that Clause 3 simply repeated the wording of the corresponding Clause 46(3) of the 2001 Election Law.

1. On completion of the activities set out in Articles 40 and 42 of this Law (*and those set out in Article 45 of the 2001 Election Law*)⁸³, the Chairman of the polling station shall hand the voter a ballot paper which has the polling station stamp affixed to it and which has been detached from its remaining counterfoil.
2. The voter shall then enter the small booth where he will mark⁸⁴ the ballot paper and fold it.
3. Using a red ballpoint pen provided by the Secretary of the polling station, the voter shall put his mark (on the ballot paper) in the blank rectangular box in front of the name of the candidate he is voting for. The voter shall then fold the ballot paper, seal the gummed edges together and place it in the appropriate ballot box.
4. When the voter puts his ballot in the box through its opening, he must leave the polling station after the Chairman of the polling station has checked that the voting ink stain on the voter is clearly apparent⁸⁵.
5. If the voter notices before he casts his vote that the ballot paper he was given is incomplete or damaged, he shall return it and ask the Chairman of the polling station for a replacement. Such an incident shall be recorded in writing.
6. The Chairman of the polling station shall have the power to eject from the station and to confiscate the ballot paper of any voter who, without any excuse, loiters at the station. Any such ejected voter may be allowed to vote after all the other waiting persons at the polling station have cast their votes.

⁸³ The 2001 Election Law includes another activity to be carried out before a ballot paper is handed to a prospective voter and that relates to ascertaining the voter's identity and eligibility to vote. When this Law was initially passed by the two Houses, it set out a voter registration system which was deleted after the Supreme Court decision. It is possible, therefore, that this may be the reason why the provision relating to the procedure for checking eligibility at the polling station, which is in the 2001 Election Law, was left out from this Article. The Supreme Court ruling to the effect that any shortcomings relating to its decision can be remedied by following the relevant provisions of the 2001 Election Law means, therefore, that another activity to be completed before a person is given a ballot is as described in Article 45 of that Law and is as follows:

"1. A voter may cast his vote after:

- a) he has given the particulars of his name, age and identification;
- b) his right to vote has been verified and he has fulfilled the voting conditions after his identification, including any documents he is carrying, other witness statements or any other means of proof, have been checked promptly;

2. Indelible ink shall be marked on the little finger nail of the voter's left hand. If he has no left hand, then the right-hand little fingernail shall be marked, and if he has no hands, then a visible part of his body shall be marked."

⁸⁴ *The Code adds the following:*

"This Article (44(3)) is very specific and restrictive in terms of where the voter can put his/her mark in the ballot paper. Given the fact that a large percentage of the people are unable to read or write, the probability of disenfranchising a lot of voters due to high rate of illiteracy cannot be ruled out. To avoid this situation the parties have agreed to the following, which is in line with the practice that was used in earlier elections.

The voter is allowed to put his/her mark on the ballot paper anywhere within the row that is designated for each candidate.

Any mark, be it a dot, cross, tick, sign, etc., is acceptable so long as it is clearly within the row.

If a voter's mark spills over to an adjacent row then neither of the two candidates gets the vote.

However, the vote shall be counted for the party of the candidates whose votes were counted as invalid.

If the Mark spills across two party columns, then that vote is treated as being an invalid vote."

⁸⁵ The corresponding Article 47(4) of the 2001 Election Laws adds that "If the ink stain is not so apparent, it shall be applied again so as to show that the person has already cast his vote".

7. If any voter is found to have additional ballot papers or ballot papers which are different from the ones used for voting or who has voted previously, the Chairman of the polling station shall order promptly that the voter be detained and handed over to the police so that he can be taken to court⁸⁶. Such an incident shall be recorded in writing.
8. It shall be the duty of the Chairman of the polling station and the three party agents to verify that every ballot paper has the stamp (of the polling station) affixed to it.

Article 45: Period of the Voting

1. Voting shall be completed within one day, beginning at six o'clock⁸⁷ in the morning (6 a.m.) and finishing at six o'clock in the evening (6 p.m.). However, electoral officeholders and party agents must be present at their assigned stations an hour before the voting starts.
2. If at the finishing time for the voting there are voters who are still queuing and have not yet voted, the finishing time shall be disregarded and voting shall continue until all such waiting voters have cast their votes.

Article 46: Complaints at the Polling Station

The Chairman of the Polling Station shall reach decisions about the complaints or arguments (if any) arising out of the electoral activities at the station, including any submitted to him orally or in writing. These complaints and arguments shall be recorded in writing.

Article 47: Preparations for the Counting of Votes

1. After all the voters in the queue have cast their votes, the Chairman of the (polling) station shall announce loudly that the voting has finished.
2. Having ensured the presence of polling station electoral officeholders and the agents of the parties, the Chairman of the polling station shall collect from the table all the papers and equipment which are not necessary for the count, and shall start the following activities:
 - a) Confirm the total number of voters by comparing the total number of ballot papers issued with the total number of voters recorded in the register.
 - b) Collect and count all the ballot papers that have not been used and place them in the first envelope.
 - c) Confirm the total number of damaged⁸⁸ ballot papers which were returned by the voters or were seen to be so⁸⁹, and place them in the second envelope.
 - d) The Chairman of the polling station and the three party agents and the head of the security at the station shall jointly sign the Registration Book of the polling station and shall declare that the voting took place and was completed in an orderly manner.

⁸⁶ Note Article 64(3) of this Law which introduces a controversial, and in my view, unconstitutional power of the Commission to impose fines on individuals, but in this case it is the courts that will deal with this offence. I have repeatedly recommended since the first Election Bill was published in 1999/2000 that the Electoral Laws should include specific electoral offences, as the Penal Code does not cover all the likely offences that may be committed in connection with elections.

⁸⁷ It was seven o'clock in the 2001 Election Law (Article 48).

⁸⁸ See Article 44(5) of this Law.

⁸⁹ Presumably by the polling station officeholders before the ballot papers are handed to the voters.

Article 48: Procedure for Counting of the Votes

1. When the Chairman of the (polling) station has completed the preparation activities set out in Article 47, he shall start the count of the ballot papers in the ballot box. To enable this, a Scrutineer shall remove from the ballot box one ballot paper⁹⁰ at a time, which he shall pass on to the Chairman. The Chairman shall unfold each ballot paper and announce loudly (the name of) the party/candidate who gained each vote. The ballot paper shall then be passed by the Scrutineer to the second Scrutineer who shall show it to the agents of the parties. The Secretary shall then record the vote in the appropriate tabulated form which relates to the party for which the vote was cast and shall place the ballot paper in a secure box which has the symbol of the same party on it.
2. No ballot paper shall be removed from the ballot box while the preceding ballot paper is still being processed and has not been placed in the (appropriate) box. Only the officeholders of the (polling) station shall manage these tasks, but the party agents shall pay particular attention to the counting activities and shall satisfy themselves of each vote.
3. When the Chairman of the (polling) station completes the count, he shall confirm the total number of ballot papers and reconcile it with the total number of votes cast for all the parties as well as the total number of votes noted in the Registration Book. He shall also add to that the total number of disputed ballot papers or incorrect ballot papers which have been recognised as being void⁹¹.
4. When the Chairman of the (polling) station completes these activities, he shall place in the third envelope the incorrect ballot papers or those which were considered to be void and/or disputed ballot papers, as well as the records of any complaints or claims.
5. The Chairman of the (polling) station shall finally place in the fourth envelope the counted ballot papers in their separate bundles.

Article 49: The Closure of the Counting Activities

1. When the Chairman of the (polling) station completes the counting activities set out in Article 48, he shall declare publicly the total number of voters, the total correct votes, the number of void votes and the total votes cast for each party.
2. The envelopes shall then be sealed, and shall have affixed to them on the outside the stamp of the polling station and the signatures of the Chairman of the (polling) station, and those of at least one of the scrutineers and of all the agents of the parties which have candidates standing for election at the polling station.
3. If a party agent⁹² refuses deliberately or argues against or refrains from signing the outcome of the vote at the polling station, it is sufficient to have the signatures of the agents of the other two parties and the signatures of the polling station officeholders, so as to avoid the loss of the votes cast by the citizens. This will not affect the legality of the activities, but the complaint shall be recorded.

⁹⁰ It was two ballot papers at a time in the corresponding Article 51 of the 2001 Election Law.

⁹¹ See Article 50 below for invalid votes.

⁹² *The Code adds that "in the remote but possible situation of party agents from two political parties who have been present at the polling station and who deliberately refuse or disappear from the polling station before the signature of the outcome of the vote", the following shall apply: "in order to avoid the loss of votes cast by the citizens, the signature of only one party agent and the signatures of the polling station officeholders shall suffice. However, the reasons for such an event shall be recorded".*

4. If, however, two or more party agents refrain from signing because of complaints they may have, their complaints shall be forwarded to the District Electoral Office within a period of no more than 12 hours so that a decision can be made. Such an event shall be recorded.
5. The details of the materials in each envelope shall be noted on the outside of each envelope.
6. The counting activities shall be completed as set out (above) in a continuous manner and without any interruptions or engagement in other activities until their completion.
7. The written records shall show clearly the activities set out above and each party agent shall take a copy⁹³ of the polling station voting result forms which have been signed by all and stamped.

Article 50: Incorrect or Disputed Votes

1. When the ballot papers are being counted, the following shall be considered as void:
 - a) If they are different from the ballot papers which the Commission has chosen for use in the election.
 - b) If they do not have the stamp of the polling station affixed to them.
 - c) If the ballot paper is damaged or is incomplete.
 - d) If the ballot paper contains any writing or signs or impressions which were not intended to be made on it.
 - e) If the ballot paper does not show clearly the party/candidate for which the vote was cast and this can not be ascertained.
 - f) If the ballot paper shows that the voter has marked the symbols of more than one party/candidate.
 - g) The ballot papers which are recognised as being void as set out in this Clause (a - f) shall not be included in the total number of valid votes and hence shall not be added to the count of votes for the parties.
2. A vote may become void when the all the officeholders of the polling station so resolve unanimously. If, however, there is no such unanimous resolution and there is disagreement, the relevant ballot paper shall be recognised as a disputed one.
3. The District Electoral Office may reach decisions about disputed ballot papers.

Article 51: The Written Records of the Polling Station

1. The written records of the polling station shall be kept in the appropriate forms consisting of eight copies⁹⁴ each, which were designed by the Commission.
2. Two sets of the written records shall be placed in the same container which holds the sealed envelopes referred to in Article 49 (of this Law) and which shall be forwarded to the District Electoral Office. The third set, together with the various remaining election materials, shall be forwarded to the Chairman of the Regional Electoral Office.
3. The remaining five sets of the written records shall be distributed to the three party agents and one set each shall be forwarded to the central headquarters of the National Commission and the Supreme Court⁹⁵.

⁹³ This is a new addition and does not appear in the corresponding Article 52(5) of the 2001 Election Law.

⁹⁴ In contrast the 2001 Election law set out three copies of each form (Article 54(1)).

⁹⁵ *The Code now says that as this is not logistically possible, the Chairman "will send the copy of the written record of the polling station results intended for the Supreme Court to the District Election Officer who will then forward it to the Regional Election Officer for onward transmission to the Supreme Court".*

Article 52: The Transport and Transfer of Equipment/Materials

1. The Chairman of the polling station, accompanied by at least one of the officeholders (of the polling station) and the guarding police officers, as well as the party agents, shall transport the equipment, written records and the envelopes of the polling station and shall hand them over to the District Electoral Office within a period of no more than 12 hours⁹⁶.
2. When the equipment and the envelopes are being handed over to the District Electoral Office, they shall be checked so as to ensure that they are sealed and have not been opened or interfered with. The Chairman of the District Electoral Office shall issue, in the presence of the party agents, a receipt confirming transfer of the materials.
3. The Chairman of the District Electoral Office shall forward⁹⁷ the sealed envelope containing the result⁹⁸ of the voting for the election of the House of Representatives and a set of the written records to the Chairman of the Regional Electoral Office.
4. Three sets of the written records shall be given to the party agents at the District level.
5. One set each of the written records shall be sent to the Commission (central) office and the Supreme Court.

Article 53: The Work of the District Electoral Office

1. On receipt of the materials set out Article 52 of this Law, the Chairman District Electoral Office shall:
 - a) instruct the scrutineers, the secretary and the counting officers to get ready for the work;
 - b) call the agents of the parties and inform them that they should be present during the conduct of the (election) activities;
 - c) after he, the officeholders and the agents have checked together that the envelopes are sealed and have not been opened previously, open the envelope which contains the stamp and check that the number on the stamp has been affixed to the written records;
 - d) check that the written records and the envelopes set out in Articles 49 and 51 are complete;
 - e) check and add up the total votes cast in all the polling stations of the district;
 - f) check and add up the total ballot papers which have not been used;
 - g) check and add up the total number of void votes of all the polling stations in the district;
 - h) reach decisions about the disputed votes as set out in Article 50 of this Law;
 - i) add up the total votes cast for each party throughout the district;
 - j) forward the result of the district voting and the complaints and/or claims (if any) to the Chair of the Regional Electoral Office.

⁹⁶ It is not clear as to when this 12 hour deadline starts, but in practice this may well be from the time the counting activities under Article 49 are concluded. The Commission will presumably confirm this in its guidelines.

⁹⁷ See also Article 53(j). These last three Clauses of this Article would, in my view, have been placed better after, or as part of Article 53, which set out the activities the District Electoral Office has to undertake before it forwards records to the Regional Office, the Commission and the Supreme Court.

⁹⁸ See Article 53 below which deals with the work of the District Electoral Office.

Article 54: The Work of the Regional Electoral Office

1. After receiving the set of the written records of the polling stations and the result of the total votes as declared by the districts in the region, as well as the total votes cast for each party as forwarded by the District Electoral Offices of the region, the Regional Electoral Office shall check very carefully the calculations of the results of the total votes in all the districts of the region.
2. After completion of the activities in Clause 1 of this Article, the Regional Office shall calculate the total votes cast for each candidate and shall also look at each party separately.
3. When the Chairman of the Regional Electoral Office is satisfied with the activities undertaken, he shall make a written record of the activities in the appropriate forms with six copies⁹⁹ each, and shall forward two sets to the Central Electoral Office (the Commission) and the original set to the Supreme Court of the country.
4. The remaining three sets shall be given to the three party agents at regional level.

Article 55: The Declaration of the Provisional Result of the Election

The Chairman of the Regional Electoral Office, in the presence of the member of the National Commission who was assigned to the region, shall issue the provisional regional result of the election of the House of Representatives. This will be published in a short summary which shows the overall total of all the valid votes in the region and the total votes cast for each party and each candidate in the regional voting. Copies of the summary shall be forwarded to the Central (Electoral) Office and to the party agents.

Article 56: Forwarding the Records

1. The records of the activities set out in Articles 49, 51 and 54 of this Law shall be noted in the appropriate forms designed by the Commission for these purposes, and, at least six copies¹⁰⁰ each must be kept.
2. The copies of the records shall be distributed as set out in Articles 51 and 54 of this Law¹⁰¹.

Article 57: The Work of the Central Electoral Office

1. The Commission shall follow diligently all the matters which affect the election, and shall respond, without delay, to any requests made by the District/Regional Electoral Offices and to any other circumstances which need immediate resolution and decision-making.
2. On receipt of the equipment (materials) and the written records set out in Article 55 of this Law¹⁰², the Commission shall:
 - a) instruct the officeholders to get ready for the tasks;
 - b) call the agents of the parties so that they can be present during the conduct of the (election) activities;

⁹⁹ Again the corresponding Article in the 2001 Election Law provided that there will be three sets (Article 58).

¹⁰⁰ This is a general provision to apply where no specific number of copies has been set in various other Clauses, some of which, such as Article 51 relating to the records of the polling station, suggest eight copies for each record.

¹⁰¹ And Article 52 as well.

¹⁰² Note also that the Commission would have received the records mentioned in Articles 51(3); Article 52(5) and Article 54(3) relating to the electoral offices at polling station, district and the regional level respectively.

- c) check, together with others, that the envelopes are sealed and have not been opened and then open them and remove the materials therein;
- d) verify arithmetically the results of the regional votes, and when satisfied, put together in tabulated format figures which show clearly against each polling station the total votes, the valid votes, the void votes, the total votes cast for each party and for the candidates of each party on its own, with all the figures set out in a district, regional and national basis;
- e) having followed the procedure set out in Article 12(2) and 12(3) of the Law¹⁰³, compile the list of the names of the candidates who are successful in the election of the House of Representatives at national level, and at the same time compile the list of the names of the unsuccessful candidates put up by the parties who shall be in line for future vacancies;
- f) reach decisions about the complaints and/or claims (if any) forwarded by the Regional Electoral Offices and the complaints or claims which are submitted by the party headquarters and record all these decisions;
- g) complete its activities within ten days, beginning with¹⁰⁴ the date of the polling day.

Article 58: The Declaration and Forwarding of the Provisional Result

1. On completion of the activities set out in Article 57, and having satisfied itself that the election has been conducted properly, the Commission shall declare the provisional result of the election of the House of Representatives.
2. When the Commission declares the provisional result, it shall, on the same date, formally inform the Supreme Court of the nation of the comprehensive result of the election, together with the list of names of the successful candidates and the various supporting documents.

PART VI: THE FORMALISATION¹⁰⁵ OF THE ELECTORAL RESULT

Article 59: Confirmation of the Result

1. The Chairman and the judges of the Constitutional Supreme Court¹⁰⁶ sitting *en banc* (full court) shall reach a decision about the result of the election of the House of Representatives after they have:

¹⁰³ As well as, presumably, Article 12(4).

¹⁰⁴ Normally when a Law sets a period beginning with the date of the specific event, that date is counted as day one and so in this example the final date is ninth day after the polling day. On the other hand where a Law sets a period from (and not beginning with) an event/date, that date of the event is excluded and hence, in this case, the deadline will be the tenth day. In Somaliland law, however, it is likely that the latter interpretation will be followed for all set periods, and the date of the event triggering the deadline period is usually excluded.

¹⁰⁵ The word used here in Somali translates literally as the 'legalisation' (*sharciyanta*), but I have chosen the word 'formalisation', which more aptly describes the process. In my view 'legalisation' suggests the provisional result was not legal, when indeed all it is waiting for is formalisation by the Supreme Court as indeed before that it was 'provisional' or interim.

¹⁰⁶ The Law has so far referred to the Supreme Court and this is the first time that the Constitutional Court has been mentioned, albeit wrongly referred to as the "Constitutional Supreme Court" – see also the following Clause of the same Article. Although the two courts have the same composition and seat, they are two distinct courts as set out in Article 101 of the Constitution. The Organisation of the Judiciary Law (Law No. 24/03), which finally became law in March 2008, confirms (in Article 10(3)(f)) that the Supreme Court (not sitting as the Constitutional Court) shall deal with all disputes relating to electoral matters. The declaration of the

- a) perused the written records of the election result, which have been forwarded by the Commission¹⁰⁷;
 - b) confirmed that the results were correct arithmetically and legally;
 - c) verified that there was no pending claim against the decision of the Commission, which has been instituted at the Court within the period¹⁰⁸ set by the law, and if there were a pending claim, that a decision about the claim had been reached by them.
2. The Supreme Court shall declare its decision¹⁰⁹ formalising the election result and the list of the names of the successful candidates at a court sitting attended by the heads of the parties, (members of) the Government and the press.

Article 60: Administering the Oath to the Members

On declaring the decision formalising the result of the election, the Supreme Court shall set a date¹¹⁰ which is no later than a week (from the date of the declaration) for the meeting to administer the oath of office to the members elected to serve in the House of Representatives. The meeting shall be presided over by the Chairman of the Supreme Court as set out in Article 44(3) of the Constitution.

Article 61: Elections Claims

1. The Constitutional Supreme Court¹¹¹ shall have (the sole) jurisdiction to deal with claims relating to the election of the House of Representatives, after it has accepted the relevant petitions.
2. These claims must reach the Supreme Court office within 20 days, beginning from the date¹¹² when the election results are declared. No late claims shall be considered.

outcome of the election and the decisions relating to the routine complaints or suits relating to the elections are not necessarily constitutional issues unless they touch or concern a constitutional provision. The clarification in the Judiciary Law is now in line with the 2001 Election Law (Article 65).

¹⁰⁷ Note also that, like the Commission, the Supreme Court would have received the records mentioned in Articles 51(3), Article 52(5) and Article 54(3) relating to the electoral offices at polling station, district and regional level respectively.

¹⁰⁸ The period of 20 days is set in Article 61(2) of this Law.

¹⁰⁹ The Supreme Court made the declaration of the results of the (29 September) 2005 House election on 1 November 2005.

¹¹⁰ This provision is a drafting error and runs clearly contrary to the Article 44 of the Constitution which states:

“Article 44: The Convening of the New House

1. The new House shall hold its inaugural meeting within 30 (thirty) days from the date when the electoral results are declared and shall be convened by the President of the Republic.
2. If the President fails to convene the inaugural meeting, the House shall meet on its own initiative on the 45th (forty-fifth) day beginning from the date when the electoral declaration is made.
3. The new House shall be opened by the Chairman of the Supreme Court who shall administer the oath of office to the members ...”.

Following this Article, after the House election on 29 September 2005 and concerns about the alleged delays in the convening of the new House, the then Chairman of the Supreme Court on 7 November 2005 issued a very widely publicised order for the new members to convene on 6 November 2005 for their swearing-in ceremony, only to find that he had to retract the order in the light of the constitutional power given to the President under Article 44 of the Constitution. In the event, the new House was convened by the President on 29 November 2005.

¹¹¹ This is the Supreme Court not sitting as the Constitutional Court: see Article 59 of this Law and Article 10(3)(f) of the Organisation of Judiciary Law.

¹¹² See the note relating to the Article 57(2)(g) above, which sets a period in a similar fashion.

PART VII: CONTRAVENTIONS OF THE ELECTORAL LAW AND PROCEDURES

Article 62: Complying with the Electoral Law and Procedures

It is the duty of every patrial¹¹³ citizen of the Republic of Somaliland to safeguard the public order and to comply with the electoral law and procedures. Therefore, contraventions of the law and the procedures shall attract punishment.

Article 63: Allegations against the Electoral Commission

If a member (or members) of the Electoral Commission commits an act which may amount to a serious crime or may jeopardise the conduct and order of the election or the public order in the country, the allegations against the member, the removal of his privileges and the prosecution shall all be dealt with in line with the procedures set out in Clauses 96(1), 96(4) and 96(5) of the Constitution¹¹⁴.

Article 64: Disciplinary Action for Contraventions of the Electoral Law and Procedures

1. As the Commission has the primary responsibility for ensuring the proper conduct of the election, it shall have the power to discipline anyone¹¹⁵ who commits an act which is

¹¹³ This duty is on all citizens, patrial or not, and as Article 34 of the Constitution expressly enjoins all citizens to respect the Constitution and the laws of the country, the first sentence of this Article is superfluous. As for the second sentence, the proposed punishment for contravention of the electoral law and procedure is not precise enough for the courts and prosecutors to act upon, as it neither sets out clearly the nature of the contraventions/crimes and the requisite punishments, except in the following two Articles which relate specifically to the Commission and the political parties only. This author (and others) has previously recommended the inclusion of specific electoral offences in this Law (and also in the 2001 Law) to supplement the general offences in the Penal Code.

¹¹⁴ Article 96 sets out the impeachment procedures for the President, the Vice-President, Ministers and Deputy Ministers accused of committing the two crimes set out in Clause 1, i.e. high treason or contraventions of the Constitution. Article 21(4) of the 2001 Election Law gives the members of the Electoral Commission the same privileges enjoyed by Ministers under Article 94(8) of the Constitution. Therefore, no Commission member may be detained unless caught *in flagrante delicto* in respect of an offence punishable by imprisonment for three years or more, or the President has removed his privileges after having been satisfied by proposals put to him by the Attorney General. Under Article 96(4) of the Constitution, if the privileges are removed following an accusation against the Minister (or the Commissioner) to the effect that he committed the crimes in Article 96(1) (i.e. high treason or constitutional infringement), then the prosecution of the case will be heard by the High Court of Justice (which consists of the Chairman and four judges of the Supreme Court sitting with four members of the two Houses – see Article 96(5)).

¹¹⁵ In our formal comments on the draft Bill, the Somaliland Forum Constitution & Law Committee, of which I am Chair, was seriously concerned about this power given to the Commission to impose fines, especially in respect of ordinary citizens, and proposed 15 new electoral offences which could be dealt with by the courts. It remains my view that while the disciplining of the parties by the Commission may be acceptable if certain safeguards are followed, it is unacceptable for an administrative body, like the Commission, which is not a court of law, to impose fines on ordinary citizens. Such penalties imposed upon ordinary citizens may well be unconstitutional, in that this role usurps the role given to the judiciary under Article 97 of the Constitution, and may also contravene the fundamental rights of the citizen such as Article 26(3) (innocence until proven guilty by a court of law) and Article 28 (the right to defend oneself in a court), which includes fair trial by an independent and impartial court. The Commission may well choose (wisely in my view) to refer all contraventions by members of the public to the police and the courts, as they are enjoined to do so in respect of the serious contravention under Clause 2 of this Article and also in respect of the offence under Article 44(7) of this Law. So far as parties are concerned, any penalty imposed on them by the Commission could be challenged in the Supreme Court under its power of general review to deal with the decisions of administrative bodies. The Commission will therefore need to adopt a transparent procedure which, at a minimum, separates the investigation of the allegations from the decisions to impose a penalty (so that the same Commissioner

contrary to the administration (of the election) or to the Electoral Law and procedures. Therefore, while taking into consideration the gravity and effect of any such contravention, the Commission may take the following disciplinary action:

1. criticism and condemnation, and/or
2. a severe warning which shall be recorded, and/or
3. a fine :
 - a) if the wrong or contravention is committed by a responsible person in a party or by a candidate, a fine of SI.Sh. 5,000,000 to 10,000,000 may be imposed on the party;
 - b) if the wrong or contravention is committed by an electoral officeholder, a fine of SI.Sh. 200,000 to 400,000 may be imposed;
 - c) if the wrong or contravention is committed by an ordinary citizen, a fine of SI.Sh. 300,000 to 500,000 may be imposed.
2. If the contravention is a serious one which merits a criminal punishment or which may jeopardise the conduct of the election or the public order or may damage the good order and the acceptance of the procedures by all, then the Commission or those responsible for electoral offices shall order that the culprit be detained so that he can be dealt with by the competent court¹¹⁶.

Article 65: Implementation and Publication of the Law

This Law shall come into force when the Parliament approves it and the President of the Republic of Somaliland signs it and it is published in the Official Journal of the Government.

Praise be to Allah

Ahmed Mohamed Adan
Chairman, House of Representatives

Mohamad Hussain Osman
General Secretary, House of Representatives

does not act as a prosecutor and a judge), gives the accused party full details of the allegations and a chance to defend the allegations and to make any representations, and gives detailed reasons for any decisions.

¹¹⁶ This will be either the District Court for offences carrying a punishment of up to three years and/or a fine of up to SI.Sh. 3 million; or the Regional Court for more serious offences.

CHAPTER SEVEN: THE VOTER REGISTRATION LAW 2007, AS AMENDED IN 2008

This Law initially came into force on 8 July 2007 (see Presidential Decree 287/2007 of that date). The registration was not carried out in 2007, and by mid 2008 the three parties and the Somaliland Electoral Commission agreed that urgent amendments need to be made to the Registration Law so that the delayed local and Presidential elections could be held as soon as practicable. It was the view of the Commission that some of the deadlines and registration procedures set out in the Law were not conducive to a speedy conclusion of the process that would allow the holding of early elections.

On receipt of the Commission's proposals for the amendments, the President, using his power under Article 46 of the Constitution, called on 7 June 2008 an extraordinary session of the House, which was in recess at that time. The House finally considered the amendment bill on 10 June 2008 and approved it *in toto* on a vote of 33 for, 8 against and 2 abstaining. The bill then went to the House of Elders and on 15 June 2008, the Elders voted to amend Articles 1, 11 and 12 of the bill on a vote of 45 for and 1 against. The proposed changes to Article 1 and 12 were minor and sought to clarify further the temporary nature of the changes and their application to the forthcoming two elections only, but the second change to Article 11 suggested that the agreement between the three parties and the Commission on the length of the period between the two forthcoming elections should only be advisory in character, and not binding. This proved to be very controversial, as it was seen as another attempt by the Elders to reassert their right to be the final decision-makers on extensions to the terms of office of the sitting President and the current local councils whose terms have already expired.

When the bill returned to the House of Representatives, the latter insisted on passing the bill again in its original format on 21 June 2008, with a vote of 28 for, 8 against and 4 abstaining. In the absence of the President (who was on an official visit abroad), the bill was signed by the Vice-President on 23 June 2008 (Decree No. 345/062008) and came into force on that date. There is no record of the bill having been returned to the Elders, as set out in Article 78(1)(b), but, in any case, the Elders can only make the same amendments once and have no power to overrule an amendment already rejected by the Representatives. In this case also, as they have already set out the reasons for their changes, the Elders would not have been able to bring into play their power under Article 78(5): '*in principle*' rejection on a two-thirds majority.

These 2008 amendments were not clearly drafted. Each amendment ought to have set out the actual article in the main law which it was amending, as well as the precise extent of the amendment or replacement, which should have all been written as insertions to the relevant article, so that a consolidated law with all the amendments might be published for use by the Commission, the political parties, the national or international observers and the public. The amendments are included here in the precise form in which they were passed, i.e. as an addendum to the Law. All the amendments are described as 'temporary' and were introduced to facilitate the conduct of the first voter registration before the Presidential election (which is now set to take place on 29 March 2009) and the following nationwide district council elections. I have, therefore, identified the amended articles in the Law in italics to indicate where the articles/clauses have been temporarily repealed and have

added brief notes setting out the repealing provisions and, in some cases, the extent of the repeal.

The First Voter Registration

In line with Article 12(6) of the Law, a Presidential Decree announced that the voter registration process shall start on Tuesday 14 October 2008. The Commission clarified (on 18 August 2008) that 14 October marks the start of the core registration stage (see Article 7(4), as amended) and that the preceding preparatory stage commenced on 19 August 2008. The minimum period for the preparatory stage set out in the Law is 25 days (see Amendment 2(2)(a)(i) – insertion of Article 7(4)). With the month of Ramadan taking all of September, it remains to be seen how effective the preparatory stage activities were in alerting the public to the forthcoming core registration period.

Starting at the Sahil region (with 90 registration/polling stations) on 14 October 2008, the core registration shall take place at each region for a period of five days. The other five regions shall follow as the core registration teams shall be moving from region to region, while both the electronic information and the hard copies of the forms are dispatched regularly to the National Electoral Commission headquarters.

To provide a further opportunity for registration, there will be a final registration stage for a period of 15 days at each district registration office (see Article 7(4)(2)(c)) where new registrants will have to identify the polling station they will vote at.

All registrants shall be issued with a Citizenship (Identity) Card and Voting Card. Voters must be present their Voting Cards at the relevant polling station when they wish to cast their votes at the elections (see Article 30).

REPUBLIC OF SOMALILAND
Voter Registration Law 2007, as amended in 2008
Law No. 27/2007

THE HOUSE OF REPRESENTATIVES

- Having seen: Articles 4(1), 8(1), 9(1), 22(2), and 111(2) of the Constitution of the Republic of Somaliland;
- Having seen: The importance of benefiting from the experience gained from the various previous elections that the Somaliland nation has seen, which showed the need for strengthening the legal processes facilitating the casting of votes by citizens and also the elimination of the occurrence of illegal multiple voting;
- Having realised: That the best way of improving the electoral process is the setting up of a system of registration of all voters which will enable voters to cast their votes easily on the polling day;

Having debated: The amendments and the proposals made by the House of Elders regarding the provisions of the Bill;

Has hereby approved and promulgated the Voter Registration Law.

CHAPTER I

Article 1: Definitions

1. **The Register:** means the register recording the names of the voters at every polling station.
2. **The General Register:** means the central register placed at the headquarters of the Electoral Commission, which records the names of all the voters of the country of Somaliland.
3. **Voter:** means every citizen who has the right to elect and be elected and who has reached the voting age.
4. **Citizen:** means every person who fulfils the conditions set out in the Citizenship Law, Law No. 22/2002.
5. **Regional/District Register:** means the register at regional or district level.
6. **Voting Card:** means the card issued after registration to the voter.
7. **Identity Card:** means the card confirming citizenship.
8. **Commission:** means the National Electoral Commission.
9. **Party Agent:** means the member which a party nominates as its representative at a voter registration station.
10. **Observers:** mean international and local observers who ascertain the proper conduct of the voter registration activities.
11. **Constitution:** means the Constitution of the Republic of Somaliland.

Article 2: General Principles

This Law governs the registration of the voters of the State of Somaliland.

Article 3: Functions of the National Electoral Commission

The National Electoral Commission shall, in consultation with the Ministry of Internal Affairs, undertake the registration of the voters in the country of Somaliland.

Article 4: Somaliland National Voters' Register

This Law establishes the Somaliland national voters' register¹ which shall record all the citizens who have the right to elect or be elected, as specified in the Constitution and other laws of the country². The register shall be a document kept in electronic as well as paper

¹ This probably refers to the General Register defined in Article 1(2) of this Law.

² For potential electors, Article 22(2) of the Constitution states that everyone who fulfils the requirements of the law shall have the right to vote. The relevant laws for Presidential, parliamentary and local elections are Article 5 of the 2002 Local & Presidential Elections Law and Article 5 of the 2005 Parliamentary Election Law. For example, Article 5 of the latter Law states that the conditions relating to any voter are that:

1. He must be a patrial citizen of Somaliland or a naturalised citizen in accordance with the Citizenship Law.
2. He must not be less than 16 years of age during the year the elections are being held.

formats and shall contain all the information obtained from each citizen at the time of his registration as a voter.

Article 5: Publication of the Voters' Register

The National Electoral Commission shall be responsible for the establishment, implementation and publication of the voters' register. The General Register shall be kept at the headquarters of the National Commission and shall be managed by a special section headed by an officer responsible for the National Voters' Register and appointed by the National Electoral Commission. There shall also be regional, district and polling station registers.

Article 6: Ownership of the Register

The Register is public property and is open to the public. Every political party shall have the right to observe the establishment, implementation and publication of the register. Every citizen has the right to consult the register for any information that he needs, which relates to electoral matters³.

Article 7: Voter Registration Activities and Confirmation of Citizenship

The beginning of the registration activities shall be based and grounded on the provisions of the following Articles, which must be followed:

1. When the registration is being carried out for the first time, the confirmation of the citizenship of Somalilanders (Citizenship Identity, or ID, Card) and the registration of voters (Registration Card) shall be undertaken at the same time.
2. In the light of (the provisions of) Article 3(2)(a) and (b) of the Citizenship Law No. 22/2002⁴ and the non-availability of a court at every locality, which do not make the confirmation of the citizenship and (*hence*) the registration of a voter easy, the power to undertake confirmation of citizenship shall be exercised, in the presence of the agents of the Commission and the political parties, by officials of the Ministry of Internal Affairs and officials of the court.
3. The following (*group*) shall operate at every registration station:
 1. The Ministry of Internal Affairs – two members
 2. Court official – one member
 3. National Commission – two members
 4. Party agents – two members

-
3. He must be free and not in prison on the date of the election.

Article 5 of the earlier 2002 Law is in similar terms, but did not include "naturalised citizens", which, in my opinion, was an oversight, as Article 8 of the Somaliland Constitution confirms the equality of citizens. Naturalised citizens are therefore entitled to be registered as voters.

³ This reasserts the transparency of the process, but this Law has failed to address the issue of wrongful disclosure of personal data beyond that which appears in the public register. The Commission can address this in a code.

⁴ This is, in effect, an amendment, for voter registrations purposes only, of Article 3(1) of the 2003 Citizenship Law which states that:

"The confirmation of proof of Somaliland citizenship may be obtained by an individual on the production of:

- a) A declaration relating to the individual made at a court by the Ministry of Internal Affairs officially registered Akil (clan chief) of the individual's community.
- b) The form designed for the purpose by the Citizenship Office and signed by the individual."

(This Article shall be implemented only during the first voters' registration⁵. Article 3 of the Citizenship Law, No. 22/2002, shall, however, be followed at all times when there are no voter registration activities.)⁶

4. *The registration shall be conducted along the following stages or steps:*
 - a) *Any person wishing to be registered shall see the officials of the Ministry of Internal Affairs and the court and shall, after confirmation of his citizenship, proceed to see the Commission officers who shall register him, in the presence of the agents of the parties.*
 - b) *Any person whose citizenship has been confirmed shall, in the same place (station), be issued with a Citizenship Card and a voter registration card.*
 - c) *After the citizenship of the prospective registrant is confirmed and the sworn declaration of his citizenship has been made, the Ministry of Internal Affairs official shall enter the details of the registrant's four⁷ names, his year⁸ of birth, gender and marital status in the official form and shall sign the form in the presence of the court official.*
5. *Any person whose citizenship cannot be confirmed by the Ministry and the court shall be informed that he should bring before the committee⁹ an Akil (an accredited¹⁰ chief), or failing that, a well-known person who owns an immovable property in the district that he can use as surety for attesting to the fact that the person is a Somaliland citizen.*
6. The Appeal Court of each region shall appoint all the officials of the court who shall act as court officials at voter registration centres. Court officials and party agents must possess official authorisation letters and identity cards.
7. The registration is a matter of national interest which shall be conducted over a set period.

(Note: Clause 4 of this Article is replaced by Article 2 of the Amendments that follow directly after this Law – Editor.)

Article 8: Registration Form

The registration form shall form the basis¹¹ of the process of registration of citizens and it is only when it is properly completed that the details can be entered in the register. The registration form shall, as a minimum, contain the following information about the voter:

1. The four¹² names of the voter written in the same way as those recorded in Citizenship form completed by the Ministry of Internal Affairs.
2. The year and place of birth.
3. Gender.
4. The regional¹³ polling station in which the voter will cast his vote.

⁵ Note also the amendments which only apply to the first voter registration exercise.

⁶ This part of this Clause applies to the whole Article, and it would have been more appropriately positioned as a separate, numbered Clause.

⁷ Somalilanders usually use three names, which consist of their first name, followed by their father's name and their grandfather's name. The fourth name is that of the great-grandfather.

⁸ As there was no systematic registration of births, year of birth is used, and is more likely to be accurate.

⁹ The station registration officers listed in Clause 3 of this Article.

¹⁰ Akils are accredited and registered as traditional leaders of their respective communities by the Ministry of Internal Affairs.

¹¹ This is a very badly drafted sentence.

¹² See note 2 above.

5. The photograph of the voter.
6. The signature of the voter or an indication that he cannot sign.
7. The unique number of the registration of the voter
8. The reference number of the voter's registration
9. The identity card number.
10. The Commission has the power to add to the form, in consultation with the national parties, any additional information it deems necessary for the conduct of a democratic election.

(Note: Article 5 of the attached Amendments – In the first voter registration, the unique number referred to in 7 above shall be the same as the number in the Citizenship Card (identity card in 9 above) and the number in the Voter's Card – Editor.)

Article 9: Employees Undertaking Confirmation of Citizenship

Any persons employed at various offices to undertake confirmation of citizenship shall be selected on the basis of the following conditions:

1. He must be a Somaliland citizen.
2. He must not be less than 25 years of age.
3. He must be physically and mentally healthy.
4. He must not have been the subject of a final criminal conviction by a court.
5. He must be educated to secondary school level, (or)¹⁴ university level, or equivalent.
6. He should be described as able, honest and trustworthy and having a good reputation with the public.
7. The other required specifications are those used for the appointment of the (voter) registration staff¹⁵.

Article 10: Restrictions

The following persons shall not be registered as voters:

1. Any person suffering from mental incapacity¹⁶.
2. Convicted and remand¹⁷ prisoners.

¹³ It is not clear why the word "regional" is added to this Clause.

¹⁴ Translator's addition, for clarity.

¹⁵ These person specifications for voter registration staff are set out in Article 11(2) of this Law.

¹⁶ This provision is not reflected in the electoral laws and, in my view, is so imprecise that it is likely to fall foul of constitutional provisions relating to equality of treatment (Article 8(1)) and the right to participate in political life and to vote (Article 22) unless clearer procedures are laid for an objective identification of persons who lack capacity in civil law because of mental impairment. In general, Article 45(1) of the 1974 Civil Code states that "a person lacking discernment, due to young age, mental impairment or insanity is incapable of exercising his civil rights", but it should be noted that neither Article 5 of the 2002 Local & Presidential Elections Law nor Article 5 of the 2005 Parliamentary Election Law include mental incapacity as a condition limiting the right to vote. The introduction of such a disqualification in this law therefore needs to include clear and unequivocal criteria for ascertaining mental incapacity, otherwise, if this is left exclusively to registration officers, who have no standing to adjudge mental incapacity, this could be seen as an unreasonable restriction of a right protected under both the Constitution and international human rights conventions (see, for example Article 25 of the ICCPR 1966 and Article 21 of the UDHR). Overall, any restrictions on the right to vote must be reasonable, objective and proportionate. In the case of persons who may be of unsound mind and are incapable of understanding the nature and significance of voting, assessment criteria for meeting this test can be adopted, with the agreement of all the parties, by the Electoral Commission, under its power to issue a Code of Conduct (see Article 11 of the Amendment Law).

3. Foreigners staying in the country.
4. Any person who has not reached the qualifying age¹⁸ for voting.

(Note: Clause 4 of this Article is clarified by Article 3(a)(i) of the attached Amendments – Editor.)

Article 11: Registration Staff

1. In order to implement the registration, the Commission shall appoint employees possessing knowledge and skills in registration. These employees shall include the following:
 - a) The National Register Officer who shall be responsible for the management of the Register and shall also act as head of the Voter Registration Section at the headquarters of the National Electoral Commission.
 - b) The Registration Officer for each region¹⁹.
 - c) The Registration Officer for each district, but in heavily populated districts, the Commission may appoint for the district registration stations more than one officer so that the electoral activities can be properly held and concluded.
 - d) The Registration Officer for each polling station.
2. The employees appointed for the various registration offices must be Somalilanders who are not involved in politics and are chosen for their knowledge and skills necessary for the post they hold. Before any such employees are recruited, the Commission, while following ‘international criteria’²⁰, shall specify:
 - a) the conditions and skills required of the persons to be recruited to the post;
 - b) the procedure for the selection of the employees; and
 - c) the duties of each person (each post) in respect of the conduct of the registration activities.

The post of National Register Officer is a permanent post²¹.

¹⁷ Presumably this relates to persons who are in prison during the registration period, which will be in accord with Article 5(3) of the 2002 Election Law and Article 5(3) of the 2005 Election Law. As anyone who is in prison on the polling day is not allowed to vote under the electoral laws, the automatic disqualification of all remand prisoners from the whole registration process may need to be looked at again by parliament when this law is reviewed. Many countries are even revising the automatic loss of civil rights of all convicted prisoners in the light of developments in international human rights law and are listing separately the classes of convicted prisoners denied the right to register for voting.

¹⁸ Article 5(2) of the 2001 Elections Law, and the same numbered Article of the 2005 Election Law, both set this as “16 years of age during the year the elections are being held”. Anyone who is likely to be 16 at the polling day is therefore entitled to be registered as a voter. That is confirmed in Article 21 of this Law and also Article 3(a)(i) of the Amendment Law. Nonetheless, as the first registration and any subsequent periodic updates of the register will be undertaken months before the polling day, the Commission needs to adopt clear and unequivocal procedures for registration officers to follow when dealing with persons aged between 15 and 16 years. Note also that under Article 25 the information supplied by parents about age of their offspring is the main determining factor.

¹⁹ Under Article 5 of the Regions and Districts Law, Law No. 23 of 2002, as amended in 2007, Somaliland is divided into six regions. Despite the recent (23 March 2008) Presidential Decrees which announced the creation of six additional regions, the legal position remains as set out in the 2002 Law, and all the registration and voting will be conducted on the basis of the current six regions and the polling stations and districts used in the last elections. The Presidential Decrees which announced the 16 new districts expressly reconfirmed the current legal position, i.e. that the creation of the new districts/regions (which has as yet not been approved by the House of Representatives) will have no effect on the forthcoming elections.

²⁰ This English language phrase is used in the Law.

²¹ This sentence would have been better placed in Clause 1 of this Article.

3. The administrative structure of the registration centres shall reflect that set out in the national elections law²².

CHAPTER II: THE REGISTRATION OF VOTERS

Article 12: Implementation of the Registration (Process)

1. *The Commission shall implement²³ the (process of) registration of voters at least six months prior to the polling day.*
2. *The registration shall be undertaken during a period of not less than one month and not more than three months.*
3. *Using all the various media in the country, the Commission shall print and publish information about the period set for the registration and all the relevant details of which the citizens need to be aware.*
4. It shall be the duty of the Commission to educate and also to provide guidance to the citizens about the importance of the registration.
5. In order to fulfil this duty, the Commission shall, as part of the registration process, prepare a programme aimed at educating and prompting the public to prepare for the election.
6. The President shall announce the date when the voter registration shall start. The announcement shall be issued as a Presidential Decree²⁴ within fifteen days after the President receives the proposal of the National Electoral Commission.

(Note: Clauses 1 and 2 of this Article are amended by Articles 3 and 4 of the attached Amendments. Clause 3 is amended by Article 7 of the Amendments – Editor.)

Article 13: Approval of the Voter Registration

The National Electoral Commission shall approve (the conduct) of the voter registration at every election. However, the Commission must open the voter registration process six months before any election for a period of not less than one month²⁵, for the registration of new voters and for any changes that have arisen in respect of the previously registered voters. Voters cards previously issued shall also remain valid.

(Note: See Article 1 of the attached Amendments – Editor.)

²² The relevant law is the 2001 Electoral Law. Article 10 sets out the overall structure of the electoral offices and the composition of staffing of the electoral offices at the various levels are set out in Article 18 (region), Article 17 (district) and Article 16 (polling station). At both the polling station and district level, the electoral staff consists of a chairman, a secretary and two other staff (scrutineers or counting officers).

²³ This is by no means a clear Clause and has already created controversy. As it should be read with Article 27(1) setting a five-month deadline for the arrival of the registration officers at the registration stations, it is logical to assume that the use of the word 'implementation' (*dhaqan-gelid*) in this Article refers to the start and not the end of the registration process.

²⁴ The first such Presidential Decree issued in July 2008 announced that the (core) voter registration process shall start on Tuesday, 14 October 2008.

²⁵ This Article mirrors the preceding Article, but relates to the periodic updates of the Register, which shall only take place before each election. No other periodic updates of the Register are planned under this Law. The terms of office of the various elected offices are set out in the Somaliland Constitution, and while extensions of the terms have been common so far, the Electoral Commission would still be able to work out and set the periods before the future elections when the register ought to be updated.

Article 14: Registration Centre

Taking note of the experiences of the previous elections:

- a) The Commission shall specify the polling stations²⁶ and shall establish a system of identifying each polling station by allocating each one a unique code.
- b) Every voter shall be registered at a specific polling station.
- c) At election polling day, every voter shall cast his vote at only the polling station where he was registered.

(Note: See Article 4 of the attached Amendments. The last two clauses are varied for persons registered at district level at the final stage of the registration, who, under Article 4(3) of the Amendment Law, shall choose at the time they are registered the polling station at which they wish to vote before they are issued with the Voter Cards, and can then cast their votes only in those specified stations. This Article 14 shall, however, continue to apply to the majority of the registrants who shall be registered during the main core registration period at the polling stations – Editor.)

Article 15: Functional Role of the Ministry

The functional role of the Ministry of Internal Affairs in the conduct of the voter registration process shall be based on the provisions of Article 4 of the Constitution²⁷ and those of the Citizenship Law, Law No. 22/2002. The Ministry shall, therefore, verify the citizenship of the individuals seeking to register as voters, and shall undertake the citizenship verification during the conduct of the registration activities but prior to the beginning of the actual registration.

Article 16: The Agents of the Political Parties (Observers)

Each political party²⁸ shall appoint one agent who shall represent it at each registration station. The agents of the parties shall ensure that the registration is conducted in accordance with the laws, no discrimination takes place, no citizen is unlawfully denied registration, and that the procedures adopted in the conduct of the registration are correct. The party agents may put on record any complaints relating to these matters.

Article 17: Process for Registration of Voters

Before the opening of the registration station every day, it is incumbent on:

1. the officers of the Ministry of Internal Affairs and those of the National Electoral Commission, as well as the agents of the political parties, to check that they are all present and to sign for the registration materials while recording the serial number of the registration form that they will be using for that day.
2. On the conclusion of the activities at the end of the day, they shall, in the same manner, sign all their names while confirming the total number of citizens registered during the day, the recording of any incidents they have encountered, and, in particular, any spoilt or misprinted forms and the number of forms that have not been used.

²⁶ The Commission announced in August 2008 that there will be 985 polling stations which shall act also as the voter registration stations.

²⁷ Article 4 of the Constitution defines the citizenship of Somaliland and states that the law shall determine its acquisition and loss. The relevant law is the Somaliland Citizenship Law (Law No. 22 of 2002).

²⁸ Under Article 9(2) of the Constitution, Somaliland can only have a maximum of three parties, and the current three parties are UDUB, KULMIYE and UCID.

3. Before signing the documents, the agents of the political parties have the right to tender any advice or complaints relating to the registration undertaken during the day.
4. Copies of both signed documents²⁹ shall be passed on to the officer of the Ministry of Internal Affairs and to the agents of the parties, present at the station.
5. If one or more of the agents of the political parties refuse(s) to sign the documents, the Electoral Commission officer must record the incident. In any case, the refusal of a party agent to sign the documents shall have no prejudicial effect on the registration activities.

Article 18: Duties of the National Electoral Commission Officer

When the officer from the National Electoral Commission receives the document confirming the citizenship of a voter, he shall undertake the following tasks:

1. *The officer shall ask the voter to confirm the accuracy of the information recorded in the citizenship form.*
2. *The officer shall then record the above-mentioned information in the registration form, and also read it aloud to the voter.*
3. *The voter shall sign or affix his left thumbprint on the voter registration form and the Voting Card.*
4. *The voter's photograph shall be taken and he shall then be issued with a Voting Card.*
5. *The voter shall receive the Voting Card in the presence of the officer and the agents of the political parties.*
6. *The voter shall sign for receipt of the Voter Card.*

(Note: This Article is replaced by Articles 3 and 4 of the attached Amendments – Editor.)

Article 19: Voter Complaints about Information Recorded on the Form

If the voter states that he is not satisfied with the information entered in the citizenship form, the National Electoral Commission officer shall return the document to the Ministry officer for correction.

(Note: This Article is replaced by Articles 3 and 4 of the attached Amendments – Editor.)

Article 20: Voters Not Capable of Signing

If the voter cannot sign the registration form, he shall affix his thumbprint on it. If the voter is disabled and is unable to use his left thumb, he could use his right thumb, but this should be recorded in the register. If the voter is totally handicapped, this should be recorded on the registration form³⁰.

Article 21: Qualifying Age for Voting

If the citizen is under the qualifying age for voting at the registration period, but will reach the qualifying age³¹ at the date of the election, he shall be registered and issued with a Voting Card.

²⁹ These are the two documents mentioned in Clauses 1 and 2 of this Article.

³⁰ Consequently, there will be no need for such a voter to attempt to make a mark.

³¹ See also the footnote to Article 10(4) dealing with the qualifying age. As the majority of Somalilanders have no recorded dates of birth and age is normally signified by the year and season, rather than a specific date, the Commission would need to adopt a transparent procedure, agreed with the parties, on the registration of prospective voters aged between 15 and 16.

Article 22: Procedures for Safekeeping of Registration Materials

1. *On conclusion of the registration activities of each day, all the registration forms, citizenship forms, as well as all the other materials used in the registration shall be returned to the district registration office and deposited there for collection on the following working day. If this is not done, it is the responsibility of the district registration officer to inform the police as quickly as possible and ask that the officer responsible for this failure be caught and brought to him. If the failure is due to negligence or malice, the district officer shall dismiss summarily the officer responsible for the failure or, taking into account the circumstances and the gravity of the offence, the latter may be punished under the provisions of the Penal Code³².*
2. *Where there is lack of transport, the documents could be kept overnight by the station registration officer, who shall forward them to the district registration officer once a week, on Thursdays³³. However, it is the responsibility of the station registration officer to record the daily registration activities and to safeguard the register, as set out in Article 17 of this Law. Having consulted the political parties, the Commission shall indicate the registration stations that fall within provisions of this Article.*
3. *The daily work of the registration station shall commence at six o'clock in the morning (6 a.m.) and shall end at six o'clock in the evening (6 p.m.). If there is an unjustifiable delay in the opening times of the station, the district registration officer shall take action and shall report accordingly.
If, at six o'clock in the evening (6 p.m.), there are still people who have not yet been registered, the relevant provisions of the Electoral Law³⁴ shall be followed and those people present at that time shall all be registered.*

(Note: This Article is replaced by Article 8 of the attached Amendments – Editor.)

Article 23: Duties of the Registration Officers

1. *The district registration officer shall manage, keep and enter the reports of the registration which has been conducted every week in the specific form issued to him by the Commission and shall forward to the regional officer detailed information about the progress of the registration in the district over the preceding week.*

³² This could, as a minimum, amount to the offence of omission to perform official acts under Article 255 of the Penal Code, which is punishable by imprisonment up to one year or by a fine.

³³ Friday being the weekend in Somaliland.

³⁴ See Article 48(2) of the 2001 Presidential & Local Councils Elections Law which states that:

“1. Voting shall be completed within one day, beginning at seven o'clock in the morning (7 a.m.) and finishing at six o'clock in the evening (6 p.m.).

2. If there are voters who are still queuing outside to vote, the finishing time shall be disregarded and voting shall continue until all such waiting voters have cast their votes.”

Article 45 of the House of Representatives Election Law 2005 includes a similar provision as follows:

“1. Voting shall be completed within one day, beginning at six o'clock in the morning (6 a.m.) and finishing at six o'clock in the evening (6 p.m.). However, electoral officeholders and party agents must be present at their assigned stations an hour before the voting starts.

2. If at the finishing time for the voting there are voters who are still queuing and have not yet voted, the finishing time shall be disregarded and voting shall continue until all such waiting voters cast their votes.”

After collecting all the district reports, the regional officer shall forward a comprehensive report to the National Commission.

2. It is the duty of the Commission to publish in the national press, radio and television the number of citizens who have registered themselves, and to take steps to educate the public so as to bring about the registration of the highest possible number of citizens.

The Commission shall distribute all the necessary tables. The information shall bear the signature of the officer who released it.

(Note: Clause 1 of this Article is replaced by Article 8 of the attached Amendments – Editor.)

Article 24: Recording of Names

The names of the voters shall be written in standard agreed spelling, and there should be no variations in the letters and spelling used during the registration by the officers of the Ministry of Internal Affairs and of the Commission.

Article 25: Dispute about Age of a Voter

If a Ministry officer or a court officer is not sure of or has concerns about whether a citizen has reached the qualifying age for voting³⁵, the age confirmed by the citizen's parent shall be accepted, but failing this, the officers at the station shall reach a decision about it.

CHAPTER III: THE LIST OF VOTERS

Article 26: Production of Voter Lists

The National Electoral Commission shall, on the basis of the names in the register, issue various lists of voters which are necessary for the conduct of elections. To be an official voting list, each list must be signed by a member³⁶ of the National Electoral Commission.

Article 27: Publication and Production of List

1. *The registration officers shall reach the registration stations five months³⁷ before the election polling day and shall start the registration by gathering the names and the other necessary information about the voters.*
2. *The list must be printed on the official paper of the Commission and must bear the stamp of the office³⁸.*

³⁵ This is a pragmatic solution in a society where there is no comprehensive birth registration. Note also Article 21 of this Law which confirms that the age qualifying date is calculated from the election polling day and not the registration day. See also Article 10(4) of this Law and its footnotes.

³⁶ There are seven members of the National Commission.

³⁷ The heading of this Article and its location indicate that they may have been meant for registration drives after the first national one to establish the first voters, register. Indeed this law suffers from the lack of separation between the establishment of the first register and subsequent periodic updating. As it is now, this Article must be read with Article 12(1) and so the six-month period referred to there heralds the preliminary preparations for the registration while this Article sets the deadline for the commencement of the actual registration activities at the registration stations.

³⁸ And presumably, also, the signature of the NEC member, if it is to be considered as an official list under Article 26.

3. *If when the period³⁹ of registration finishes, there are still people at the station who have not yet been registered, the registration will continue until all those people who were present are registered.*

(Note: This Article is partially replaced by Articles 6 and 10 of the attached Amendments – Editor.)

Article 28: Correcting Erroneous Information

1. *Any voter who notes in the registration list any erroneous information relating to him must inform the registration officer in writing and sign the appropriate form. The officer must make the correction as soon as possible and must forward a report, through the district and regional officers, to the National Register Officer.*
2. *Any voter who changes his residence after his registration and wishes to vote at a different polling station must visit the relevant district registration officer before the end of the two-week period mentioned in Article 27 of this Law⁴⁰ and, while showing the officer his Voter Card, inform him of the alternative polling station at which he wishes to vote. The district registration officer shall record the change on the appropriate form which he shall forward to the National Register Officer.*
3. *When the period set aside for amendments and corrections expires, the National Registration Officer shall prepare a detailed report on all the changes made and shall forward it to the Commission for approval and for endorsement of the changes into the Register.*

(Note: This Article is replaced by Articles 9 of the attached Amendments – Editor.)

Article 29: Production of the Final List

After all the corrections to the Register have been made, the final list shall be prepared and saved on computer. This shall be the list from which the Commission can order the publication of all the other necessary lists as set out in the electoral laws and as deemed necessary by the Commission for the conduct of the elections. When these activities are completed, the Commission shall issue, in electronic format, one list each to the Ministry of Internal Affairs and to the political parties. This list, arranged by district and by polling station, shall contain the names of all the voters, in alphabetical order, and the unique number of each of voter.

CHAPTER IV: THE VOTING CARD

Article 30: Distribution of Voting Cards

The Commission shall issue a voting card to every citizen who has registered. To exercise his right to vote, it is incumbent on a citizen to go to the (relevant) polling station⁴¹ while carrying his voting card.

³⁹ This Clause relates to the end of the whole registration period, while Article 22(3) above covers the end of each day of the registration period.

⁴⁰ This seems to be a drafting error as Article 27 does not specifically refer to a two-week period.

⁴¹ See Article 31(8) – the Voter Card confirms the relevant polling station.

Article 31: Information Recorded on the Card

The Voter Registration Card shall contain the following information:

1. The four names of the voter.
2. The photograph of the voter.
3. The signature of the voter, or his thumbprint.
4. The number of the identity card (ID card).
5. The voter registration reference number.
6. The year of birth.
7. Male or female.
8. The polling station where the voter may cast his ballot.

(Note: Although the final Amendment Law lists this Article as one of those which have been amended in toto, the Presidential Decree proposing the Amendment Law and dated 7 June 2008 referred to the changes relating to this Article as being only partial. The changes are the numbers mentioned in Clauses 4 and 5 of the Article, as confirmed in Article 5 of the Amendment Law – Editor.)

Article 32: Type of Voting Card

The Voting Card shall be made of material which does not wear out or disintegrate easily and cannot be forged. The Voting Card shall become invalid and shall not be accepted for voting if it has been erased or has parts missing and is thereby illegible.

Article 33: Prohibition against having more than One Card

No citizen may be issued with or can hold more than one Voting Card. If a card is obtained fraudulently or by means of false pretences or is issued to a voter through such means, or more than one card is possessed, this shall amount to a falsification of a public document. Any person (officials or voters) committing such acts shall attract punishment as set out in the Penal Code⁴². All relevant responsible bodies⁴³ shall have the duty to take legal action against any person who commits such offences. Any person who tenders wrong information to the officer registering him shall attract punishment as set out in the Penal Code⁴⁴. The same punishment⁴⁵ shall also be meted to any officer of the Ministry of Internal Affairs who issues a citizenship form to a non-citizen.

Article 34: Loss of Voting Card

Any person who loses his Voting Card or has his card damaged may request a replacement from the Commission or its officers at the district or regional level. Having received the request and having confirmed the reasons for the loss, the Commission shall issue a new voting card, and shall cancel the previous one so as to avoid fraud.

⁴² Articles 366 to 382 of the Penal Code deal with offences of falsification of documents by public officers and individuals.

⁴³ That is the police and the Attorney General (and his Deputies) as the prosecuting authority under the Somaliland Constitution and the Organisation of the Judiciary Law.

⁴⁴ Article 373 of the Penal Code: providing false information to a public officer for inclusion in a document shall attract imprisonment of up to two years.

⁴⁵ Falsification of a public document by a public officer in the performance of his duties could attract imprisonment of one to eight years under Article 366 of the Penal Code. See also Articles 367 to 370 of the Penal Code.

Article 35: Changes to Voter's Registration Card

(We⁴⁶ have added the following second clause to Article 35 of the bill, as forwarded by the House of Representatives)

1. Taking into consideration new technological advances which can affect personal identification in relation to the Voting Card, and also subject to the Commission not restricting unduly the design of the identification card as required by this Law, the National Electoral Commission shall have the power to make, in consultation with the Ministry of Internal Affairs and the political parties, changes on the voter identification card or to introduce a new one. In any case, in the light of the country's prevailing capabilities and circumstances, the Commission shall ensure that the materials/equipment and technology used are the most appropriate and transparent and those that best guarantee the security of the Register.
2. At elections, the Voting Card shall have a hole punched through it so as to indicate that the holder has cast his vote.

CHAPTER V: MISCELLANEOUS PROVISIONS**Article 36 : Technical Committee for Registration**

In order to implement this Law and to prepare the technical matters relating to the registration activities and to coordinate all the matters this Law requires to be undertaken:

1. the Commission shall appoint⁴⁷ a Technical Committee consisting of the following:
 - a) two members from the Electoral Commission, at national level,
 - b) two from the Ministry of Internal Affairs, and
 - c) three members from the various political parties.
2. The duties of the Technical Committee shall be the preparation and completion of all the technical issues this Law sets out.
3. The Technical Committee shall start its work as soon as this Law is passed, and shall end its functions when the registration activities are completed. However, the Committee shall be set up again whenever there is (voter) registration to be undertaken. The Committee shall be chaired by one of its two members who represent the Electoral Commission.

Article 37: Contribution to Security Matters and Public Education regarding the Registration Process

On security matters, the Police of the Republic of Somaliland shall, through the Ministry of Internal Affairs, assist The National Electoral Commission during the registration period.

⁴⁶ Unfortunately although the House of Representatives has finally accepted this insertion by the House of Elders, this explanatory sentence has not been removed from the final version of the law, as approved by both Houses and the President. These two lines, however, add nothing to the Article.

⁴⁷ On 9 October 2009 the Commission announced the members of the Technical Committee chaired by the (then) Deputy Chairman of the Commission as follows:

1. Hirsi Haji Ali Hassan, NEC Deputy Chairman.
2. Mohamed Ismail, NEC member.
3. Ahmed Janbir Kahin, Deputy Minister of Internal Affairs.
4. Mohamed Jama Alow, Director General, Ministry of Internal Affairs.
5. Omar Jama Farah, UDUB Party.
6. Ahmed Mohamed Bubaa, UCID Party.
7. Hussein Ahmed Aideed, KULMIYE Party.

Article 38: Observers

International and national observers or inspectors who are checking the proper conduct of the voter registration activities shall be approved by the National Electoral Commission which shall consult the Ministry of Internal Affairs about security matters.

Article 39: Duties of All Law Enforcement Bodies

The heads of the Government, law enforcement bodies and the National Electoral Commission, as well as the political parties shall have a (specific) duty to apply and implement this Law.

Article 40: Punishment

Any person who violates or contravenes a provision or provisions of this Law shall be punished in accordance with the Penal Code⁴⁸ of the country.

Article 41: Repeal

This Law repeals and makes null and void all laws or provisions which are in conflict with it.

Article 42: Coming Into Force

This Law shall come into force when it is passed by the legislative chambers (the House of Representatives and the House of Elders) and is signed by the President.

ALL PRAISE TO ALLAH

Abdirahman Mohamed Abdillahi
Speaker, House of Representatives

Mohamed Hassan Kahin
General Secretary, House of Representatives

ADDENDUM: AMENDMENTS and ADDITIONS TO THE VOTER REGISTRATION LAW (Law No. 37/2007)

Article 1: Effect of this Amendment Law

These amendments shall have a temporary⁴⁹ repealing effect on the following Articles of the Voter Registration Law: **7(4)(c); 8(1 & 9); 10(4); 12(1 & 2); 13; 14(t & j); 18; 19; 22; 23(1); 27;**

⁴⁸ This is subject to the act or omission in question amounting to a crime or a contravention specifically contained in the Penal Code.

⁴⁹ These Amendments are in the form of a sunset law and, as this Article sets out, were introduced to facilitate the first voter registration. Nonetheless this Article or Article 12 below should have been more explicit on exactly when these sunset amendments would lapse. The overruled House of Elders' amendments included an Article 12 with the same heading as the current Article 12, but stated explicitly that these Amendments shall only be in force during the first voter registration, and an Article 13 headed 'Addendum Law coming into force' with the same words as the current Article 12.

28 and 31; and shall also set out articles which shall apply in their place so that the first voter registration can be implemented.

Article 2: Procedures for the conduct of the voter registration and the confirmation of citizenship

Article 7(4) of the Voter Registration Law shall be replaced by Article 2 of these Amendments, as follows:

1. The conduct of the voter registration shall consist of three successive stages which shall be carried out at every region of the country during specified periods.
2. The three stages are as follows:
 - a) The preparation stage:
 - i) This stage shall be a period of not less than 25 days when the citizens in every region shall be advised to prepare for the registration of the voters.
 - ii) During this preparatory period, the forms designed for the public and in which the registrars shall note the details needed for the registration shall be placed at the registration offices of every district. Also, the public shall be informed and details given about how they can prepare for the next stage of the voter registration process.
 - b) The core voter registration stage:
 - i) The end of the preparatory stage shall be followed by a period of not less than five days when every region shall be visited by groups of officials whose total number shall be set by the Commission but whose composition shall be as set out in Article 7(3) of the Voter Registration Law, so that they can undertake the actual registration of the voters participating in the forthcoming two elections⁵⁰. Also every citizen fulfilling the conditions shall be issued at these places (stations) with a Citizenship Card and a Voting Card.
 - ii) If during the last day of the core registration period there are persons remaining who have not yet been registered, the National Electoral Commission shall take all steps to ensure that all the persons, present at the station prior to the (*planned*) time of the closure of the registration, are registered.
 - iii) The polling stations at the last election⁵¹ shall become registration stations. The National Electoral Commission, however, shall have the power to establish new stations or to transfer the previous stations to other locations so that the registration process can be expedited.
 - c) The final registration stage shall follow the core registration stage and shall last for 15 days when groups of officials shall work at every district registration office so that they can collate all the information from the citizens who were unable to arrive in time for the participation in the core registration stage.

Article 3: Organisation of the Core Registration

This Article shall amend Articles 12(1 & 2), 18, and 19 of the Voter Registration Law, and is as follows:

⁵⁰ These are the Presidential election planned for 29 March 2009 and the following local elections (no date set yet).

⁵¹ The House of Representatives election in September 2005.

All the following steps must be taken in the same sequence when the core registration is being undertaken:

- a) The Ministry of Internal Affairs officer:
 - i) shall ask the person whether he is a Somaliland citizen, and after confirmation, the Court officer shall, in his presence, administer an oath to the citizen whose age must not be less than 16 years on the polling day for the forthcoming Presidential elections.
 - ii) If the Ministry officer is satisfied with the replies of the registrant, he shall allow the registration of the person whose citizenship has been confirmed to proceed.
- b) Using laptop computers, the officers of the National Electoral Commission shall record the relevant details of the registrant, as set out in Article 8 of the Voter Registration Law, and shall also take an electronic scan of the fingerprint of the registrant, which shall be saved in the computer.
- c) The registrant shall have read out to him the recorded information relating to him and must confirm his acceptance (*of its accuracy*), following which the information shall be saved in the computer.
- d) The registration officer shall print out from the computer:
 - i) two identical copies of the registration form, one of which to be given to the Ministry of Internal Affairs and the other shall become the register of the registrant; and
 - ii) The Citizenship Card and the Voting Card.
- e) The Commission officer, who is the chairman of the station, shall sign the Voting Card and the Ministry officer shall sign the Citizenship ID Card. Both officers shall also sign the two copies of the registration form. The registrant shall affix his left thumbprint or sign both forms, as well as the Voter Card and the Citizenship ID Card.
- f) The registrant's left little finger shall be dipped in indelible ink, and if he is missing such finger, the right little finger shall be used. If both fingers are missing, the ink shall be marked on a visible part of his body.
- g) The registrant shall be issued with the Citizenship ID Card and the Voting Card while he is still at the station.

Article 4: Organisation of the Final Stage of the Registration

This Article shall amend and replace Articles 12(1 & 2), 18 and 19, and also makes some amendments to Article 14 of the Voter Registration Law, as follows:

1. The procedure to be followed in the conduct of the final stage of the registration shall be similar to that used at the core voter registration stage. However, after the registrant is registered, he shall not be issued with the Voting Card and the Citizenship ID Card, but instead shall be given a printed copy of the information relating to him which was kept in the computer.
2. After the Commission has confirmed that there are no persons who have registered themselves more than once, each (new) registrant shall then be issued with the Voting Card and the Citizenship ID Card by the office that has registered him.
3. Clauses (b) and (c) of Article 14 of the Voter Registration Law shall not apply⁵² to the registration conducted during the final stage of the registration. Every citizen (*at this*

⁵² This is logical as all the new registrants, at this final stage, would have been registered at the district station and would therefore need to specify their preferred polling station.

stage) shall specify the polling station at which he wants to vote, which shall be recorded in his registration form as well as his two cards, and which shall be the only place where the citizen can cast his vote on the polling day.

Article 5: The Registration Forms

This Article makes some amendments and alterations to Articles 8(7 & 8) and 31(4 & 5) as follows:

The unique registration number mentioned in Article 8 of the Voter Registration Law shall be the same as the ones used for the Voting Card and the Citizenship ID Card.

Article 6: The Closure of Registration

This Article alters and improves Articles 27 & 30 of the Voter Registration Law as follows⁵³:

- a) No one shall be registered after the final stage of the registration is completed in all the regions.
- b) The (*next*) registration shall be conducted after⁵⁴ the forthcoming elections of the local district councils and the President in 2008/9.
- c) The National Electoral Commission shall announce the next period when the voter registration shall be opened again.

Article 7: Announcement of the Registration Period (Registration Calendar)

This Article shall make amendments to Article 12(3) of the Voter Registration Law as follows: The period of registration in the regions shall be announced and publicised by the National Electoral Commission through the media of the country. The Commission shall pay particular attention to ensuring that all citizens in all the regions are informed of the period set for the conduct of the voter registration in their respective regions.

Article 8: Methods of Safeguarding the Registration Materials

This Article amends and replaces Articles 22 and 23(1) of the Voter Registration Law as follows:

1. During the core registration stage, all equipment and materials used for the registration shall be kept in a safe place by the officer who is assigned by the Electoral Commission to be responsible for their safe keeping.
2. At both the beginning and the end of the registration activities in each day, the officials shall complete the start of activities form and the form for recording the outcome of the activities undertaken on that day. All officials involved in the registration and in particular the agents of the political parties must all sign all the forms.
3. On completion of the core registration of the region, the procedures for forwarding the forms used for the registration, the reports of the conduct of the registration and the electronic data of the registration shall be laid down by the National Electoral Commission.

⁵³ It is not apparent how Articles 27 and 30 are specifically affected by these provisions which are aimed at emphasising the fact that no further voter registration shall take place until after the forthcoming 2009 Presidential and local government elections.

⁵⁴ The first nationwide registration to be undertaken in October 2008 shall therefore be used for both of the forthcoming elections in 2009.

Article 9: Submission of Citizens' Complaints

This Article amends and replaces Article 28 of the Voter Registration Law as follows:

The National Electoral Commission shall, before the polling day of the first forthcoming election, deposit at every polling station forms to be used by citizens for the submission of any complaints relating to the registration. The Commission shall reach decisions about these complaints before the following election.

Article 10: Printing and Publication of the Lists

This Article shall make some amendments to Article 27 of the Voter Registration Law as follows:

- a) The list of citizens registered and eligible to vote at the polling stations printed on the official paper of the National Electoral Commission and carrying the office stamp shall be affixed at every polling station within two months of the day set for the election.
- b) With the exception of the provisions which are mentioned in this Addendum (*Amending Law*), Articles 13, 27 and 28 of the Voter Registration Law shall not apply to the registration of voters for the first (forthcoming) election.

Article 11: Code of Conduct

- a) Further details relating to the conduct of the voter registration, the starting date of the campaign⁵⁵ for the first forthcoming election, the resolution of the complaints of the political parties, and the gap between the first and second forthcoming elections shall be decided through an agreement reached by the National Electoral Commission and the political parties.
- b) The agreement mentioned in Clause (a) of this Article shall become a code of conduct which shall form part of the laws governing the conduct of the first voter registration.

Article 12: The period⁵⁶ of Implementation of this Law

This Addendum Law shall come into force on its approval by the Legislature and on signature by the President of the Republic of Somaliland.

Praise be to Allah

Mr Abdirahaman Mohamed Abdillahi (Irro)
Chairman, House of Representatives

Mr Mohamad Hassan Kahin (Kayse)
Secretary General, House of Representatives

⁵⁵ Note Articles 28 (and 27) of the 2001 Election Law which set the timetable for the beginning and end of the Presidential and local election campaigns. These amendments do not affect the provisions of the two electoral laws.

⁵⁶ This Article covers only the date when the Amendment Law comes into force. The Vice-President signed the Law on 23 June 2008 (Presidential Decree No. 345/062008).

CHAPTER EIGHT: ELECTORAL CODES

(The English language versions of these codes were published at the same time as the Somali versions, and are reproduced here in their original form)

1. CODE OF CONDUCT FOR THE ELECTION COMMISSION AND THE POLITICAL ORGANISATIONS¹ – December 5, 2002

PREAMBLE:

After holding a series of discussions and consultations during the month of Ramadan regarding the upcoming elections;

Acknowledging that democratic elections will advance the noble struggle of the people of Somaliland during the past ten years;

Recognising that free and fair elections offer new opportunities to enlarge freedom and justice in Somaliland;

Appreciating also the risks and threats arising from inexperience in political campaigns and elections, aggravated by limited technical know-how and scarcity of financial resources;

Having understood the apprehension and anxiety of our people about political campaigns and elections absent from their political life for over 33 years;

Realising that the practice of democracy is never perfect yet, despite the hurdles and risks, the march forward toward democracy must continue with courage, patience and patriotism;

Having further understood that the legal instruments for free and fair elections are incomplete, that trust among political stakeholders has been eroded by years of misrule and conflict, that therefore the upcoming election offer opportunities to rebuild confidence, hope, and genuine cooperation among key actors in the political landscape;

The National Election Commission (henceforth called the Commission) and the six registered and legitimate political Organisations agree to follow in letter and spirit this Code of Conduct they jointly developed and signed on 5 December 2002.

First of all, the Election Commission and the political organisations and agree to give utmost priority to:

1. The existence and independence of Somaliland over the success of political organisations or personal interest;
2. The maintenance of peace, since peace is to democracy as it is to life;
3. all disputes arising among the political organisations through dialogue; and

¹ As declared by law, there are no “political parties” before the local elections are carried out. Only the three ‘*political organisations*’ that emerge from the local elections will be called *political parties*. This Code of Ethics applies to all *legally registered political organisations or parties* competing for local and national elections before and after December 15, 2002.

4. The Commission and the organisations are partners whose share responsibility is to ensure that fair, free, and peaceful elections take place in Somaliland.

The political organisations further agreed that **prior to, during, and after** elections:

1. The Commission will discharge its responsibilities as neutral and independent body – that is, it will be, in word and action, impartial and fair to all political organisations; in addition, it will be autonomous from lobbies, pressures, and influence of political organisations, groups, or individuals pursuing special interest in the *process* and *outcome* of the elections.
2. The Commission will consult the political organisations on key issues concerning the process, procedures, and implementation of the election; the consultation will be regular and timely, not ad hoc or after decisions have been reached by the Commission.
3. All disputes arising among the political organisations shall be resolved through dialogue. The Commission will take careful note of the decisions arrived jointly by all the political organisations so long as these decisions do not contradict the law or undermine the national interest.
4. The Commission will follow the spirit and letter of the Election Law and Constitution; where ambiguities exist in these legal documents, the Commission will reach the best independent decision it can, always giving priority to fairness, impartiality, and the national interest.
5. The Commission will remain vigilant to political problems, special groups, and external forces that can compromise the national interest; the Commission will develop plans to preempt, prevent, and counteract any group that seeks to disturb the peace and elections of Somaliland.
6. The Commission will be transparent in all its work, including its financial dealings, process of operations, and what factors or influence decisions; the Commission will also *timely* reports on problems it encounters in its operation and hence it should not wait until the political organisations discover the problems and fuss about them.
7. The Commission will fulfil its duties to ensure, to the best of its ability, that citizens in all areas of Somaliland will exercise the right to vote without pressure, intimidation, or delay.
8. The Commission will discharge its duties to ensure the proper protection, handling, distribution, counting, and recording of the voting boxes, voting cards, dye, voting venues, and any other materials, tools, or facilities used for the elections; benefiting also from lessons learned during the registration, the Commission will employ qualified and neutral personnel, allowing appropriate input and feedback from the political organisations.
9. The Commission will have clear and transparent procedures for accepting, refusing, and managing complaints from or about the political organisations; although the resolution of complaints must be timely and fair, the Commission must never be hasty or capricious; its decision must be careful, thorough, and judicious.
10. The Commission will review and monitor not only the language and behavior of political organisations, but also the actions or inaction of the Executive Branch upon which much depends, on whether free, fair, and peaceful elections take place.
11. The Commission will encourage active and neutral coverage of the elections by the media in order to raise public awareness and participation; in addition, the

Commission will provide relevant and timely information (as information of remote areas) that may be inaccessible to the political organisations.

12. In its communication with the political organisations and the public, the Commission will avoid any contradictory messages, announcements, promises, and decisions; to avoid confusion, its communication will be timely, systematic, deliberate, coherent, and available equally to all the political organisations.
13. Having studied carefully its legal power and prerogatives, the Commission will work with the political organisations when and where new legislation is needed in order to ensure that the Executive Branch discharges its duties appropriately and in due time.
14. The political organisations on their part affirm that the Commission is the sole and legitimate 'referee' of the elections; as such, they will give the Commission due respect and cooperation, avoiding at all times frivolous charges undermining the Commission's integrity, respect, and name.
15. The political organisations will cooperate with and assist the Commission to discharge its duties, avoiding at all times adversarial relationship; they will in addition carry themselves with civility and patience when the Commission reaches decisions with which the political organisations do not agree.
16. The political organisations will exercise their right to find legal recourse in the courts when they deem such action necessary; neither any unpopular decision of the Commission nor the right of political organisations to seek legal recourse in the courts will be voiced publicly in personal or clan terms.
17. Before the complaints and conflicts involving Commission and the political organisations degenerate to public acrimony or legal disputes in the court, both organisations will give the Integrity Watch Committee (whose terms of reference are attached) chance to intervene, mediate, and arbitrate the dispute.
18. The political organisations must not engage in activities that may jeopardise the peace and stability during the elections.
19. The political organisations must refrain from activities that may be deemed threatening or offensive when dealing with the Commission; the Commission will likewise refrain from activities that may be deemed threatening or offensive when dealing with the political organisations.
20. In the same way that it is the responsibility of the political organisations to ensure that their members understand and enforce this Code of Conduct, it is also the responsibility of the Commission to ensure that their staff and representatives understand and enforce this Code of Conduct.

Signatures

Chairman of the Election Commission

Name _____

Signature _____

Political organisations (or their designees in writing):

	Name of Person Signing	Signatures
ASAD	_____	_____
HORMOOD	_____	_____
KULMIYE	_____	_____

SAHAN	_____	_____
UCID	_____	_____
UDUB	_____	_____

2. CODE OF CONDUCT FOR THE POLITICAL ORGANISATIONS²: 5 December 2002

PREAMBLE:

After holding a series of discussions and consultations during the month of Ramadan regarding the upcoming elections;

Acknowledging that democratic elections will advance the noble struggle of the people of Somaliland during the past ten years;

Recognising that free and fair elections offer new opportunities to enlarge freedom and justice in Somaliland;

Appreciating also the risks and threats arising from inexperience in political campaigns and elections, aggravated by limited technical know-how and scarcity of financial resources;

Having further understood the apprehension and anxiety of our people about political campaigns and elections absent from their political life for over 33 years;

Realising that the practice of democracy is never perfect yet that, despite the hurdles and risks, the march forward toward democracy must continue with courage, patience and patriotism;

The political Organisations agreed to follow in letter and spirit the Code of Conduct which they had developed jointly and stated in this document.

First of all, the political organisations and the Election Commission agreed to give utmost priority to:

1. The existence and independence of Somaliland over the success of political organisations or personal interest;
2. The maintenance of peace since peace is as foundational to democracy as it is to life;
3. Solve all disputes arising among the political organisations through dialogue; and
4. Advance free and fair elections.³

The political organisations further agreed that **prior to**, **during**, and **after** elections:

² As declared by law, there are no political organisations before the local elections. Only the three political organisations that emerge from the local elections will be called political organisations. This Code of Ethics applies to before and after the local elections to all registered organisations or organisations competing for elections.

³ These four principles were affirmed in the agreement of political organisations on 24 July 2002.

1. All political organisations will actively and unambiguously transmit to their members and supporters that peace is sacrosanct (*nabadu waa muqadas*) and that therefore they will order all their members and supporters to avoid statements or actions that threaten the public order of Somaliland; the political organisations will take joint activities to raise public awareness on the vital need for peace.
2. All political organisations will abstain from statements and actions that can undermine peaceful, free, and fair elections; the political organisations will take joint activities to inform the public that success for Somaliland rests on peaceful, free and fair elections.
3. All political organisations will respect the members and supporters of other political organisations, avoiding at all times attacks of personal, group, and clan nature; political campaigns must be issue-oriented and offer solutions to national problems.
4. All political organisations will avoid disinformation and dishonest activities that undermine the existence and functioning of other political organisations;
5. All political organisations will disseminate and strictly enforce a ban on arms, clubs, and other dangerous tools carried by their members or supporters; in addition, they will end all political campaigns **forty-eight hours** before the day of elections and inform their members and supporters that they will not campaign at voting sites, carry with them any signs of party affiliation (like party emblems, beat drums, or carry out any party activities).
6. All political organisations will avoid use or mobilisation of non-citizens and other non-qualified persons in their political campaigns and in casting votes; taking into consideration the welfare of Somaliland, all their campaigns and party activities will not aggravate immigration problems of Somaliland.
7. If two or more political organisations accidentally meet in the same venue during their campaigns, the party that came first will have right of use for that venue; if the organisations can not determine who came first, they will find a mutually agreeable solution.
8. All political organisations accept the Election Commission as the sole and legitimate 'referee' of the upcoming local and national elections; any political party that does not accept in good faith the Election Commission's sincere decisions or judgment on the results will accept, without improper acrimony or incitement of disturbance, the **final judgment** handed down by the last legally mandated authority.
9. After the elections, all the political organisations (winners as well as losers) will take joint initiative to calm their members and supporters to ensure that an atmosphere of peace and national unity prevails after the elections;
10. The political organisations (winners as well as losers) will carry themselves with due respect and regard to their competitors (winners as well as losers) in order to promote harmony and cooperation among their members and supporters;
11. All political organisations will avoid the dangers of *zero-sum game* or *winner-takes-all* outcome and, in particular, the party winning the Presidential election is encouraged to form an inclusive and broad-based government;
12. If deadlines for Presidential election are not met, the political organisations emerging from the local elections, being the primary stakeholders in the new political landscape and supported by the losing political organisations, will work with other legally mandated national actors to avoid the prospect of political vacuum.

13. All the political organisations endorse the formation, terms of reference, management, and procedures of the Integrity Watch Committee as described in the attached document.
14. It is the responsibility of the political organisations to inform their members and supporters in all areas (including remote locations) regarding the terms contained in this Code of Conduct; that a given member or supporter had infringed the Code of Conduct because they did not know better is not acceptable excuse; the responsibility for infringement of the Code always rests with the political party.

The Articles in this Code of Conduct constitute a ‘gentleman’s agreement’ developed to serve the common good. While their infringement does not carry legal penalties, the Articles have moral and social weight; hence, their breach must bring adverse political repercussions for the offending political party.

Infringements of this Code will be dealt with as follows:

- 1) The Election Commission, in consultation with the political organisations, will form an Integrity Watch Committee (see Attachment 1 for the Committee’s purpose, functions, and other details);
- 2) The Integrity Watch Committee will be managed and supervised by the Academy for Peace and Development;
- 3) If the Integrity Watch Committee observes infringement of the Code by any political party, or receives formal complaint from a political party, the Committee will carry out thorough investigation of the infringement;
- 4) If the infringement is ***proven without reasonable doubt***, the Integrity Watch Committee, in consultation with the Election Commission, will present a first and then (if necessary) a second written warning to the offending political party;
- 5) All the political organisations will receive a copy of all warnings submitted by the Committee;
- 6) If the offending political party continues the infringement, the Integrity Watch Committee, the Election Commission and the other political organisations will jointly make a public announcement when the third written warning for the infringement is being submitted to the offending party;
- 7) If the political party continues the infringement, the Integrity Watch Committee, the Election Commission and the other political Organisations will jointly and widely inform the citizens of Somaliland that the offending party is working for sure against the Code of Conduct agreed upon and therefore against the common good.

Name of the political organisation	SIGNATURE	
	Name of Person Signing	Signature
ASAD	_____	_____
HORMOOD	_____	_____
KULMIYE	_____	_____
SAHAN	_____	_____
UCID	_____	_____
UDUB	_____	_____

TERMS OF REFERENCE FOR INTEGRITY WATCH COMMITTEE – 2002

Purpose

The Integrity Watch Committee consists of members from civil society who are committed to fair, free and peaceful elections in Somaliland. Appointed by the Election Commission in consultation with the political organisations, the Integrity Watch Committee has no legal mandate or status. Hence, its findings or recommendations are not legally binding on any person or organisation including the Election Commission, the political organisations and the Government of Somaliland.

However, the Integrity Watch Committee will present its findings and recommendations to the Election Commission which, if it deems necessary, can act on these findings and recommendations with all the legal authority given to it by law. In addition, the Integrity Watch Committee will take the steps described in the two Codes of Conduct concerning on the one hand the agreements between political organisations and on the other the agreements between the Election Commission and the political organisations.

In short, the Integrity Watch Committee will serve as a supporting body from civil society that will continually evaluate opportunities for and threats to free, fair, and peaceful election in Somaliland. The Committee will also help instil in civil society a sense of participation, empowerment, and ownership in the election process. In addition, the Integrity Watch Committee will monitor infringements of the two Codes of Conduct developed by the Election Commission and the political organisations.

Qualification of Members

1. Persons appointed to the Integrity Watch Committee are not members of political Organisations;
2. Persons in the Integrity Watch Committee will maintain strict neutrality to the competing political organisations;
3. By reputation and record in society, the members have the intellectual, social, and political capacity to carry out their assigned function of serving as observers and evaluators of integrity in the election process;
4. The Committee will consist of no more than eleven members and it will have requisite representation in the six regions of Somaliland.

Functions of the Committee

The Integrity Watch Committee will assist and support the Election Commission in continually evaluating opportunities and threats to fair, free, and peaceful election in Somaliland. Specifically, the Committee:

1. Will monitor and evaluate to the extent political organisations remain true to the Code of Conduct they are expected to develop for the election process and results;
2. Will monitor financial and personnel resources of the political organisations and ensure that they consistent with the goal of free, fair and peaceful elections in Somaliland;
3. Will monitor the language and behaviour of political organisations to ensure that all political organisations carry out their campaigns in ways that advance free, fair and peaceful elections in Somaliland;

4. Will investigate complaints and process these complaints following the steps stated in the Codes of Conduct.

Supervision and Organisation

To reduce the workload of the Election Commission and to advance civil society participation, the members of Committee will have institutional linkage with Academy for Peace and Development which will provide the members of the Committee training, supervision, management and secretarial support.

3. Code of Conduct for Political Parties 2005⁴ National Electoral Commission, Hargeisa 2005

PREAMBLE:

After holding a series of meetings in which the upcoming parliamentary elections were discussed; the three political parties of Somaliland;

Fully aware of the importance of the parliamentary elections to the people of Somaliland;

Mindful that successful completion of the democratic process will further advance the cause of Somaliland;

Recognising that free and fair elections will enhance the prospect for enlarged freedom and justice in Somaliland;

Cognisant of the inherent risks and threats in transitional democracy and the prevailing climate of mistrust among the parties;

Fully aware of the urgent need to create an environment that is conducive to holding free and fair elections;

Mindful of the gaps/deficiencies in the electoral law that need to be addressed in order to ensure smooth elections;

Have agreed to abide by the letter and the spirit of this Code of Conduct which was jointly developed by the National Electoral Commission and the three political parties and which was signed by the parties and witnessed by the National Electoral Commission on **July 18, 2005**

Objective

The objective of this Code of Conduct is to promote conditions that are conducive to free and fair elections including:

- a) tolerance of democratic political activity;
- b) free political campaigning and open public debate; and
- c) respect for human rights.

SECTION ONE: GENERAL PRINCIPLES

Compliance with the Code

1. Every party and every candidate:
 - a) is bound by this Code;

⁴ The footnotes to the House of Representatives Election Law 2005 take note of the relevant provisions of this Code, and, in particular, those parts of the Code which were designed to fill the perceived gaps in the Law.

- b) will take decisive steps to prohibit leaders, officials, candidates and members from infringing the Code;
 - c) will take all reasonable steps to discourage any type of conduct by their supporters which would, if undertaken by party official, candidate, or member be in breach of this Code;
 - d) will not abuse the right to complain about violation of the code, nor make false or frivolous complaints;
 - e) agrees to publicly condemn any action that undermines the free and fair conduct of election;
 - f) must accept the results of the election or challenge the results in the Supreme Court.
2. The Leaders of the political parties will issue directives to their parties' officials, candidates, members and supporters, requiring each one of them to:
 - a) observe this Code of Conduct;
 - b) take all necessary steps to ensure compliance.
 3. Every candidate, once accepted by NEC, must issue a letter signed by himself/herself in which he or she declares his or her acceptance to comply with this Code of Conduct and to ensure that the persons working in his or her candidacy will comply with this Code.

Compliance with the Law

1. Every political party has agreed to adhere to the electoral laws, rules and regulations, and to take all necessary steps to ensure:
 - a) That the party, its candidates, persons who hold political office in the party, members, activists, and supporters, comply with the Code and the electoral law.
 - b) That representatives and supporters of the party candidates comply with the Code and the Electoral law.
2. Every political party will take all necessary steps to promote inclusion of women candidates in their respective list of candidates for each region.

Campaign Management

1. Every political party will:
 - a) respect the rights and freedom of all other parties to campaign, and to disseminate their political ideas and principles without fear;
 - b) respect the rights and freedom of all other parties to lawfully erect banners, billboards, placards, and posters;
 - c) conduct itself in a manner that respects the rights of other parties, and respects the rights of voters and other members of the community;
 - d) respect the rights of the press, election monitors and observers;
 - e) use its good offices to seek to ensure freedom of access by all parties to potential voters.
2. Every political party will ensure that its party will not:
 - a) engage, before, during and after election, in activities that may jeopardise the peace and stability of the country;
 - b) use defamatory language or act in a way that may provoke violence during election;
 - c) intimidate candidates and/or members of other parties, representatives or supporters of other parties;
 - d) disrupt, destroy or frustrate the campaign efforts of any other party;

- e) prevent the distribution of handbills and leaflets, and the display of posters of other parties or candidates;
- f) deface or destroy the posters of other parties or candidates;
- g) prevent any other party from holding rallies, meetings, marches or demonstrations;
- h) prevent any other party from canvassing support for a party or candidate;
- i) seek to prevent any person from attending the political rallies of another party;
- j) permit its supporters to do anything prohibited by this Code; or
- k) carry or display arms or weapons at a political meeting, in a march, demonstration, rally or other public events.

The Election Process

Every party must:

1. recognise the full authority of the Commission in the conduct of the election;
2. cooperate with election officials in order to ensure peaceful and orderly polling, and complete freedom for voters to exercise their franchise without being subjected to any annoyance or obstructions;
3. give effect to any lawful direction, instruction or order of the Commission;
4. establish and maintain effective lines of communication with the Commission and other political parties;
5. ensure the safety and security of electoral officials before, during and after the polls;
6. not interfere unjustifiably or in bad faith with the duties of the election officials;
7. respect and cooperate with officials or accredited election observers or monitors;
8. maintain and aid, where possible, in maintaining secrecy of the voting; and
9. not procure votes by forcible occupation of polling stations or through illegal activities in the polling stations.

SECTION TWO: GAPS/DEFECIENCIES IN THE ELECTORAL LAW

The following section of the Code of Conduct deals with the gaps and deficiencies in the electoral law and the solutions devised by the NEC and the political parties to remedy such deficiencies.

Article 12, Paragraph 4

This Article does not address the remote but possible situation of having two or more candidates in the same party list receiving the same number of votes and there is only seat to be allocated. To address this deficiency in the electoral law, the parties have agreed to the following sequential steps to break the tie:

1. The National Electoral Commission will, in the presence of the concerned party's regional executive committee, recheck the spoiled ballot papers that were marked for the candidates who are tied for a seat to see if there are any valid ballot papers that were inadvertently counted as spoiled ballot papers. During the recheck, if valid ballot papers are found, they will then be counted for the candidate that they were marked for. If, however, the recheck process does not produce a clear winner, then
2. The National Electoral Commission will openly conduct a **drawing of lots** between or among the candidates to determine who wins the tied seat. This will be done in front of the concerned party regional executive committee, Election Monitoring Board, media, etc.

Article 12, Paragraphs 6 & 7

These two paragraphs need further elaboration which can only be provided when the National Electoral Commission undertakes the inspection of the polling stations in late June and early July. Using the information gathered by NEC, the three political parties and the National Electoral Commission will devise a joint solution on the allocation of seats in these districts or regions. The agreed upon solution appears in Annex 1 of this Code of Conduct

Article 14

This Article deals with candidates who were unsuccessful in winning seats in the election and therefore remain as reserve candidates. However, this Article does not address the possible situation of two or more reserve candidates obtaining the same number of votes.

To address this shortcoming, the parties have agreed that the same mechanism for breaking a tie that is specified in Code of Conduct for Article 12 Paragraph 4 (above) shall also apply to this situation.

Article 16, Paragraph 1

The electoral law mandates that the parties submit to the NEC a list of their candidates 60 days before the voting day. The law however, does not mention the possibility that a candidature could become vacant due to death or incapacitation. To remedy this situation the political parties have agreed to the following:

- If, after the period established by the law to present the candidates and before 14 days before the voting day, a candidate's position becomes vacant due to the above-mentioned reasons, then the parties have the right to replace that candidate. However there shall be no change to the ballot paper and the replacing candidate will use the name and the symbol of the replaced candidate. When the final election results are announced, the replacing candidates name will appear in all official election documents.
- If, however, the position becomes vacant less than 14 days before the election date then the party cannot replace the candidate. However, if there are any votes for the vacant position then they will be counted for the concerned party.

Article 23

This Article grants the mayor the right to ban the holding of demonstrations if he is satisfied that they might damage the health, morals or public order. However, if any action taken by a mayor is considered unreasonable, the Article does not specify the procedure for submitting complaints. To address this deficiency in the electoral law, the three parties have agreed to the following:

- That the mayors shall prepare and publish a schedule of planned rallies and demonstrations for the three political parties during the campaign period. Furthermore, the schedule shall allocate equal number of days to the political parties for organising rallies, demonstrations, etc. Copies of the schedule must be sent to the NEC and to the parties at least 15 days before the start of the campaign period.
- The political parties shall inform the mayors 48 hours in advance of their intention to proceed with scheduled events (rally, demonstration).
- Any party that has been denied by a mayor the right to hold a demonstration has the right to appeal to the National Electoral Commission.

Article 27, Paragraph 1

This Article does not address the issue of who can grant permission for the movement of vehicles on Election Day. To address this deficiency the parties have agreed to the following:

- The NEC is the only authorised body to grant permission for the circulation of vehicles during the Election Day. In accordance with the electoral law, the NEC will inform the

public through the media and through its regional and district offices of the ban on movement of vehicles during the voting day.

- NEC will also make it publicly known that any person who violates the ban will be dealt with in accordance with the law.

Article 28, Paragraph 1

This Article does not address the central issue of when can parties substitute their agents. The law clearly states that NEC shall train the political parties' agents. This implies that only trained agents can be poll watchers. To address this weakness the parties have agreed to the following:

- Parties may, if a need arises, substitute their agents provided that the substitutes are the reserve agents that were trained.
- The parties further agree that the Party agents at the polling stations cannot be candidates at the election.

Article 29

This Article does not specify the roles and responsibilities of the party agent, which are crucial to the efficient and peaceful conduct of the election. To address this, the parties have agreed to the following:

- The NEC shall draft detailed terms of reference for the party agents, which shall form Annex 2 of this Code of Conduct.

Article 44, Paragraph 3

This Article is very specific and restrictive in terms of the where the voter can put his/her mark in the ballot paper. Given the fact that a large percentage of the people are unable to read or write, the probability of disenfranchising a lot of voters due to high rate of illiteracy cannot be ruled out. To avoid this situation the parties have agreed to the following, which is in line with the practice that was used in earlier elections.

- The voter is allowed to put his/her mark on the ballot paper anywhere within the row that is designated for each candidate.
- Any mark, be it a dot, cross, tick, sign, etc. is acceptable so long as it is clearly within the row.
- If a voter's mark spills over to an adjacent row then neither of the two candidates gets the vote. However, the vote shall be counted for the party of the candidates whose votes were counted as invalid.
- If the mark spills across two party columns, then that vote is treated as being an invalid vote.

Article 49, Paragraphs 3 & 4

Paragraphs 3 & 4 of this Article do not address the remote but possible situation of party agents from two political parties who have been present at the polling station and who deliberately refuse or disappear from the polling station before the signature of the outcome of the vote.

To remedy this, the parties have agreed on the following:

- In order to avoid the loss of votes cast by the citizens, the signature of only one party agent and the signatures of the polling station officeholders shall suffice. However, the reasons for such an event shall be recorded.

Article 51, Paragraph 3

This Article requires that each presiding officer of the polling stations submit to the Supreme Court a copy of the written record of the polling station results. This is not logistically possible. Therefore, the parties have agreed to the following:

- The presiding officer will send the copy of the written record of the polling station results intended for the Supreme Court to the District Election Officer who will then forward it to the Regional Election Officer for onward transmission to the Supreme Court.

SECTION THREE: PUBLIC FUNDS/PROPERTY/GOVERNMENT RADIO AND MEDIA

Article 26 of the electoral law mandates the National Electoral Commission to ensure that the political parties have equal access to the government owned mass media and the use of the public assembly grounds during the election campaign. The Article further states that no party may use for its own purpose the property of the nation. Article 64 gives NEC the power to impose administrative sanctions against anyone who commits acts that are contrary to the administration (of the election) or to the electoral law or procedures.

To effectively execute this mandate, the Commission shall put in place the following enforcement mechanisms to ensure compliance with the electoral law and procedures.

1. Use of Government Mass Media**a) Radio Hargeisa Broadcast during the Campaign Period****Implementation Mechanism:**

- Stages one: Monitoring
- Stage two: Allocation of equal airtime to the political parties

Stage one: Daily Monitoring of Radio Hargeisa Somali language Broadcast

The National Electoral Commission will monitor and record daily Radio Hargeisa Somali language broadcasting. The mechanism for monitoring Radio Hargeisa Somali service broadcasting is detailed in Annex 3 of this Code.

Stage two: Allocation of equal Radio Hargeisa airtime for the three political parties

The National Electoral Commission will in consultation with the Ministry of Information allocate equal airtime to the three political parties in line with the provisions of the airtime equal access schedule in Annex 4.

b) Maandeeq and Horn Tribune Newspaper

The National Electoral Commission will make the following two arrangements in respect of Maandeeq.

1. Monitoring, on a daily basis, the content of Maandeeq and Horn Tribune newspapers.
2. Allocation of equal space in Maandeeq and Horn Tribune to the parties.

The details of this arrangement are in Annex 5 of this Code.

c) Privately owned Media

The privately owned media shall also provide equal access of the media to the political parties who are prepared to purchase space in private newspapers. No party shall be discriminated against in terms of this access. This provision shall also be included in the media Code of Conduct and the Media Guide shall clearly state the need for objective and balanced reporting on the part of the media.

2. Public funds/property

The electoral law (Article 26) prohibits the use of public property by any party for its own sole purpose. This Article further states that no party may use directly or indirectly property

owned by foreigners, as such as that of foreign NGOs and that of UN agencies. Furthermore, Article 64 of the electoral law grants the NEC the authority to take administrative sanctions. To execute this authority, the National Electoral Commission shall establish an Election Monitoring Board⁵ that will ensure that the three parties have equal access to public funds, government-owned mass media and public assembly grounds. The Board members representing a cross-section of the society will be chosen on the basis of their moral authority (distinguished religious figures), academic qualifications, work experience, etc. The members will include academicians, former senior public finance officers, civil society members, etc. The Terms of Reference for the Board of Monitors are in Annex 3 of this Code.

The Board will perform its tasks under the overall direction and supervision of the National Electoral Commission.

Prerequisites:

In order to enable the Board members to effectively carry out their responsibilities, the following prerequisites must be obtained.

- Presidential Decree directing government officers to cooperate fully with NEC and any other body established by NEC to assist it in carrying out its national duties.
- Presidential Decree officially prohibiting the use of government vehicles, etc. for use of campaigning and affixing of party emblem, logos, slogan, etc. on government offices, premises and vehicles.

It shall be the responsibility of the National Electoral Commission to obtain from the President the above-mentioned decrees.

In order to ensure the effectiveness of the Board, NEC will grant the Board the authority to investigate, on its behalf, any violation of the electoral law and the Code of Conduct and if they deem it necessary to recommend to the Commission a course of action to be taken against the offender.

During the election period, the government Ministers are not allowed to use government vehicles for campaigning for the party that they belong to.

Civil Servants are also not allowed, in accordance with the civil service law, to publicly campaign for a party. Doing this will be considered as a serious contravention of the election management process and NEC might initiate appropriate disciplinary action against the culprit(s).

To enhance the trust and confidence among the parties and to create a climate conducive to the smooth and efficient conduct of the election, it is necessary that the government refrain from any action that might be construed as an abuse of power. Likewise, it is necessary that

⁵ On 5 September 2005, the NEC issued a Circular appointing the the members of the EBM. The appointments, which were also endorsed by the three parties, consisted of the following 14 members:

- | | |
|---------------------------|--------------------------------|
| 1. Xasan Maygaag Samatar | 8. Rashiid Sheekh C/lahai |
| 2. Dr Aadan Yuusuf Abokor | 9. C/laahi Xaaji Axmed Qulumbe |
| 3. Prof Cabdi Haybe Cumar | 10. Maxamed Cumar Xuseen dhuux |
| 4. Aadan Muuse Jibriil | 11. C/laahi Siciid Faarax |
| 5. Yaasiin Ibraahim Magan | 12. C/qaadir Cali Xasan |
| 6. Xuseen Cali nuur | 13. Siciid Cali Giir |
| 7. Xasan Maxamed Jaamac | 14. Sacdiya Aw Muuse Axmed |

The Board issued their first report on 14 September 2005.

political parties refrain from any action that may be construed as being detrimental to the peace and stability.

SECTION FOUR: INSTRUMENTS FOR THE ENFORCEMENT OF THE CODE

Part One: Operational Mechanism

1. Establishment of Election Board of Monitors (EBM)

2. Regular Board meetings:

The objective of the meetings (preferably once in a week) will be to evaluate compliance with the Code and the electoral law and to lessen the inevitable polarisation that a competitive campaign brings among the contenders.

UCID

Faisal Ali Warabe
Chairman
Signature _____
Date: _____

KULMIYE

Ahmed Mohamed Mohamoud
Chairman
Signature _____
Date: _____

UDUB

Ahmed Yussuf Yasin
Vice President
Signature: _____
Date: _____

Witnessed By:

National Electoral Commission
Ahmed Haji Ali Adami
Chairman

Signature: _____
Date _____

4. PRESS CODE OF CONDUCT FOR COVERAGE OF THE SOMALILAND 2005 ELECTIONS: (In English & Somali)

(Code drafted with the assistance of Article 19 – see
<http://www.article19.org/pdfs/other/code-conduct-somaliland.pdf>)

(English language version source : <http://www.haatuf.net/Archive2003/1ab.htm>. See the Somali language version, below – translator unknown, but this was the document in Somali signed by the Somaliland media representatives on 6 July 2005 and widely printed in all the Somaliland press.)

The media plays an important role in monitoring the electoral process. By covering the election events and the political campaign, the media insures that the public is aware of what is happening.

Good media coverage of the electoral process can increase public knowledge and information on the elections, the candidates and the issues. The coverage of elections in the media, and its analysis of candidate platforms and election issues, provides voters with the information they need to make an informed choice on voting day. It can also provide factual information needed by voters to participate, such as the day, hours and locations of polling stations.

In order to fulfil this role several conditions must be met:

- All media must have access to the electoral process and its participants.
- Reporters must have access to electoral managers, electoral sites, candidates and voters.
- It is essential that the media have access to public information.
- The media must be able to investigate and report in a safe environment, without fear of intimidation or retribution.
- The media should be free to cover and report on election events without restrictions or censorship.
- The media needs to be able to circulate freely throughout the country so that it can follow national campaigns or candidates and see how the election administration is working in outlying areas.
- All media should be treated equally, whether it is the government media or private. This applies to access to political parties, candidates, the electorate, electoral sites and information.
- Public authorities and other concerned parties should refrain from interfering with the activities of journalists and other media personnel with a view to influencing the elections.
- In order to combat the danger of speculation, the election results must be released in a timely manner.
- The foreign broadcast media, particularly the BBC Somali Service, have significant geographic coverage, listenership and potential influence on voters.
- For this reason, these services should be encouraged to report on the Somaliland election campaign in a considered and in-depth manner giving due regard to their own codes for election coverage and the code adopted by the Somaliland media below.
- The NEC is encouraged to monitor the election coverage of foreign broadcast media and establish a liaison mechanism for dealing with complaints. In return and with due respect for editorial freedom, the Somaliland media has adopted the following code of conduct for the election period.
- To cover the electoral campaign in a fair, balanced and impartial manner.
- To ensure accurate, balanced and impartial coverage of the news and current affairs and in the content of interviews and debates that may have an influence on the attitude of voters.
- To avoid excessive and privileged coverage of an incumbent politicians from the both the ruling and opposition parties.
- Not to disseminate any partisan electoral messages on the day preceding voting, to allow voters to take a decision without pressures.
- As far as possible, to report the views of candidates and political parties directly and in their own words, rather than as others describe them.
- To guarantee a rapid right of reply to a candidate or political party, if so required, in order that this right can be exercised during the campaign period.
- To ensure that news content is factually accurate, complete, relevant and in context.

- To use neutral words for impartial, dispassionate election reporting and take care with technical terms and statistics and ensure headlines reflect the facts of the story.
- To avoid inflaming emotions over controversial issues through impassioned handling of these issues.
- To label opinions and personal interpretations as such, and limit opinions and editorials to the editorial and opinion pages/programmes.
- To label advertising clearly so it is not confused with the news and to ensure that advertising coverage complies with the code of conduct for political parties adopted between by the NEC.
- Journalists are obliged to introduce themselves as such and to be honest and fair in the way news is gathered, reported and presented.
- To honour pledges of confidentiality to a news source, otherwise identify sources of information.
- Not to plagiarise and to give due credit to secondary sources of information.
- Not to alter photographs or graphics to mislead the public.
- Not to accept any inducement from a politician or candidate.
- Not to give favourable advertising rates to one political party and not to another.
- Not to give money for sources of stories.
- The National Elections Commission should consult with the media select two representatives from the media to serve on the Election Board of Monitors. In return the media will respect the Board's right to monitor and adjudicate on the media's compliance with this code of conduct.

Adopted by members of the Somaliland Media –Hargeisa, 6 July 2005

XEERKA ANSHAXA SAXAAFADDA EE DOORASHOYINKA SOMALILAND 2005: 6 July 2005

Saxaafaddu waxay kaalin weyn ka qaadan kartaa la socodka abaabulka doorashooyinka iyo sida wax u dhacayaan. Warbaahintuna waxay ka haqab-tiri kartaa dadweynaha waxyaabaha socda ee dhacaya marka ay si buuxda uga xog-waranto ololayaasha siyaasadeed iyo arrimaha doorashooyinka.

Saxaafadda oo si buuxda oo sugan uga soo xog-waranta arrimaha doorashooyinkuna, waa qaab kordhinaya wacyiga iyo wax-ogaanshaha dadweynaha, macluumaadka la xidhiidha doorashada, musharaxiinta tartamaya, qodobada jira iyo barnaamijyada lagu tartamayo. Ka xog-waranka doorashooyinka, soo bandhigidda doodaha iyo afkaarta musharaxiinta iyo ololuhu, waxay dadweynaha u siinaysaa fursad iyo wax-ogaansho awood u siinaya inay wax ku kala doortaan maalinta ay codaynayaan. Waxa kale oo ay dadweynaha ka war-gelinaysaa xogta iyo macluumaadka la xidhiidha maalinta cod-bixinta, goobaha codaynta iyo waqtiga ama saacadaha la dhiiban karo codadka.

Si saxaafaddu ay u gudato waajibaadkan, waa in ay shuruudahan soo socda la fuliyaa:

- In qaybaha saxaafadda oo dhammi ay galan-gal u yeelan karaan hawlaha doorashooyinka iyo cidii ku lug leh.

- In weriyayaashu ay la xidhiidhi karaan hawl-wadeenada doorashada, goobaha codbixinta, musharaxiinta iyo cod-bixiyayaasha.
- Inay tahay muhiim in saxaafaddu xaq u leedahay inay raadiso, heshana xog iyo macluumaad.
- In saxaafaddu samayn karto xog-baadhis iyo warbixin, iyada oo aan u habranayn caga-juglayn iyo cabsi-gelin ama ciqaab.
- In saxaafaddu ay u madax banaanaato inay ka xog-waranto arrimaha doorashooyinka oo dhan, iyada oo aan lagu samayn faaf-reeb iyo xanibaad lagula kaco hawlaheeda.
- In saxaafaddu u baahan tahay inay si xor ah u tegi karto, una soo kormeeri karto dalka oo dhan si ay ula socoto ololayaasha iyo musharaxiinta, una aragto sida maamulka doorashadu uga socda dhulka oo dhan.
- In dhamaan qaybaha warbaahinta iyo saxaafadda loola macmiilo si siman, ha noqdo qalabka warbaahinta dawladda iyo kan gaarka loo leeyahay intaba, ayna u sinnaadaan galaan-galka iyo la xidhiidhka axsaabta siyaasadda, musharaxiinta, dadweynaha wax dooranaya ee codaynaya iyo goobaha codaynta, wararka iyo macluumaadka intaba.
- In hay'adaha dawliga ah iyo kuwa aan ahaynba ay ka waantoobaan soo fara-gelinta hawlaha saxaafadda iyo suxufiyiinta, soo fara-gelintaas oo ujeedadeedu ay noqon karto ku danaysiga iyo saamaynta doorashooyinka.
- Si looga hortago mala-awaal iyo tuhun soo dhex-gala, waa in natiijooyinka doorashada la sii daayaa oo la faafiyaa waqti sugan oo habboon.
- Warbaahinta debadda, gaar ahaanna laanta af-Soomaaliga ee BBC-da, waxay gaadhi kartaa soohdimo baaxad leh iyo dhegaystayaal badan, waxayna saamayn ku yeelan kartaa dadweynaha codaynaya. Sababtaas awgeed, waa in laamahaasi lagu dhiiri-geliyaa inay uga xor-waramaan doorashooyinka Somaliland si mug iyo tixgelin leh, iyaga oo xeerinaya anshaxa iyo xeerarka saxaafadeed ee doorashooyinka ee iyaga u dejisan iyo kan saxaafadda Somaliland ee hoos ku xusan intaba.
- Guddiga Doorashooyinka (NEC), waxa lagu dhiiri-gelinayaa in ay la socdaan sida warbaahinta debaddu uga xog-waramayso doorashooyinka, sameeyaanna qaab loogala xidhiidhi karo cabashooyinka soo baxa.
- Saxaafadda Somaliland, iyadoo gudanaysa, dhawraysana madax-banaanida tifaftirka, waxay dhinaceeda dejisatay kuna dhaqmayso anshaxan xeerarka doorashooyinka ee soo socda:
- Inay ugu xog-waranto ololaha doorashooyinka si xaq-soornimo iyo dhexdhexaad ah, isku dheeli tiran, oo xag-jiris la'aan ah.
- Inay hubiso in wararka iyo warbixinnada saxaafaddu ay yihiin xog-sugan, isku dheeli tiran, oo aan dhinacna u xaglinayn, haddii ay yihiin wararka iyo arrimaha taagan, xog-waraysiyada iyo doodaha saamayn kara dadweynaha codaynaya.
In saxaafaddu iska ilaaliso inay siiso fursado dheeri ah ama gaar ah oo aan meesha qaban, siyaasi haatan awoodda maamulka haya iyo mid aan haynba.
- In aan la sii deyn ama la faafin baaq xisbiyeed ku saabsan doorashada maalinta ka horeysa codbixinta, si dadweynaha codaynaya fursad loogu siiyo inay si madax bannaani ah wax u go'aansan karaa, iyaga oo aan dareemin culays iyo cadaadis.
In intii suurto-gal ah, toos loo soo xigto musharaxiinta iyo axsaabta aragtidooda iyo doodahooga, halkii cid kale laga soo qaadan lahaa.

- In la dammaanad qaado, isla markaana la sugo xaq-u lahaanshaha jawaab-celinta musharaxiinta iyo axsaabta siyaasadda, marka ay timaado xilliyada ololaha doorashooyinka.
- In la hubiyo in wararka iyo xogaha la xidhiidha ay yihiin qaar sugan, isku dhan oo buuxa dhinac kasta, saamayn leh oo la danaynayo, kuna ladhan sida wax u dhaceen ama ku yimaadeen.
- In la isticmaalo ama la adeegsado ereyo iyo luqad dhexdhexaad ah oo cuntama, oo aanay ka muuqan caadifad marka laga warbixinayo doorashooyinka. Waa in laga foojignaadaa, lana hubiyaa inay sugan yihiin ereyada farsamo ee la adeegsanayo, tirokoobyada iyo cinwaannada wararka iyo warbixinnadu.
- Waa in laga fogaado wixii keeni kara kicin iyo caadifad marka laga hadlayo arrimaha lagu muransan yahay ama laga kala taagan yahay mawqfiyo kala geddisan ee la isku hayo.
- In sideeda loo sheego oo ay qeexnaato ra'yiga iyo afkaarta gaarka ah ee cidi qabto, loona hibeeyo ciddaas, laguna soo koobo oo keliya bogagga gaarka u ah ama barnaamijyada afkaarta iyo faallooyinka ee dadweynaha.
- In iidhehda iyo xayeysiisku ay qeexnaadaan oo aanay ku khaldamin xogta iyo wararka jira. Waa in la hubiyaa in iidhehda iyo xayeysiisku ay waafaqsan yihiin xeerarka anshaxa ee loo dejiyey axsaabta ee Guddiga Doorashooyinka (NEC).
- Marka saxaafaddu hawlaheeda gudanayso ee ay xog iyo warar raadinayso, waa in suxufiyiintu u gutaan si daacad ah oo cad ama toos ah oo aan qarsoodi ahayn, isna sheegaan.
- Waa in suxufiyiintu ay dhawraan ballan-qaadyada ay galaan ee ku saabsan asturaadda ama qarinta ilaha xogta, marka ay jiraan sababo loo garaabo. Haddii kale waa in shaaca laga qaadaa ilahaas.
- Waa in aan la xadin ama si sharci-darro ah aan loo soo minguursan xog iyo macluumaad dad iyo meelo kale, waana in la xusaa wixii la soo xigto.
- Waa in aan la dhalan-rogin sawirrada iyo muuqaallada, oo aan la marin habaabin dadweynaha.
- Waa in laga aqbalin ama laga qaadan, siyaasi iyo musharax midna, wax yeelan kara ujeedo hawl-fududayn iyo laaluush ama ku danaysi.
- In aan loogu kala eexan axsaabta oo aan loo kala burin qiimaha iidhehda ama kharashka laga qaadayo.
- In aan laga iibsano xogta iyo wararka, ilaha laga helo ama laga qaadanayo.
- Waa in Guddiga Doorashooyinka ay kala xaajoodaan kuna daraan guddiga loo xilsaaray la socodka arrimaha doorashooyinka, laba xubnood oo hay'addaha saxaafaddu soo magacaabaan, wakiilna ka ah. Dhinaca kalena, saxaafaddu waxay ballan-qaadaysaa inay dhawrto xaq-u-lahaanshaha guddiga doorashooyinka ee ah daba-galka iyo qiimaynta sida hay'addaha warbaahintu u dhaqan-gelinayaan, una dhawrayaan xeerkan Anshaxa Saxaafadda.

Hargeisa, 6 July 2005

**TEXTS OF ELECTORAL LAWS & CODES IN
SOMALI**

**XEERARKA DOORASHOYINKA OO AF
SOMALI AH**

QAYBTA SIDEEAAD (8): QODOBADA DISTOORKA EE KU SAABSAN DOORASHOYINKA

QODOBKA 4AAD: JINSIYADDA

1. Qof kasta oo u dhashay Somaliland, kana issirran dadkii deggenaa dalka Somaliland 26kii Juun 1960k iyo ka hor, waxa loo aqoonsanayaa muwaadin
2. Xeer baa caddaynaya sida lagu heli karo ama laga waayi karo jinsiyadda Somaliland.

QODOBKA 8AAD: SINNAANTA MUWAADINIINTA

1. Muwaadiniinta Somaliland iyadoon lagu kala saarayn midabka, qabiilka, dhalashada, luqadda, lab iyo dhedig, hantida, mudnaanta, afkaarta iwm, waxay sharciga hortiisa ku leeyihiin xuquuq iyo waajibaad siman.
2. Kala sarraynta iyo takoorka ku salaysan issirka, abtirsiga, dhalashada iyo deegaanku waa reebban yihiin, isla markaas barnaamijyada lagu cidhib tirayo dhaqamada xunxun ee soo jireenka ah waa waajib Qaran.
3. Ajaanibka dalka Somaliland sharci ku jooga waxay xeerka hortusa ku leeyihiin xuquuq iyo waajibaad la siman tan muwaadiniinta, oo ay ka reebban tahay xuquuqda siyaasiyiga ah ee muwaadiniinta u gaarka ah.

QODOBKA 9AAD: NIDAAMKA SIYAASADEED

1. Nidaamka siyaasadeed ee Jamhuuriyadda Somaliland waxa saldhig u ah nabad, talo-wadaag, dimuqraadiyad iyo hannaanka xisbiyada badan.
2. Tirada xisbiyada siyaasiga ah ee dalka Jamhuuriyadda Somaliland kama badnaan karaan saddex (3) xisbi.
3. Iyada oo xeer gaar ahi habayn doono qaabka loo furan karo xisbi siyaasi ah, waxaa reebban in xisbi lagu dhiso gobollaysi iyo qabyaalad.

QODOBKA 21AAD: HIRGELINTA IYO FASIRAADDA

1. Waaxaha Xeer-dejinta, Fulinta iyo Garsoorka ee Qaranka iyo kuwa dawladaha hoose ee gobollada iyo degmooyinka Jamhuuriyadda Somaliland heer kasta ha ahaadeene, waxay u hoggaansamayaan shuruucda ku cad qodobada xubintan.
2. Qodobada la xidhiidha xuquuqda iyo xorriyaadka aasaasiga ah waxa loo fasirayaa si waafaqsan bayaannada caalamiga ah ee xuquuqda aadamaha iyo xeerarka caalamiga ah ee Dastuurka ku xusan.

QODOBKA 22AAD: XUQUUQDA SIYAASADEED, DHAQAALE, BULSHO IYO XAQA DOORASHADA

1. Muwaadin kasta wuxuu xaq u leeyahay in uu ka qaybgalo hawlaha siyaasadeed, dhaqaale, bulsho iyo hiddaha si waafaqsan xeerarka iyo Dastuurka.
2. Muwaadin kasta oo buuxiya shuruudaha xeerku tilmaamayo wuxuu xaq u leeyahay in la doorto waxna uu doorto.

QODOBKA 23AAD: XORRIYADDA DHAQDHAQAAQA IYO IS-ABAABULKA

1. Qof kasta oo muwaadin ah ama si xeerka waafaqsan dalka ku jooga waxa uu xor u yahay in uu dalka ka maro ama ka dego meel kasta oo uu doono, iyo weliba in uu ka baxo ama ku soo laabto dalka marka uu doono.

2. Arrimaha ku xusan faqradda 1-aad ee qodobkan waxa ka reebban meelaha ama waqtiyada xeerku ka reebo mariddeeda ama degitaankeeda.
3. Muwaadiniintu waxay xor u yihiin in ay isu habeeyaan ururro siyaasadeed, cilmiyeed, dhaqameed, bulsheed, xirfadeed, ama kuwa shaqaale si waafaqsan xeerka.
4. Waxaa reebban urur kasta oo leh ujeedooyin lid ku ah danaha ummadda ama qarsoodi ah ama leh qaab ciidan ama hubaysan amaba kuwa kale ee khilaafsan xeerka weji kasta ha lahaadeene.

QODOBKA 25AAD: XAQA XORRIYADDA, DAMMAANAD-QAADKA IYO SHURUUDAHA XUQUUQDA IYO XORRIYAADKA

1. Qofna xorriyadiisa loogama qaadi karo si aan xeerka waafaqsanayn.
2. Ma bannaana in qofna la qabto, la baadho ama la xayiro, haddii uusan markaa dembi faraha kula jirin, ama aanu amar qabasho oo sababaysan ku soo saarin Garsoore awood u lihi.
3. Dawladda ayaa muwaadiniinta u dammaanad qaadaysa xuquuqda iyo xorriyadaha. Xeer ayaa qeexaya ciqaabta ka dhalan karta ku xad gudubkooda.
4. Dhammaan xorriyaadka qofka waxa shardi ah in ayna ka hor iman xeerarka anshaxa guud, xasiloonida dalka ama xuquuqda qofka kale.

QODOBKA 32AAD: XORRIYADDA BANNAANBAXA, RA'YI - DHIIBASHADA, SAXAAFADDA IYO WARBAHINTA KALE

1. Muwaadin kasta waxa uu xor u yahay in uu ra'yigiisa ku bandhigo qoraal, hadal, muuqaal, suugaan ama qaab kale oo xeerka waafaqsan.
2. Muwaadin kasta wuxuu xor u yahay in uu abaabulo kana qayb qaato, kulan ama bannaanbax nabadeed oo xeerka waafaqsan.
3. Saxaafadda iyo warbaahinta kale waxay ka mid yihiin xorriyaadka asaasiga ah ee ra'yi-dhiibashada, waxayna leeyihiin madax-bannaanidooda; way reebban tahay tallaabo kasta oo lagu cabudhinayo; hawshoodana xeer baa nidaaminaya.

QODOBKA 36AAD: XUQUUQDA HAWEENKA

1. Xuquuqda, xorriyaadka iyo waajibaadka Dastuurku xaqiijiyey, haweenku ragga way ula siman yihiin, wixii Shareecadda Islaamka midkood u gaar yeeshay mooyaane.

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QODOBKA 40AAD: TIRADA GOLAHA IYO DOORASHADIISA

Golaha Wakiilada waxa uu ka kooban yahay 82 xubnood oo lagu soo doorto doorasho guud oo toos ah iyo cod-bixin qarsoodi ah oo xor ah.

QODOBKA 41AAD: SHURUUDAHA QOFKA ISU-TAAGAYA DOORASHADA

Qofka isu-taagaya xubinimadda Golaha Wakiilada waa in uu yeesho shuruudaha soo socda:

1. In uu Muslim yahay, kuna dhaqmaa Diinta Islaamka.
2. In uu Muwaadin yahay, da'diisuna ka yaraan shan iyo soddon sano (35 sano).
3. In uu jidh ahaan iyo caqli ahaanba u gudan karo xilkiisa.
4. In uu leeyahay aqoon dugsi sare ama wax u dhigma ugu hoosayn.
5. In aanu hore ugu dhicin xukun ciqaabeed oo kama dambays ah, oo maxkamad horteeda kaga caddaaday shantii sano ee ugu dambaysay.
6. In uu yahay xilkas; akhlaaqdiisa iyo dhaqankiisuna toosan yihiin.

7. Uma bannaana qof shaqaale Dawladdeed ah in uu isu taago doorasho haddaanu muddada xeerku cayimay ka hor shaqo ka tegid codsan taas oo in laga aqbalaana ay waajib tahay.

QODOBKA 42AAD: MUDDADA XILKA IYO XILLIGA DOORSHADA

1. Muddada xilka Golaha Wakiiladu waa 5 (shan) sano oo ka bilaabmaya maalinta Maxkamadda Sare ay ku dhawaaqdo go'aamada doorashada.
2. Madaxweynaha ayaa ku dhawaaqaya doorashada Golaha cusub bil ka hor dhammaadka muddada Golaha hore.
3. Haddii doorashada Golaha Wakiiladu ku qabsoomi weydo duruufo adag awgeed, Golaha hore ayaa xilka sii haynaya inta ay ka dhamaanayso duruufkaasi, lagana dooranayo Gole cusub. Duruufaha adagi waa: dagaal baahsan, xasilooni darro gudaha ah, aafo dabiici ah oo culus sida dhulgariir, cudurrada faafa, abaaro culus; waxaana qiimaynaya kana go'aan gaadhaya Golaha Guurtida ka dib marka Golaha Xukummaddu sidaa soo jeediyo.

QODOBKA 51AAD: BUUXINTA JAGADA GOLAHA WAKIILADA

Haddii ay bannaanaato jagada xubin ka mid ah Golaha Wakiilada ka hor lixda bilood ee ugu dambaysa muddada xilka Golaha, waxa loo soo buuxinayaa si waafaqsan xeerka, iyada oo xubinta cusubi ay dhammaystirayso muddada xilka Golaha ka hadhay.

QODOBKA 56AAD: KALA DIRIDDA GOLAHA WAKIILADA

Golaha Wakiilada waxa la kala diri karaa:

1. Marka uu fadhiisan waayo laba kal-fadhi oo caadiya oo isku xiga, iyadoo aanay keenin duruuf awoodooda ka baxsani.
2. Marka ay soo jeediyaan inuu kala dirmo $\frac{1}{3}$ {saddex meelood, hal} tirada xubnaha Goluhu; isukuna raacaan $\frac{2}{3}$ {saddex meelood laba} tirada guud ee xubnihiisa.
3. Xaaladaha ku xusan faqradda {1} iyo {2} ee qodobkan waxa go'aan ka soo saaraysa Maxkamadda Dastuurka, iyadoo xaaladda ku xusan faqradda {laad} ay Maxkamaddu u soo gudbinayso Madaxweynaha xaaladda ku xusan faqradda 2aadna Golaha Wakiilada.
4. Golaha Wakiilada waxa kale oo kala diri kara Madaxweynaha, ka dib marka uu dadweynuhu sababaha uu ku dhisay kala diridooda ku oggolaado Afti-qaran oo ay qabanqaabiso Maxkamadda Dastuuriga ahi.
5. Madaxweynuhu marka uu arko go'aanka Maxkamadda Dastuuriga ee ay ka soo saarto xaaladda ku xusan faqradda {1} ama {2} ee qodobkan, ama natiijada aftida dadweynaha ee ku xusan faqradda {4} ee qodobkan, waxa uu ku soo saarayaa Xeer-Madaxweyne kala diridda Golaha Wakiilada, isaga oo isla markaa baahinaya taariikhda doorashada Golaha cusub oo ku qabsoomaya 60 {lixdan} maalmood gudahood.
6. Haddii aftida Qaranku taageeri weydo kala diridda Golaha Wakiilada, ama doorashadu qabsoomi waydo, Golihii hore ayaa xilka haynaya.
7. Ma bannaana kala diridda Golaha Wakulada sannadka u horeeya ee Golaha iyo sannadka u dambeeya ee muddada xilka Madaxweynaha.

QODOBKA 58AAD: DOORASHADA XUBNAHA GOLAHA GUURTIDA IYO MUDDADA XILKA

1. Xubnaha Golaha Guurtida waxa lagu soo dooranayaa doorasho, habka doorashadana waxa nidaaminaya xeer.
2. Muddada xilka Golaha Guurtidu waa 6 (lix sano), oo ka bilaabmaysa maalinta fadhiga 1-aad qabsoomo.

QODOBKA 59AAD: SHURUUDAHA QOFKA LOO SOO DOORANAYO XUBINIMADA GOLAHA GUURTIDA

Qofka loo dooranayo xubinimada Golaha Guurtida waa in uu yeesho shuruudaha qofka isu-taagaya xubinimada Golaha Wakiilada marka laga reebo da'da iyo heerka aqoonta oo noqonaya sidan hoos ku xusan:

1. In aan da'diisu ka yaraan 45 sano {shan iyo afartan sano}.
2. In uu yahay qof Diinta aqoon fiican u leh, ama oday dhaqan-yaqaan ah.

QODOBKA 60AAD: TIRADA GOLAHA GUURTIDA

1. Tirada xubnaha Golaha Guurtidu waa 82 (labba iyo siddeetan) ...

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QODOBKA 69AAD: KALA DIRIDDA GOLAHA

Golaha Guurtida waxa loo kala diri karaa habka loo kala dii karo Golaha Wakiilada.

QODOBKA 72AAD: BANNAANSHAHA JAGADA GOLAHA GUURTIDA IYO SOO-BUUXINTEEDA

1. Jagada Golaha Guurtidu waxay ku bannaanaysaa haddii ay timaado xaalad ka mid ah xaaladaha ku tilmaaman qodobka 50aad.
2. Haddii ay bannaanto xubin ka mid ah Golaha Guurtidu ka hor lixda bilood ee ugu dambeeya muddada xilka Golaha Guurtida, waxa loo soo buuxinayaa si waafaqsan xeerka, iyada oo xubinta cusubi ay dhammays-tirayso muddada xilka Golaha.

QODOBKA 82AAD: SHURUUDAHA QOFKA LOO DOORANAYO MADAXWEYNE AMA MADAXWEYNE-KU-XIGEEN

Waxa Madaxweyne ama Ku-xigeen Madaxweyne loo dooran karaa qofka buuxiya shuruudaha soo socda:

1. Waa in uu yahay muwaadin u dhashay Somaliland oo muwaadinimo dawlad kale haysan, balse wuu noqon karaa qoxooti dal kale deggan.
2. Waa in uu Muslim yahay, kuna dhaqmaa Diinta Islaamka.
3. Waa in aanay da'diisu ka yaraan afartan sano (40).
4. Waa in uu jidh ahaan iyo maskax ahaanba gudan karaa xilkiisa
5. Waa in uu aqoon iyo waayo-aragnimo u leeyahay arrimaha maamulka {mid dawliya iyo mid kaleba}.
6. Waa in uusan dembi maxkamadi ku xukuntay ka gelin Qaranka Somaliland.
7. Waa in uu xaaskiisu yahay Muslim.
8. Waa in uu xog-ogaal u ahaado xaqaa'iqaha dalka ka jira, isaga oo joogay ugu yaraan laba sano ka hor taariikhda doorashada loo cayimay in ay qabsoonto.
9. Waa in uu hantidiisa diiwaangeliyo.

QODOBKA 83AAD: HABKA DOORASHADA

1. Waxa Madaxweynaha iyo Ku-xigeenka Madaxweynaha lagu dooranayaa qaabka doorashada guud oo toos ah; isla markaana qarsoodi ah iyaga oo isku lamaan.
2. Doorashada Madaxweynaha iyo Ku-xigeenka Madaxweynaha, oo isku mar loo codaynayo, kuna salaysan habka u codaynta liistada, waxa la qaban doonaa bil ka hor dhammaadka muddada xilka Madaxweynaha hore.

3. Madaxweynaha iyo Madaxweyne-ku-xigeenka hore ayaa sii wadi doona hawlaha ay u xil-saarnaayeen ilaa Madaxweynaha iyo Ku-xigeenka cusubi kala wareegaan xilka muddo bil ah gudaheed.
4. Waxa loo aqoonsanayaa in ay doorashada Madaxweyaha iyo Kuxigeenka Madaxweynahu ku guulaysteen labada qof ee magacyadoodu ku sheegan yihiin liistada hesha codadka ugu tirada badan.
5. Haddii ay suurtoobi weydo duruufo la xidhiidha nabadgelyada darteed in la qabto doorashada Madaxweynaha iyo Kuxigeenka Madaxweynaha marka muddadii xilkoodu dhammaato, waxa Golaha Guurtida waajib ku ah in ay muddada xilka u kordhiyaan Madaxweynaha iyo Kuxigeenka Madaxweynaha, iyaga oo tixgelinaya muddada dhibaataada lagaga gudbi karo; doorashaduna ku qabsoomi karto

QODOBKA 88AAD: MUDDADA XILKA

1. Muddada xilka ee Madaxweynaha iyo Kuxigeenka Madaxweynaha waa 5 sano oo ka bilaabanta maalinta xilka loo dhaariyo.
2. Qofna jagada Madaxweynaha ma qaban karo laba jeer wax ka badan.

QODOBKA 89AAD: HABKA BUUXINTA JAGADA BANNAANAATA

1. Haddii mid ka mid ah xaaladaha ku sheegan qodobka 86aad ay ku timaado Madaxweynaha saddexda sano ee u horreeya shanta sano ee xilka loo doortay, waxa Madaxweyne Kuxigeenku noqonayaa Madaxweyne ku meel gaadh ah, waxaana Madaxweyne lagu dooranayaa muddo lix bilood gudohood ah.
2. Haddii Madaxweynaha xaalad ka mid ah xaaladaha ku sheegan qodobka 86aad ay ku timaado labada sano ee u dambeeya muddada shanta sano ah ee loo doortay, waxa xilka Madaxweynenimo la wareegaya Madaxweyne Kuxigeenka muddada labada sano ah ee hadhay, wuxuuna Madaxweyne Kuxigeen u sharrixi doonaa xubin ka tirsan Golaha Wakiilada, waxaana ansixinaya labada Gole oo wada jira. Haddii Golayaashu diidaan mudanaha Madaxweynuhu u magacaabay Madaxweyne Kuxigeenka, waxa waajib ku ah in uu mudane kale ku magacaabo muddo aan ka badanayn soddon maalmood gudahood oo ka bilaabmaysa taariikhda diidmada Golayaasha.
Waxa xubintu muddada dastuuriga ah hayn doontaa xilka loo magacaabay; isla markaana waayi doontaa xubinnimadii Golaha Wakiilada.
3. Sidoo kale, marka xaalad ka mid ah xaaladaha ku sheegan qodobka 86aad ay ku timaado Madaxweyne-kuxigeenka wuxuu Madaxweynuhu u magacaabayaa Madaxweyne-kuxigeen xubin ka tirsan Golaha Wakiilada, oo 2-da Gole oggolaadeen. Wuxuu mudanaha xilka loo magacaabay hayn doonaa jagadaas muddada xilka ka hadhay, iyada oo ay bannaanaan doonto jagadi Wakiilnimadu. Haddii ay Golayaashu diidaan mudanaha Madaxweynuhu u magacaabay Madaxweyne-kuxigeenka, waxa waajib ku ah in uu mudane kale ku magacaabo muddo aan ka badnayn 30 maalmood gudahood oo ka bilaabmaysa taariikhda diidmada Golayaasha.
4. Haddii ay Madaxweynaha iyo Kuxigeenka Madaxweynaha isku hal mar ku timaado xaalad ka mid ah xaaladaha ku sheegan qodobka 86aad, waxa xilka Madaxweynaha si ku meel gaadh ah u haynaya Guddoomiyaha Golaha Guurtida. Waxaana doorashada Madaxweynaha iyo Kuxigeenka Madaxweynaha lagu qaban doonaa muddo lixdan (60) maalmood gudahood ah, oo ka bilaabmaysa maalinta ay xaaladdu sugnaatay.

QODOBKA 109AAD: QAAB-DHISMEEDKA DALKA

1. Dalka Jamhuuriyadda Somaliland wuxuu ka kooban yahay gobollo; gobol kastaana wuxuu u sii qaybsamaa degmooyin.
2. Dhismaha gobollada iyo degmooyinka, xuduudahooda iyo darajooyinkooda xeer baa tilmaamaya.
3. Wax-ka-beddelka tirada gobollada iyo degmooyinka ama xuduudahooda, iyada oo sababaysan waxa soo jeedinaya Golaha Xukuumadda, waxana oggolaanaya Golaha Wakiilada iyo Golaha Guurtida.

QODOBKA 111AAD: GOLAYAASHA GOBOLLADA IYO DEGMOOYINKA

1. Gobollada iyo degmooyinka dalku waxay yeelanayaan Golayaal sharci-dejineed oo ku kooban xeer hoosaadyo (Bye-laws)aan ka hor imanayn xeerarka dalka u dejisan iyo kuwa fulineed.
2. Tirada gole kasta oo gobol ama degmo shuruudaha laga doonayo xubinta gole gobol/degmo iyo nidaamka doorashada xeer ayaa tilmaamaya.
3. Guddoomiyaha degmadu, isaga oo la tashaday wax garadka tuulada, waxa uu soo jeedinayaa guddida maamul ee tuullo, waxana ansixinaya Golaha Sharci dejinta ee degmada.
4. Golayaasha gobollada & degmooyinka waa in ay noqdaan kuwa awood u leh qorshaynta dhaqaalahooda iyo arrimahooda bulshada.
5. Guddoomiyaha gobolka waxa soo magacaabaya Xukuumadda, waxaana uu uga wakiil yahay Xukuumadda-dhexe gobolka iyo degmooyinka hoos yimaada.
6. Guddoomiyaha gobolku waa xidhiidhiyaha Xukuumadda-dhexe iyo degmooyinka gobolka, isaga oo hoos imanaya Wasaaradda Arrimaha Gudaha.
7. Muddada xilka golayaasha gobollada iyo degmooyinka waa shan sano (5).
8. b) Gole gobol ama degmo waa la kala diri karaa isaga oo aan muddadiisa dhammayn.
 - t) Xaaladda ay ku iman karto iyo qaabka loo kala dirayo xeer ayaa tilmaamaya.
9. Xoghayaha gobolka ama degmada iyo madaxda waaxyaha ama laamaha Wasaaradaha ayaa xilka sii fulinaya iyaga oo raacaya shuruucdoodii hore inta laga soo dooranayo gole cusub.
10. Golayaasha gobollada iyo degmooyinku waxay yeelanayaan xeerhoosaadyadooda oo midaysan waxana gacan ka siinaysa Wasaaradda Arrimaha Gudaha.

QODOBKA 127AAD: XUDUUDDA WAX-KA-BEDELKA IYO KAABIDDA DASTUURKA

Ma bannaana in soo jeedinta wax-ka-beddelka iyo/ama kaabidda Dastuurku ay xambaarsanaato nuxur ka soo horjeeda:

- b. Mabaadi'da Shareecadda Islaamka.
- t. Midnimada dalka (**Israacsanaanta dhul-ahaaneed**).
- j. Mabaadi'da talo-wadaagga iyo hannaanka xisbiyada badan.
- x. Xuquuqda asaasiga ah iyo xorriyaadka qofka.

QODOBKA 128AAD: SALDHIGGA IYO SARRAYNTA DASTUURKA

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2. Dastuurka ayaa ugu sarreeya xeerarka dalka, xeer kasta oo aan isaga waafaqsanaynina, wuxuu noqonayaa waxba kama-jiraan.

QODOBKA 130AAD: DHAQAN GELINTA DASTUURKA IYO QODDOBADA KALA GUURKA

...

3. Haddii ay xubin ka mid ah Golaha Guurtida ... ay ku timaado xaalad ka mid ah xaaladaha ku tilmaaman qodobka 50aad waxaa soo buuxinaysa beeshii uu ka tirsanaa inta laga gaadhayo nidaamka axsaabta ee doorashada.

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QAYBTA SAGAALAAD (9): XEERKA NIDAAMKA URURADA & AXSAABTA SIYAASADDA

**JAMHUURIYADDA SOMALILAND
GOLAHA WAKIILADA JSL**

MARKUU ARKAY: Qodobada 9aad, 22aad, 23aad ee Dastuurka Qaranka.

MARKUU DHAGAYSTAY: soo jeedimaha guddi-hoosaadka arrimaha gudaha, Dooda mudanayaasha Golayaasha Wakiilada iyo Guurtida ee la xidhiidha xeerkan.

MARKUU TIXGELIYAY: baahida loo qabo in laga guuro nidaam-beeleedka Loona gudbo nidaamka axsaabta ee tartanka xorta ah.

WUXUU ANSIXIYEEY XEERKAN:

Qodobka 1aad

Macnaha ereyada

1. **GUDDI:** waxa loola jeedaa Guddiga diiwaangelinta ururada siyaasadeed iyo ansixinta axsaabta.
2. **GOBOL/DEGMO:** waxa loola jeedaa Gobolada/Degmooyinka dalka JSL ee sharciga ah.
3. **GOLAYAASHA SHARCIGA AH:** waxa loola jeedaa Golayaasha Dastuuriga ah ee JSL ee kala ah:
 - Golaha Guurtida
 - Golaha Wakiilada
 - Golaha Wasiirada
4. **URUR/URURO:** waxa loola jeedaa unugga is-abaabul bulsho ee siyaasadeed ee loo diiwaangeliyey ka qaybgalka tartanka doorashada dawladaha hoose inta aan loo aqoonsan xisbi siyaasadeed.
5. **XISBI/AXSAAB:** waxa loola jeedaa XISBI/AXSAABTA loo ansixiyey ka qaybgalka tartanka doorashada guud ee Barlamanka iyo Madaxweynaha iyo Ku-xigeenkiisa.
6. **SHISHEEYE:** waxa loola jeedaa cid kasta oo aan u dhalan JSL.
7. **WARBAAHINTA QARANKA:** waxa loola jeedaa idaacadaha, wargeysyada, shineemooyinka, goobaha kheyriyada iyo qalabka kale ee warbaahinta ee Dawladdu maamulkeeda hayso.
8. **HANTIDA QARANKA:** waxa loola jeedaa hantida guurtada iyo ma-guurtada ah ee Dawladdu leedahay waji kasta ha lahaatee.
9. **FOOMKA CODSIGA:** waxa loola jeedaa foom gaar ah oo ay bixiyaan Guddigu oo ay ku qoran tahay warbixinadda iyo cadaymaha laga doonayo ururka codsaday diiwaangelinta.
10. **DOORASHADA QARANKA:** waxa loola jeedaa doorashada guud ee ay ku tartamayaan saddexda (3) xisbi ee Qaranka.

Qodobka 2aad

Guddiga diiwaan-gelinta ururada siyaasiga ah iyo ansixinta axsaabta Qaranka.

Dalka JSL wuxuu yeelanayaa Guddi guud oo madax-banaan, una xilsaaran diiwaangelinta ururrada iyo ansixinta axsaabta siyaasadeed.

1) Qaab-dhismeedka Guddigu waa 7 (todoba) xubnood oo ay ugu yaraan laba ka mid ahi sharci-yaaqaano yihiin.

b) Waxay yeelanayaan Gudoomiye, Gudoomiye xigeen iyo Xoghaye.

t) Guddiga waxa lagu soo xulanayaa shuruudaha hoos ku qoran:-

1. Inuu Muslim yahay kuna dhaqma diinta Islaamka.
2. Inuu Muwaadin yahay da'diisuna ka yaraan 40 sanno.
3. Inuu jidh ahaan iyo caqli ahaanba u gudan karo xilkiisa.
4. Inuu leeyahay aqoon ay ugu hoosayso dugsi sare.
5. In aanu hore ugu dhicin xukun ciqaabeed oo kama dambays ah oo maxkamad horteed kaga cadaaday shantii sanno ee u dambaysay.
6. Inuu yahay xilkas, dhaqankiisa iyo akhlaaqdiisuna toosan yihiin, yahayna shakhsi ku sifoobay dhexdhexaadnimo.
7. Inuu leeyahay waayo-aragnimo shaqo iyo maamul oo dhan 10 sanno ugu yaraan.
8. Inuu ku sugnaa dalka JSL saddexdii sano ee ugu dambeeyay.
9. Labada sharci yaqaan waxa u dheer shuruudahaasi inay leeyihiin shuruudaha lagu soo doorto garsoorayaasha Maxkamada Sare.

j) Waxay ku yeelanayaan Wakiilo Gobolada iyo Degmooyinka dalka.

x) Guddigu waxay xilka sii haynayaan muddo 6 bilood ah markay ansixiyaan saddexda xisbi ee ku guulaysta doorashooyinka Qaranka.

10. Madaxweynaha JSL ayaa magacaabaya Guddiga ansixinta axsaabta siyaasadeed, waxaana ansixinaya Golaha Wakiilada oo cod hal-dheeri ah ku ogolaanaya.
11. Guddigu waxay yeelanayaan gunno, waxaana qeexaya xeer gaar ah.
12. Gudoomiyaha Maxkamada Sare ayaa ku dhaarinaya Guddiga dhaartan todobaad ka dib maalinta Golaha Wakiiladu ansixiyo (**WAXA IGU WALAAHIYA, BILAAHIYA, INAANAN KA MID AHAYN KUNA JIRIN UNUG, URUR IYO XISBI SIYAASADEED TOONA, KANA MID NOQONEYN URUR IYO XISBI KALE INTAAN XILKA HAYO. UGUNA ADEEGAYO BULSHADA SOMALILAND CADAALAD, SINAAN IYO DAACADNIMO**).

Qodobka 3aad

Qabashada codsiyada diiwaangelinta

- 1) Guddigu waxay ku baahinaysaa warbaahinta dalka mudada qabashada codsiyada diiwaangelinta ururada siyaasadeed, iyo mudada dhamaadka qabashada codsiyada diiwaangelinta iyo cinwaanada lagu soo hagaajinayo ee xarumaha gobolada/degmooyinka dalka. Mudada qabashada codsiyada diiwaangelintu waa laba bilood gudahood oo ka bilaabmaysa maalinta la bilaabo baahinta qabashada codsiyada.
- 2) Urur kasta oo doonaya in loo diiwaangeliyo urur siyaasadeed waa inuu ku soo qortaa arji foomka loogu talagalay, kuna soo hagaajiyaa Guddiga, kuna lifaaqnaadaan caddaymaha iyo qoraalada soo socda:-
 - b.** Goortii iyo goobtii ururku ku qabtay shirkii aasaaska ururka ee ugu horeeyay.
 - t.** Liiska magacyada aasaasayaasha ururka (guddiga fulinta) iyo habkii loo doortey hawl-wadeenada.
 - j.** Qaab-dhismeedka ururka oo ay ku caddahay magaca ururka oo dhan iyo habka uu u qormayo marka la soo gaabiyo, calaamadaha ururka iyo hal-ku-dhegyadiisa.
 - x.** Caddeyn bixin deebaaji oo dhan SI.Sh. 5,000,000 (shan milyan) oo aan celis lahayn.

Qodobka 4aad

Xisbiyada siyaasadeed ee ku meel gaadhka ah

- 1) Markay dhamaato mudada qabashada araajida diiwaangelinta ururrada, Guddidu waxay hubinaysaa ururada buuxiyey shuruudihii looga baahnaa, waxayna siinayaan ogolaansho ku meelgaadh ah oo uu ururkaasi ku hawlgalo.

- 2) Mudada hawl-galada ururada siyaasadeed waa 3 bilood oo ka bilaabanta taariikhda ogolaanshaha ku meel gaadhka ah la siiyey.
- 3) Urur/Xisbi kasta waa inuu ku keenaa mudada ku xusan faqrada 2aad ee qodobkan qoraalada iyo caddeymaha soo socda:-
 - b. Qabashadii shirweynaha ee ururka ama xisbiga, meeshii uu ku qabtey, taariikhduu qabsoomay iyo wixii ugu weynaa ee ay qabteen.
 - t. Caddeyn in ururkaasi ku leeyahay laamo hawl-gal ah, ugana diiwaan-gashan yihiin ugu yaraan 500 (shan boqol) xubnood gobol kasta.
- 4) Ururka/xisbiga la siiyo ogolaansho ku meel gaadh ah oo uu ku hawl-galo, waa in Guddidu siisaa nuqul ka mid ah xeerkan axsaabta si uu ugu saleeyo xeerkiisa.
- 5) Xisbi/urur kasta oo siyaasadeed waa in xeerkiisa ku caddahay ku dhaqanka dimoqraadiyadda iyo tallo-wadaaga, hogaamintuna ay ka timaadaa hoosta ee aaney taladu ka iman xagga sare.
- 6) Urur kasta waa inuu Guddida u keeno 10 nuqul oo daabacan oo ah xeerarkiisa iyo cinwaanadiisa gobolada iyo degmooyinka dalku ay ku dhan tahay.
- 7) Urur/xisbi kasta waa in xeerarkiisu waafaqsan yahay Dastuurka iyo xeerarka dalka JSL.
- 8) Urur/xisbi kasta waa inuu xubin ka noqon karo qof kasta oo u dhashay Somaliland
- 9) Ururka siyaasadeed ee loo ansixiyo xisbi, kuma biiri karo Xisbi kale doorashada ka hor, sidoo kale waa iney xeerkiisa ku caddaataa inaan laga saari Karin/eryi Karin xisbiga xubin ama xubno loo doortey Golayaasha sharciga ah, xubnaha loo doortey golayaashana aanay ku biiri Karin xisbi kale.
- 10) Xisbi kasta oo siyaasadeed waa inay barnaamijkiisa ku caddaato qorshayaashan:-
 - b. Sugidda nabadgelyada, deganaanshaha iyo xasiloonidda dalka.
 - t. Horumarinta waxbarashada iyo Diinta
 - j. Horumarinta caafimaadka iyo fayodhawrka.
 - x. Daryeelka iyo ilaalinta degaanka.
 - Kh. Dhaqaaleynta iyo soo saaridda kheyraadka dabiiciga ah ee dalka.
 - d. Horumarinta cilmiga iyo teknoolajiyada.
- 11) Saddexda urur ee doorashada Dawladaha Hoose ka hela 20% codadka gobol kasta ayaa loo aqoonsanayaa Xisbi siyaasi ah oo Qaran, lana siin doonaa shahaadada aqoonsiga xisbi Qaran.
- 12) Haddii hal urur oo keliya ku guulaysto doorashada oo uu ka helo 20% codadka gobol kasta, Guddidu waxay u aqoonsanaysaa xisbi siyaasadeed isaga iyo labada urur ee ku xiga codadka gobol kasta.
- 13) Haddii ururada siyaasadeed midna gaadhi waayo 20% wuxuu Guddidu u aqoonsanayaa xisbiyo siyaasadeed saddexda urur ee ugu tirada badan codadka doorashooyinka gobolada dalka.
- 14) Haddii ay is le'ekaato tirada codadka laba urur ama ka badan waxaa lagu celinayaa tartanka ururada mar kale oo ay cayinto Dawladdu.

Qodobka 5aad

Waxyabaha ka reebban ururada/Xisbiyada

- 1) Waxaa ka reebban xisbi/urur kasta inuu u soo gudbiyo Guddida warbixin been ah ama khaldan.
- 2) Xisbina kama muuqan karto xeerarkiisa qodob ama qodobo ka hor imanaya Dastuurka iyo Shareecada Islaamka.

- 3) Urur/xisbi kasta waxaa ka reebban inuu dhaqaale ka helo ilo shisheeye ah oo u adeegsado hawlihiisa iyo dhaqdhaqaaqyadiisa siyaasadeed.
- 4) Xisbi/urur kasta waxaa ka reebban inuu hantida qaranka Somaliland u adeegsado ama u isticmaalo hawlihiisa u gaarka ah ee doorashooyinka.
- 5) Xisbi/urur kasta waxaa ka reebban inuu adeegsado koox ama ciidan hubaysan oo uu ku fushado danihiisa gaarka ah.

Qodobka 6aad

Xuquuqda xisbiyada siyaasadeed

- 1) Xisbiyada siyaasadeed ee la siiyey shahaadada xisbinimo siyaasadeed, waxay xaq u leeyihiin :-
 - b. Inay si siman u adeegsadaan warbaahinta qaranka, waxayna yeelan karaan Warbaahin u gaar ah markey ogolaansho ka helaan hay'adaha ku shaqada leh.
 - t. Inay si xor ah u gudbiyaan afkaartooda siyaasadeed iyagoon wax u dhimayn xasiloonida iyo nabadgelyada guud ee dalka.
 - j. Inaan la cabudhin Karin lana xidhi Karin xisbi, hanti gaar ahna wuu yeelan karaa.
 - x. Xisbi siyaasadeed dhaliil wuu u soo jeedin karaa ama wuu dhalili karaa xisbi kale ama xukuumadda.
- Kh. Xisbiyadu wixii dacwad ama cabashooyin ay ka tawdaan shaqada Guddiga waxay qoraal ahaan ugu gudbinayaan maxkamadda gobolka ay cabashadu ka jirto.
- d. Haddii ay ku qanci waayaan go'aanka maxkamadda gobolku ka soo saarto waxay racfaan uga qaadan karaan Maxkamadda Dastuuriga ah oo dib u eegaysa.

Qodobka 7aad

Musharaxiinta u tartameysa doorashooyinka

- 1) Qof kasta oo muwaadin Somaliland ahi wuxuu xaq u leeyahay in la doorto, waxna dooran karo, hase yeeshee waxaa musharax noqon kara:-
 - b. Muwaadin Somaliland ah, xisbina soo sharaxay, buuxiyeyna shuruudaha Xeerku jideeyey.
 - t. Ma banana in musharax madax-banaan oo aan magic xisbi wadanin isa soo sharaxo.
- 2) Guddida Xisbiga ee gobol kasta ayaa soo magacaabaya musharaxiinta heerka degmooyinka.

ALLAH MAHAD LEH

**Maxamed Xuseen Cusman
XOGHAYAHA GUUD EE GOLAHA WAKIILADA**

**Axmed Maxamed Adan (Qaybe)
GUDOOMIYAHA GOLAHA WAKIILADA**

PRESIDENTIAL DECREE: XEER MADAXWEYNE NO:26/2000
JSL/M/DEC/222-026/82000 **6 August 2000**

Madaxweynaha Jamhuuriyadda Somaliland

Markuu helay: Go'aanka GW/KF-11/133/2000 ee 19/6/2000 uu Golaha Wakiiladu ku ansixiyey Xeerka No: 14/2000 ee ku saabsan Axsaabta iyo ansixinta Golaha Guurtida ee GG/jsl/KAL-11/G10217/2000 ee 8/7/2000.

Markuu arkay: Qodobka 75aad ee Dastuurka Jamhuuriyadda Somaliland.

Wuxuu Soo saarayaa Xeerkan oo lagu baahinayo dhaqangalka Xeerkan No: 14/2000 ee ku saabsan Axsaabta. Waxaana lagu soo saari doonaa faafinta rasmiga ah ee Dawladda.

Allaa Mahad Leh

Maxamed Ibrahim Cigaal

Madaxweyne

The Registration of Political Parties Committee formally announcement of the winning three parties in the local elections shall be recognised as the three political parties allowed under the Constitution of the Republic of Somaliland:

Wednesday, 25th December 2002.

“Guddiga diiwaangelintu shir ay isugu yimaadeen 24kii December, 2002, waxay si qoto dheer uga doodeen natiijadii ka soo baxday doorashadii loo galay goleyaasha degaanka dawladdaha hoose ee degmooyinka Jamhuuriyadda Somaliland, natiijadaas waxa noo soo gudbiyey guddiga doorashooyinka ee qaranka iyaga oo noogu soo gudbiyey warqadda tirsigeedu yahay **KDQ/643/2002 ee 22 December, 2002.**

Guddigu waxay darsen **Xeer No. 14/2000**, ee guddiga diiwaangelinta ururada siyaasiga ah iyo ansixinta axsaabta qaranka, waxay si gaar ah ugu fiirsadeen **Qodobka 4aad farqadiisa 11aad, 12aad iyo 13aad**, waxa kale oo ay tixgeliyeen natiijadii ay soo gudbiyeen guddiga doorashooyinku oo ka tarjumaysa tirooyinka codadka ururada siyaasiga ah ee Jamhuuriyadda Somaliland kala heleen.

Guddigu waxay si buuxda isugu raaceen una aqoonsadeen inay ururada kala ah **UDUB, KULMIYE, iyo UCID** ay noqdaan xisbiyo siyaasadeed oo qaran.

Magacyada Guddida:-

- 1- Maxamed Jaamac Boodhle, Guddoomiye;
- 2-Aadan Geedi Qayaad, Guddoomiye-ku-xigeen;
- 3-Xasan Axmed Nuur, Xoghaye;
- 4-Cali Yuusuf Axmed, Xubin;
- 5-Yuusuf Cumar Maxamed, Xubin;
- 6-Maxamed Ducaale Maxamed, Xubin;
- 7-Cabdillaahi Bookh Kuunshe, Xubin.”

QAYBTA TOBANAAD (10): XEERKA DOORASHOYINKA MADAXWEYNAHA IYO GOLAYAASHA DEGMOOYINKA 2001

XEERKA DOORASHOYINKA MADAXTOOYADA IYO G/DEGAANADA (Xeer Lr. 20/2001)

GOLAHA WAKIILADA JSL

Markuu Arkay: Qodobada 9aad, 22aad, 25aad, 83aad iyo 111aad ee Dastuurka Qaranka JSL.

Markuu tixgeliyey: Baahida loo qabo ka digo-roqashada hab-beeleedka iyo xaqiijinta himilada ummaddu ka dhursugaysay mudada dheer ee u tartanka xorta ah ee xilalka Qaranka.

WUXUU ANSIXIYEEY XEERKAN:

Qodobka 1aad: Macnaha erey-bixinta

Doorasho: waxa loola jeedaa kala saaridda murashaxiinta u tartamaya xilalka, iyadoo lagu go'aan qaadanayo aqlabiyadda codadka dadka ay khusayso.

Komishanka: waxaa loola jeedaa Guddiga sare ee loo xilsaaray maamulidda iyo ka garsooridda doorashooyinka.

Goob-codbixin: waxa loola jeedaa goobaha tirooyin dadweynaha ka mid ah oo isku degaan dhaw ka dhiibanayaan codkooda.

Goob-Doorasho: waxa loola jeedaa barta kulmisa goobo-codbixineed oo loogu talagalay in lagu kala saaro laba murashax iyo wixii ka badan.

Wakiil: waxa loola jeedaa xubinta urur/xisbi u soo wakiishay la socodka hawlaha doorashada ee goob-cod-bixineed ama xafiisyada doorashada.

Murashax: waxa loola jeedaa xubinta uu ururkiisu/xisbigiisu u soo magacaabay inuu u tartamo xil lagu heli karo doorasho.

Cod-bixiye: waxa loola jeedaa qofka buuxiyey shuruudaha cod-bixinta ee go'aankiisa ku dhiibanaya cod.

Golaha Degaanka: waxa loola jeedaa Golaha cod-bixiyayaasha degmadu u doortaan maamulka iyo sharci-dejinta D/Hoose ee degmada.

Gobol-doorasho: waxa loola jeedaa soohdimaha kulmiya degmooyin doorasho.

Degmo-doorasho: waxa loola jeedaa soohdimaha kulmiya ugu yaraan hal goob-doorasho.

Kursi: waxa loola jeedaa jago-xil oo lagu hananayo doorasho hal qof.

Astaan/Astaamaha: waxa loola jeedaa summadda ama calaamadda u gaarka ah hal xisbi/urur ee lagu aqoonsanayo.

Liis/Liisaska: waxa loola magacyada murashaxiinta uu soo gudbiyey xisbi/urur loona kala hormariyey siday u kala helayaan doorashada.

Ololaha Doorashada: waxa loola jeedaa hawlgalka ay ururada/axsaabtu iyo murashaxiintoodu ugu tartamayaan iska dhaadhicinta iyo soo kala jiidashada cod-bixiyayaasha.

Xafiiska dhexe: waxa loola jeedaa xarunta ugu saraysa ee laga maamulayo hawsha doorashada ee ay ku shaqeeyaan Komishanka.

Xafiiska Degmada: waxa loola jeedaa xafiiska laga maamulayo goobaha cod-bixinta ee

degmo.

Xafiiska Gobolka: waxa loola jeedaa xafiiska laga maamulayo hawlaha doorashada ee Gobolka.

Xafiiska Goobta: waxa loola jeedaa xafiiska laga maamulayo hawlaha doorashada ee goob-cod-bixineed.

Goob-joogayaal: waxa loola jeedaa kormeerayaasha caalamiga iyo kuwa maxaliga ah ee hubinaya habsami u socodka hawlaha doorashooyinka ee Komishanku aqoonsadey.

Qodobka 2aad: Mabaadiida guud

Xeerkan waxaa lagu maamulayaa doorashooyinka Golayaasha Degaanada iyo tan Madaxweynaha iyo Ku-xigeenka Madaxweynaha JSL.

Qodobka 3aad: Mudada xilka

Mudada xilka ee Murashaxiinta la doorto waxay ahaanaysaa:

- a) Madaxweynaha & Ku xigeenkiisa 5 sano
- b) Golayaasha Degaanada 5 sano

Qodobka 4aad: Tirada Golayaasha Degaanada

Tirada Golayaasha Degaanada ee la soo dooranayaa waxay ahaanaysaa:-

- a) Golaha Degaanka Caasimada 25 Mudane
- b) G/Degaanka degmooyinka darajada A 21 Mudane
- c) " " " B 17 Mudane
- d) " " " C 13 Mudane
- e) " " " D 09 Mudane

Qodobka 5aad: Shuruudaha cod-bixiyaha

1. Waa inuu yahay Muwaadin Somaliland u dhashay.
2. Waa in aan da'diisu ka yaraan 16 sano, sanadka doorashada la qabanayo.
3. Waa inuu xor yahay oo aanu xabsi ku jirin.

Qodobka 6aad: Xuquuqda Cod-bixiyaha

Cod-bixiye kasta oo buuxiyey shuruudaha xeerku tilmaamay wuxuu xaq u leeyahay:-

1. Wuxuu codkiisa ka dhiiban karaa degmada uu ku sugan yahay ee doorashadu ka socoto.
2. Cod-bixiyaha ka maqan dalka JSL wuxuu ka coddabaynaa xafiisyada diblomaasiyadeed ee JSL ku leedahay dibedda ee ugu dhow, haddii aanay jirin ama aanay suuragal ahayn waxa tallo ka gaadhaya Komishanka.
3. Codku waa inuu ahaado mid shakhsi ah, xor ah, toos ah, qarsoodi ah oo si siman loo tixgeliyo.
4. Cod-bixiye kastaa wuxuu yeelanayaa hal cod oo keliya doorashadiiba.
5. Xubnaha Komishanka doorashooyinku ma laha xaq cod-bixinta inta ay xilka hayaan.

Qodobka 7aad: Shaqaalaha Dawladda & Hay'adaha Dawliga ah

1. Shaqaalaha Dawladda, kuwa Hay'adaha madaxa banaan ee Dawladda iyo ciidamada Qaranka darajo kasta ha lahaadeene looma ogola inay isu sharaxaan doorashooyinka Degaanada iyo Madaxwaynaha ama Ku-xigeenka Madaxweynaha, haddii aanay shaqo-ka-tegis soo qoran 180 cisho ka hor taariikhda qabashada doorashada. Xilligani doorasho ee hadda (doorashadan hore) mudada shaqo ka tegistu waxay ahaanaysaa 40 cisho ka hor

taariikhda qabashada doorashada.

2. Shaqo-ka-tegidda waxa shardi u ah inay sidaa qoraal ku soo caddeeyso xafiiska ama Hay'adda awooda u leh caddayntaas.

Qodobka 8aad: Wakhtiga qabashada doorashooyinka

Komishanka ayaa cayimaya taariikhaha la qabanayo doorashooyinka si waafaqsan Dastuurka, waxanay ku soo bixi doontaa Degreeto Madaxweyne.

Qodobka 9aad: Goobaha Cod-bixinta

1. Marka la qabanayo doorashada Madaxweynaha & ku xigeenka waxa dalka loo qaybinayaa gobolo-doorasho (electoral regions) oo loo sii qaybinayo goobo-codbixin (polling stations) iyadoo la waafajinayo soohdimaha Gobolada dalka JSL.
2. Doorashada Golayaasha Degaanada marka la qabanayo soohdimaha maamulka degmada ayaa loo aqoonsanayaa Degmo-doorasho (electoral district), waxaana loo sii qaybinayaa goobo-codbixin, halkaas oo ay ka dhici doonto doorashada Degaanku.
3. Komishanku waa inuu sameeyo goobaha codbixinta ee degmooyinka/gobolada ugu yaraan 40 maalmood ka hor taariikhda cod-bixinta la qabanayo, waxanu Komishanku arrintaas kala tashanayaa Wasaaradda Arrimaha Gudaha, Gudoomiyayaasha Gobolada iyo Degmooyinka.

KOMISHANKA DOORASHOYINKA JSL

Qodobka 10aad: Qaab-dhismeedka Komishanka Doorashooyinka

Qaab-dhismeedka xafiisyada Komishanka Doorashooyinku wuxuu ahaanayaa sidan:-

- a) Xafiiska goobta cod-bixinta doorashada
- b) Xafiiska Degmada ee doorashada
- c) Xafiiska Gobolka ee doorashada
- d) Xafiiska dhexe ee doorashooyinka

Qodobka 11aad: Komishanka doorashooyinka

1. Komishanku wuxuu ka koobnanayaa 7 xubnood, oo kala ah:
 - a) Gudoomiye iyo 6 xubnood
 - b) Gudoomiyaha & Gudoomiye-xigeenka Komishanka ayaa iska dhexdooranaya.
 - c) Mudada xilka ee Komishanku waa 5 sano, oo ka bilaabmaysa marka Golaha Wakiiladu ansixiyo, waana loo cusboonaysiin karaa xilka.
 - d) Shaqaale dawladeed, xubin Barlaman, Xubnaha Golaha Wasiirada, ciidan Qaran iyo xubin xil u haysa urur/xisbi kama mid noqon karo Komishanka.
2. Komishanka doorashooyinka waxa magcaabaya Madaxweynaha JSL ka dib marka uu helo soo jeedimaha :-
 - a) 2 xubnood oo Golaha Guurtidu soo xulo.
 - b) 2 xubnood oo ay soo xulayaan ururada/xisbiyada mucaaridka ah ee diiwaan-gashan.
 - c) 3 xubnood ee kale Madaxweynaha ayaa soo xulaya.
3. Komishanka waxa cod kala badh iyo hal ah (absolute majority) ku ansixinaya Golaha Wakiilada, markuu guddi- hoosaadka Arrimaha Guduhu soo hubiyo in ay buuxinayaan shuruudaha Xeerku tilmaamayo.
4. Xafiiska dhexe ee Komishanka doorashooyinku wuxuu xaruntiisa ku yeelanayaa caasimadda Hargeysa.
5. Komishanka xil-gudashadiisa wuxuu ku salaynayaa Dastuurka iyo Xeerkan, shirarkoodu

wuxuu ku qabsoomayaa Kooram, go'aanadoodu waxay ku ansaxayaan aqlabiyad.
6. Komishanku wuxuu xilkiisa u gudanayaa si madax banaan, lagumana samayn karo wax fara gelin ah haba yaraatee.

Qodobka 12aad: Shuruudaha Xubinta Komishanka

1. Waa inuu yahay muwaadin Somaliland u dhashay.
2. Waa inaan da'diisu ka yarayn 40 jir kana waynayn 60 jir.
3. Waa inuu Muslim yahay, kuna dhaqma diinta Islaamka.
4. Waa inuu leeyahay aqoon dugsi sare ugu yaraan ama wixii u dhigma.
5. Waa inaanu ka mid ahayn urur/xisbi siyaasadeed, kana madax banaan yahay.
6. Waa in lagu yaqaan dhawrsanaan, sharaf iyo cadaalad bulshada dhexdeeda.
7. Waa inaan dembi ciqaab oo maxkamad horteed kaga cadaadey ku dhicin welligiiba.
8. Waa inuu jidh ahaan iyo maskax ahaanba gudan karaa xilka.

Qodobka 13aad: Xil ka qaadista Komishanka

1. Xubnaha Komishanka waxa xilka lagaga qaadi karaa:-
 - a) Markuu jabiyo shardi ka mid ah shuruudihii lagu soo doortay.
 - b) Marka uu xilka gudan kari waayo karti darro ama caafimaad darro awgeed
 - c) Marka uu ku kaco anshax-xumo, xatooyo, musuq-maasuq iwm
2. Marka arrimaha kor ku xusan la dareemo, waxa Madaxweynuhu u magacaabayaa guddi-baadhiseed ka soo warbixisa si uu go'aan ugu qaato.
3. Xil ka qaadista Komishanka waxa awood u leh Madaxweynaha, waxase shardi ah in Golaha Wakiiladu ku ansixiyo xil ka qaadistaas cod hal-dheeri ah (simple majority).
4. Marka ay banaanaato xubin Komishanka ka mid ahi, xil ka qadis, geeri, ama is casilaad awgeed, waxa buuxinta jagadaas loo raacayaa habka xubintii banaysay ku timi.

Qodobka 14aad: Awoodaha Komishanka

Komishanku wuxuu awood u leeyahay:-

1. Inuu cayimo wakhtiga doorashooyinka la qabanayo, iyagoo Madaxweynaha u gudbinaya si uu Degreeto ugu soo saaro.
2. Inay cayimaan tirada iyo goobaha cod-bixinta degmooyinka & gobolada.
3. Inay magacaabaan, eryaan, anshax mariyaan shaqaalaha xafiiska dhexe, xafiisyada degmooyinka & Gobolada doorashooyinka.
4. Inay qorsheeyaan Miisaaniyadaha lagu maamulayo hawlaha doorashooyinka.
5. Inay ku dhawaaqaan natiijooyinka doorashooyinka Madaxweynaha iyo ku xigeenka si ku meel gaadh ah, inta aan Maxkamadda Sare ku dhawaaqin.
6. Inay kormeeraan si kedis ah iyo si qorshaysanba goobaha doorashada iyo meel kasta oo hawshooda khusaysa.
7. Inay go'aan ka gaadhaan muranada doorashada ee ka soo gaadha xafiisyada hoos yimaada.
8. Inay sameeyaan daraasad ku saabsan sidii dalka loogu samayn lahaa goobo-doorasho oo murashaxiin ku tartami karto.
9. Inuu diiwaan-geliyo cod-bixiyayaasha ka hor taariikhda doorashada.

Qodobka 15aad: Miisaaniyadda Komishanka Doorashada

1. Komishanku wuxuu yeelanayaa Miisaaniyad gaar ah, oo ay soo qorshaysteen, una gudbinayaan Madaxweynaha, taas oo marka laysla ogolaado loo gudbinayo Golaha

Wakiilada oo ansixinaya.

2. Miisaaniyadda doorashada waxay komishanku u isticmaalayaan si madax banaan, iyadoo ay waajib tahayinay xisaab-celin saddex bilood ah u gudbiyaan Xisaabiyaha Guud.

Qodobka 16aad: Xafiiska goobta cod-bixinta

1. Xafiiska goobta cod-bixinta ee doorashu wuxuu ka koobmi doonaa Gudoomiye iyo laba hubiye. Hubiyaha ugu da'da weyn ayaa noqonaya gudoomiye xigeen. Waxa kale oo uu yeelanayaa xoghayn.
2. Gudoomiyaha, Xoghayaha iyo labada hubiye waxaa magacaabaya Komishanka, waxaanu samayn karaa isku bedelid haddii loo baahdo.
3. Haddii loo baahdo oo arrin deg deg ahi timaado, Hubiye ama xoghaynta waxa bedeli kara gudoomiyaha goobta cod-bixinta, iyadoo cod-bixintu socoto, waxanu bedelkaas ka samayn karaa dadka goobta ku sugan ee leh xaqa cod-bixinta sida sharcigu xusayo.
4. Xafiiska goobta cod-bixintu wuxuu u xilsaaran yahay fulinta hawsha doorashada ee goobta.

Qodobka 17aad: Xafiiska Degmada ee doorashada

1. Xarunta degmo kasta waxa jiraya xafiis doorasho degmo. Waxaanu ka koobmayaa gudoomiye, laba hubiye, hubiyaha ugu da'da weyn ayaana noqonaya ku xigeen.
2. Xafiiska doorashada ee degmadu waxa kale oo uu yeelanayaa xoghayn iyo laba tiriye.
3. Gudoomiyaha, hubiyayaasha, xoghaynta iyo tiriyayaasha waxa magacaabaya Komishanka, isagoo awood u leh kala bedelidooda.
4. Xafiiska degmada ee doorashu wuxuu u xilsaaran yahay fulinta hawsha doorashada ee degmada.

Qodobka 18aad: Xafiiska Gobolka ee doorashada

1. Magaalo-madaxda gobol kasta waxaa jiraya xafiis doorasho gobol oo ka kooban Gudoomiye, ku xigeen iyo xoghayn oo uu soo magacaabay Komishanku.
2. Xafiiska gobolka ee doorashadu wuxuu u xilsaaran yahay fulinta hawsha doorashada ee gobolka.

Qodobka 19aad: Hawl-wadeenada Xafiisyada Doorashada

1. Xubnaha Komishanku u magacaabo xafiisyada doorashada waa in loo sheego in xilka loo magacaabay ugu yaraan 15 cisho ka hor taariikhda la qabanayo cod-bixinta.
2. Qofkii loo magacaabo xilalka xafiisyada doorashooyinka marmarsiiyo shaqada loogama dayn karo, haddii aanu jirin cudurdaar dhab ah oo Komishanku ku qanci karo.
3. Xubnaha loo magacaabay xafiisyada doorashada ee goobaha, degmada iyo gobolka waxa dhaarinaya gudoomiyaha Maxkamadda degmada (dhaar fagaare), dhaartaas oo noqonaysa sidan:

WAXA IGU WALAAHIYA OO IGU BILAAHIYA INAAN HAWSHA DOORASHADA U GUDAN DOONO SI XILKASNIMO, DAACADNIMO LEH. INAAN DHEX U AHAADO XISBIYADA/URURADA IYO MURASHAXIINTA, SHARCIGA IYO CADAALADNA AAN KU SHAQAYNAYO.

4. Komishanku waxay mid mid dhaarta kor ku xusan kaga hor dhaaranayaan Gudoomiyaha Maxkamadda Sare.
5. Xubnaha ciidamada qalabka sida ama kuwa leh qaab-ciidameed, Gudoomiyayaasha gobolada, degmooyinka, golyaasha degaanada, murashaxiinta u taagan doorasho looma magacaabi karo xafiisyada doorashooyinka.

6. Hawl-wadeenada goobaha cod-bixinta, kuwa xafiisyada doorashada degmooyinka/gobolada waxay mudada shaqadoodu ku dhamaanaysaa marka lagu dhawaaqo natiijada doorashada, hasa yeeshee Komishanku wuu kordhin karaa mudada shaqada intii uu u baahdo.
7. Gudoomiyayaasha xafiisyada doorashada degmooyinka iyo gobolada ma noqon karaan shaqaale dawladeed, ciidan qaran, xubin xisbi/urur. Shuruudaha lagu soo xulanayaa waxay la mid yihiin kuwa Komishanka lagu soo doortey.

Qodobka 20aad: Gunnada Hawl-wadeenada

1. Gunnooyinka ay qaadanayaa hawl-wadeenada xafiisyada doorashooyinka waxa qorshaynaya Komishanka, iyagoo ku salaynaya xilalka hawl-wadeenadu ku kala magacaaban yihiin.
2. Gunnada kala-badh ayaa la siinayaa haddii hawl-wadeenku yahay shaqaale dawladeed ama Hay'ad dawladeed (public bodies).
3. Hawl-wadeenka loo diro hawl meel ka baxsan halka uu ku noolaa wuxuu yeelanayaa gunno-saad (subsistence allowance) mudada uu maqan yahay, waxana qorshaynaya Komishanka.

Qodobka 21aad: Dhawrsanaanta Komishanka, Murashaxiinta, Hawl-wadeenada

1. Dhamaan hawl-wadeenada ka hawlgelaya xafiisyada doorashooyinka, wakiilada Ururada/xisbiyada ee xeerkani tilmaamay waxay sharci ahaan (legal status) la mid yihiin saraakiil guud (public officer).
2. Murashaxiinta, hawl-wadeenada xafiisyada doorashooyinka iyo wakiilada xisbiyada lama xidhi karo xilliga doorashada, haddii aan la qaban iyagoo dembi ciqaabtiisu gaadhayso 3 sano faraha kula jira.
3. Haddii uu dembi galo waxaa lagu soo oogi karaa marka ay doorashadu dhamaato ee laga wareejiyo hawsha uu u xil saarnaa.
4. Komishanku wuxuu leeyahay dhawrsanaan la mid ah ta Golaha Wasiirada mudada uu xilka hayo. Dhawrsanaan ka qaadistoodana waxa loo marayaa sida uu tilmaamayo qodobada 94(8) iyo 96(4) ee Dastuurka.

QAABKA DOORASHADA

Qodobka 22aad: Habka Doorasho

1. Habka doorashooyinka degaanada wuxuu noqonayaa Habka isu qiyaasidda saamiyada kuraasta iyo tirada codadka uu xisbi/urur ka helo gobol ama degmo (proportional representative system). Hasa yeeshee doorashada Madaxweynaha iyo Ku xigeenka Madaxweynaha waxay noqonaysaa habka aqlabiyadda hal-dheeriga ah (majority system), sida dastuurku tilmaamay.
2. Doorashada Golayaasha degaanada xisbi/urur kastaaba wuxuu soo bandhigayaa liiska dadka uu u doonayo in degmada looga doorto. Tirada dadka liiska lagu qorayaa waa in aanay ka yaraan laban-laab xubnaha laga doonayo in degmo kasta laga soo doorto.
3. Tirada kuraasida uu helayo liis kasta oo ah dadka loo soo bandhigay inay ka qaybgalaan doorashada Golayaasha degaanka waxa loo xisaabayaa qaabka qiyaasta saamiga kuraasta iyo codadka (proportional representative list system).
4. Degaamada aanu tartan ka jirin ee la soo bandhigo liis keliya, cod-bixin laga samayn mayo, waxana la qaadanayaa dadka loo soo magacaabay Degaanadaas, iyadoo ku jaan go'an tiradii degmada laga doonayay, waxana loo raacayaa sida loo soo kala horaysiiyey.

Qodobka 23aad: Qaabka soo bandhigida Murashaxiinta

1. Liiska murashaxiinta golaha degaanka waxaa soo bandhigaya Guddiga degmada ee Ururka/xisbiga, waana in si cad loo soo muujiyaa magaca murashaxa oo saddexan, meesha uu ku dhashay iyo sanadkii uu dhashay; haddii ay jiraan dad isku magacyo ah waa in la sheego naanysta (haddii ay jiro) iyo magaca oo afaran, waxa kale oo la soo muujinayaa degmada laga sharaxay.
2. Liisaska murashaxiinta ururka/xisbiga waxa kale oo la soo raacinayaa:-
 - a) Caddeynta shaqo ka tegidda ee ku xusan qodobka 7aad ee xeerkan
 - b) 4 koobi oo ay si wanaagsan uga muuqato astaantii ururku/xisbigu.
 - c) Caddeyn uu bixiyey murashax kastaa oo uu ku muujiyey inuu ogol yahay murashaxnimada iyo inuu buuxiyey shuruudaha ku xidhan
 - d) Rasiidhada bixinta deebaajiga murashaxnimo ee Wasaaradda Maaliyadda eeku xusan qodobka 25aad ee xeerkan.
3. Sida ay murashaxiintu liiska ugu kala horeeyaan ee la isugu xigsiiyey ayaa loo aqoonsanayaa in loo soo kala doortey ururka/xisbiga gudahiisa.
4. Muran kasta oo ka dhasha xeraynta ama bandhigga liis murashaxiin oo ka dhex dilaaca xisbi/urur gudahiisa waxa go'aan ka gaadhaya golaha dhexe ee xisbiga/ururka arrintu khusayso.

Qodobka 24aad: Astaamaha Liistooyinka Murashaxiinta

1. Astaamaha liisaska murashaxiinta ee ururada/xisbiyada ka muuqdaa waa inay kala duwanaadaan marka la soo bandhigayo.
2. Xisbi/ururna waa in aanu isticmaalin astaan uu xisbi/urur kale hore ugu isticmaalay doorasho hore.
3. Astaantu waa in ay ahaato mid gaar ah oo muujinaysa sumadda aqoonsiga, hase yeeshee waa in aanay ka muuqan calaamado dawladeed, qabyaaladeed ama dariiqo.
4. Xisbi/urur wuxuu isticmaalayaa astaan keliya markuu soo bandhigayo murashaxiintiisa heerka degaanka ama Madaxweynaha iyo ku xigeenkiisa.

Qodobka 25aad: Deebaaji

Murashaxiinta u tartamaya xilalka waxay bixinayaan deebaaji aan celin lahayn, oo kala noqonaya sidan:-

- a) SI.Sh. 1,000,000 Murashaxiinta Madaxtooyada midkiiba
- b) SI.Sh 50,000 Murashaxiinta Golayaasha Deegaanka

Qodobka 26aad: Qabashada Liisaska Murashaxiinta

1. Liistooyinka murashaxiinta Madaxweynaha & ku xigeenkiisa waa in la geeyo xafiiska Komishanka, kuwa murashaxiinta degaanadana la geeyo xafiisyada doorashada ee degmooyinka ka hor 6da galabnimo maalinta 45aad intaanay cod-bixintu dhicin, iyadoo ay dhan yihiin lifaaqyadiisa ku tilmaaman xeerka.
2. Xafiiska Komishanka ama xafiisyadiisa doorashada ee degmooyinka waxay hubinayaan in murashaxiinta liisaska ku qorani buuxinayaan dhamaan shuruudaha u dhigan heerkooda, Murashaxa aan buuxin shuruudaha waxa lagu celinayaa urur/xisbigii soo sharaxey si ay bedelkiisa u keenaan muddo loo cayimey.

Qodobka 27aad: Sheegidda Liisaska Murashaxiinta

1. Komishanka iyo xafiisyadooda degmo kasta waa inay diyaariyaan qaabka sheegidda murashaxiinta iyagoo u habaynaya siday u kala horeeyaan, kana muuqato astaamahoodii.
2. Komishanka iyo xafiisyadiisa goob kasta oo cod-bixineed waa inay qoraal ahaan diyaariyo qaab sheegid liisaska murashaxiinta degmada iyadoo lagu dhajinayo goobaha cod-bixinta degmada.
3. Komishanka iyo xafiisyadiisu waa inay 30 maalmood ka hor taariikhda cod-bixinta ku dhajiyaan liisaska murashaxiinta degmada goobaha fagaarayaasha, boodhadhka ogeysiiska, xafiisyada Dawladaha Hoose iwm, sidoo kale waa in suuqa lala maro oo cod baahiye lagu sheego, haddii ay suuragal tahayna idaacadda laga sheego ama wargeysyada lagu baahiyo.

OLOLAHA DOORASHOYINKA

Qodobka 28aad: Bilowga iyo Dhamaadka Ololaha doorashada

Ololaha doorashooyinku wuxuu bilaabmayaa marka la soo dhejiyo ogeysiiska ku xusan qodobka 27aad ee xeerkan, waxaanu dhamaanayaa 48 saac ka hor taariikhda la qabanayo cod-bixinta.

Qodobka 29aad: Qabashada shirarka & Banaan-baxyada

1. Dadka qabanqabinaya shirarka iyo banana-baxyada la xidhiidha ololaha doorashada waa inay qoraal ku ogeysiyaan Gudoomiyaha Degmada iyo Saldhigga booliska ay khusayso 48 saacadood ka hor wakhtiga la samaynayo. Gudoomiyaha degmadu wuu diidi karaa in la sameeyo shirarkaas ama banaan-baxaas, haddii uu ku qanco in waxyeelo loo gaysanayo caafimaadka, anshaxa, ama nabadgelyada guud iwm, waxaana ku waajib ah inuu amro in shirarkaas ama banana-baxaas lagu qaban karo meel uu tilmaamay ama wakhti uu cayimay.
2. Magaalo ama tuulo laguma wada qaban karo maalin qudha wax ka badan laba shir iyo banaan-bax.

Qodobka 30aad: Muuqaalka boodhadhka

1. Muuqaalka boodhadhka iyo waraaqaha dacaayadaha ololaha doorashada waa in la geeyo xafiiska Gudoomiyaha degmada 48 saac ka hor intaan shaaca laga qaadin. Mana jirto wax cashuur ah oo laga bixinayo arrintaas.
2. Lama ogola in boodhadhka iyo waraaqaha ololaha doorashooyinka lagu dhejiyo masaajidada, xafiisyada & gaadiidka dawladda, xarumaha diplomaasiyiinta & ururada caalamiga ah iwm.

Qodobka 31aad: Hub iyo Lebbis ciidanimo

Shirarka iyo banaan-baxyada ololaha doorashooyinka waxa ka reebban in loo qaato hub iyo lebbis ciidan ama wax u eeg.

Qodobka 32aad: Wakiilada Axaabta/ururada

1. Guddiyada dhexe ama kuwa gobolada/degmooyinka ee ururadu/xisbiyadu waxay wakiil leh xaqa cod-bixinta u soo diran karaan goob kasta oo cod-bixin ka dhacayso oo ay murashaxiin ku leeyihiin. Waxa kale oo ay keeni karaan bedelkiisa haddii uu maqnaado.
2. Wakiilada ay ururadu/axaabtu soo dirsadeen waa inay goob-joog ahaadaan marka xafiiska doorashadu hawsha hayo, soona jeediyaan wixii tabasho ama caddeyn ay qabaan (haddii ay jirto), taas oo la diiwaangelinayo.
3. Magacyada wakiilada ururada/xisbiyada waa in loo geeyo Komishanka ama xafiisyadiisa 10 maalmood ka hor taariikhda cod-bixinta. Komishanka ama xafiisyadiisu wuxuu siinayaa

wakiil kasta qoraal ogolaansho ah oo u fasaxaya inuu geli karo kana hawl geli karo goobta cod-bixinta ee loo soo diray.

DOORASHADA GOLAYAASHA DEGAANKA

Qodobka 33aad: Shuruudaha Murashaxa Golaha Degaanka

1. Waa inuu yahay muwaadin u dhashay Somaliland
2. Waa inuu si rasmi ah u degan yahay degmada uu iska sharaxayo.
3. Waa inuu muslin yahay kuna dhaqmaa diinta islaamka.
4. Waa inaan da'diisu ka yareyn 35 sano sanadka doorashada la qabanayo
5. Waa inuu ku sifoobay xilkas, dhaqan toosan bulshada dhexdeeda.
6. Waa in aanu ku dhicin xukun ciqaabeed oo maxkamad horteed kaga cadaadey 10kii sano ee u dambeeyay.
7. Waa inuu leeyahay aqoon dugsi sare haddii uu iska sharaxayo degmooyinka darejada A iyo B. Haddii uu iska sharaxayo degmooyinka derajada C iyo D waa inuu lahaado aqoon dugsi dhexe ugu yaraan ama wixii u dhigma.
8. Waa inuu yahay cashuur bixiye degmada uu degan yahay ama uu ka qayb qaatey si mutadawacnimo ah hawlo dan guud ah ee degmadaas.

Qodobka 34aad: Ururada u gudbi waaya xisbi

Ururada ku guulaysan waaya inay u gudbaan xisbi hasayeeshee, doorashada Golayaasha degaanka ee degmooyinka qaarkood ku guulaysta kuraas, waxa ku waajib ah inay ku biiraan saddexda xisbi ee la ansixiyey midkood.

DOORASHADA MADAXWEYNAHA IYO KU XIGEENKA MADAXWEYNAHA

Qodobka 35aad: Shuruudaha Murashaxa Madaxweynaha & Ku xigeenka Madaxweynaha

1. Shuruudaha murashaxa Madaxweynaha iyo ku xigeenka Madaxweynaha waxay ahaanayaan kuwa ku tilmaaman Dastuurka qodobka 82aad.
2. Xubnaha isu taagaya doorashada Madaxweynaha iyo ku xigeenka Madaxweynaha waa inay ka mid yihiin urur/xisbi diiwaan-gashan ama ansaxsan, soona sharaxay.

Qodobka 36aad: Habka Doorashada Madaxweynaha iyo ku xigeenka Madaxweynaha

Habka lagu dooranayo Madaxweynaha iyo ku xigeenka Madaxweynaha wuxuu ahaanayaa kan ku tilmaaman Dastuurka qodobka 83aad, faqradihiisa 1, 2, 3, iyo 4aad.

NIDAAMKA MAAMULKA DOORASHADA

Qodobka 37aad: Qalabka Xafiisyada Doorashooyinka

1. Komishanka Qaranka ee doorashooyinku waa inay goob cod-bixineed kasta u diyaarisaa qalabkan:
 - a. Nuqul xeerkan ka mid ah.
 - b. Xidhmo lingaxan oo ay ku jirto shaambaddii goobta cod-bixinta oo ay la socdaan khadkii iyo khadeeyihii.
 - c. Xidhmo lingaxan oo ay ku jiraan waraaqihii cod-bixintu.
 - d. Sanaadiiqdii cod-bixinta lagu ridayay.
 - e. Weel lagu qaado waraaqaha cod-bixinta.
 - f. Saddex foom oo lagu qoro hawlgalka cod-bixinta.
 - g. Foom leh khaanado jeexjeexan.
 - h. Qalimo-biir ku filan calamadaynta warqadaha cod-bixinta.

- i. Ugu yaraan 5 waraaqadood oo tusinaya qaabka cod-bixiyayaashu u calaamadaynayaan warqadaha cod-bixinta.
- j. Quraarad ah khadka aan tirtirmi Karin ee la marinayo cod-bixiyayaasha.
- k. Qalabka qoraalada kala duwan ee loo baahan karo.
2. Qalabka ku xusan c, d, e, f, g , ee ku tilmaaman faqradd xubinta hore waa inay ahaadaan laba laba oo si fiican loo kala calaamadiyaa haddii wadajir loo qabanayo doorashooyinka Degaanka.
3. Komishanku waa inay xafiiska dhexe ee doorasho iyo degmo/gobol kasta u diyaarisaa qalabkan:
 - a. Nuqul xeerkan ah
 - b. Xidhmo lingaxan oo ay ku jirto shambaddii xafiiska degmada, gobolka ee doorasho oo ay la socdaan khadkii iyo khadeeyihii.
 - c. Saddex foom oo lagu qorayo hawlgalka cod-bixinta xafiiska doorashada ee degmada/.gobolka.
 - d. Foom leh shax jeexjeexan (tabulation forms)
 - e. Qalabka wax lagu qoro oo kala duwan (stationary)
4. Qalabka xafiis kasta oo doorasho waa in lagu rido saxarad gaar ah. Saraxadda waa in la xidho oo la lingaxo. Komishanku waa inay qalabkaas dirto wakhti ku haboon iyadoo la socdaan sanaadiiqdii codka lagu ridayey, waxaana loo dirayaa xafiisyada doorashada degmada/gobolka oo u sii gudbinaya goobaha cod-bixinta.
5. Komishanku waa inay xafiisyadooda degmo/gobol u diyaariso waraaqo cod-bixineed oo dheeraad ah oo ku lingaxan kiishash si loo siiyo xafiiska doorasho ee soo codsada, iyadoo ay waajib tahay in ay soo sababeyaan , waxana la gudoonsiinayaa gudoomiyaha goobta cod-bixinta.
6. Meelaha is gaadhsiintu adag tahay Komishanku wuxuu u dhiibi karaa waraaqaha cod-bixinta oo lingaxan oo dheeraad ah kormeerka doorashada ka hawlgalaya si uu u hayo xafiiska doorashada ee degmada/gobolka.

Qodobka 38aad: Waraaqaha Cod-bixinta

Waraaqaha cod-bixinta waa ianay ku daabacan yihiin astaamaha ururada/xisbiyada oo kor u taagan si afar gees ah. Astaan kastaa waa inay leedahay meel banaan oo loogu talagalay inuu cod-bixiyuhu ku muujiyo codkiisa. Waraaq kastaana waa ianay leedahay cidhif yar oo xabagaysan oo lagu rogo warqadda cod-bixinta oo lagu lingaxo.

Qodobka 39aad

1. Goob kasta oo codbixinta laga dhiibanayaa waa inay lahaato laba qol oo yar yar oo loogu talagalay in lala galo calaamadaynta waraaqaha cod-bixinta loona habeeyo in qarsoodi codka lagu hubiyo.
2. Sanaadiiqda cod-bixinta lagu ridayaa waa inay yaaliin meel muuqata ama hareeraha ka xigaan miisaska Gudoomiyaha goobta cod-bixinta.

Qodobka 40aad: Ogeysiinta Liiska Murashaxiinta

1. Halka nuqul ee ku xusan qodobka 27aad ee xeerkan waa in lagu dhejiyo meel la wada arki karo oo ka mid ah xafiiska doorashada ama goobta cod-bixinta gudaheeda iyo dibeddeedaba.
2. Nuqulka ogaysiinta ee ku xusan qodobka 27aad ee xeerkan oo Komishanku ka soo sameeyay liiska murashaxiinta oo u kala horeeya sidii loogu soo gudbiyay waa in lagu

dhejiyo banaanka xafiisyada doorashada iyo gudaha meel la wada arki karo.

Qodobka 41aad: Qaybinta Qalabka Doorashada

1. Xafiiska doorashada degmadu waa inuu hubiyo in goob kasta oo cod-bixin ka dhacayso in la geeyo wixii qalab ah ee loo baahan yahay markay saacadu tahay 6:00 saac ee subaxnimo ka hor maalinta cod-bixinta.
2. Komishanku Waa inuu geeyo xafiiska doorashada degmada qalabka loogu talagalay cod-bixinta ugu dambayn 4ta galabnimo maalinta ka horaysa cod-bixinta.
3. Goob kasta oo cod-bixineed waa in la siiyo:-
 - a. Nuqul muujinaya magacyada hawl-wadeenada goobta
 - b. Nuqul muujinaya wakiilada ururada/axsaabta ee goob-jooga ahaanaya.

Qodobka 42aad: Xafiiska Goobta cod-bixinta

1. Gudoomiyaha goobta cod-bixintu markuu helo qalabka ku xusan qodobka la soo dhaafay waa inuu:-
 - a) Dhiso xafiiska oo uu hubiyayaasha iyo xoghaynta u sheego inay yihiin hawl-wadeenadii goobta isla markaana la socodsiiyo sida ay hawsha loo xilsaaray u gudanayaan.
 - b) Hubiyo in Wakiilada axsaabta/ururada ee loo soo ogolaaday inay goob-joog ahaadaan inay joogaan.
 - c) Markuu hubiyo inay saxaraduhu lingaxan yihiin waa inuu furo saxarada oo hubiyo inay dhan yihiin qalabkii, waana inay goob-joog ahaadaan Hawl-wadeenadii goobta iyo wakiiladii ururada/axsaabtu.
 - d) Markuu hubiyo isaga iyo hawl-wadeenadiisa iyo wakiiladu in xidhmooyinka ay ku jiraan shaambadda goobta iyo waraaqaha cod-bixintu lingaxan yihiin, waa inuu furo xidhmooyinka oo waraaqaha cod-bixinta la dhaco shaambada goobta, oo si nidaamsan ugu rido weel xafidan. Waxaa reebban inay markaas joogto qof aan ahayn inta goobta ku qoran.
 - e) Inuu hubiyo in ogeysiinta ay ku qoran yihiin tilmaamaha cod-bixinta iyo liisaska murashaxiintu ku dhegan yihiin meelihii loogu talagalay.
 - f) Inuu hubiyo in qalabkii loo baahnaa ee cod-bixinta loogu talagalay loo agaasimay sida xeerku tilmaamayo, si hawsha doorashu si hufan ugu hirgasho.
2. Waa inuu diiwaan-geliyo dhamaan hawlgalka kor ku xusan in la fuliyey. Qoraalka waa inay ku cadaato shaambadda goobta, tirada waraaqaha cod-bixinta ee goobta cod-bixintu heshay.
3. Waa inuu markaa ka saxeexo hawl-wadeenada iyo wakiiladaba in wax waliba sidii loogu talagalay yihiin.
4. Markuu hubiyo Gudoomiyaha goobta cod-bixintu in hawshaasi qabsoontay waa inuu ku dhawaaqo in cod-bixintu furan tahay.

Qodobka 43aad: Awoodda Gudoomiyaha Goobta cod-bixinta

1. Gudoomiyaha goobta cod-bixinta waxa waajib ku ah inuu ilaaliyo nidaamka inta doorashadu socoto. Booliska ayuu ku amri karaa inuu qof goobtaa dibedda uga saaro ama in la qabto qof gef ku sameeyay hawsha doorashada ama qof waali ka muuqato.
2. Booliska looma ogola inuu galo gudaha goobta cod-bixinta haddii aanu Gudoomiyuhu amrin.
3. Saraakiisha Booliska iyo kuwa shaqaalaha dawladda waa in ay fuliyaan codsiyada Gudoomiyaha goobta si loo hubiyo in si dhib yar codka loo bixiyo oo aanay dhicin in lagu ururo miiska hawl-wadeenada ama goobta agteeda.

4. Gudoomiyaha goobta cod-bixinta iyo kuwa xafiiska dhexe waxay xaq u leeyihiin inay isticmaalaan awoodaha ku qoran xubnaha qodobkan.

Qodobka 44aad: Gelidda Goobta Cod-bixinta

1. Xaffiiska goobta cod-bixinta waxa geli kara dadka maamulaya xafiiska iyo kuwa ka wakiilka ah axsaabta/ururada iyo kuwa codka bixinaya.
2. Waxa reebban in cod-bixiyayaashu hub la yimaadaan goobta, markiiba qof ayaa gelaya, iyadoo lookala hor marinayo sidii loo soo kala horeeyay, hasa yeeshee waa la tixgelin karaa inuu ugu hormaro haddii ay jirto qof ka shaqaynaya hawsha doorashada oo doonaya inuu codkiis a bixiyo.

Qodobka 45aad: Talaabooyinka Ka Horeeya Cod-bixinta

1. Cod-bixiye kasta wuxuu codkiisa dhiiban karaa markuu:-
 - a. Bixiyo tilmaamihiisa ku saabsan magaciisa, aqoonsigiisa iyo da'diisa.
 - b. La hubsado inuu xaq u leeyahay cod-bixinta oo buuxinayo shuruudaha cod-bixinta, iyadoo si guud mar ah looga eegayo aqoonsigiisa, waraaqaha uu sito, marag-muujiin kale ama sidii kale ee kolba loo caddayn karo.
2. Calaamad khad aan tirtirmi Karin laga mariyo cidida far-yarada gacanta bidix, haddii gacanta bidix maqan tahayna waa in cidida far-yarada gacanta midig laga mariyo, haddii ay labada gacmood maqan yihiin waa in laga mariyo meel kale oo jidhka cod-bixiyaha oo la arki karo.

Qodobka 46aad: Cod-bixiyayaasha aan codka dhiiban Karin

1. Waxa codkisa dhiiban kara cod-bixiyaha taga goobta cod-bixinta oo codkiisa ku ridi kara sanduuqa.
2. Haddii uu jiro qof ay naafonimo u diidey inuu codkiisa bixiyo Gudoomiyaha goobta cod-bixinta ayaa u ogolaanaya in cod-bixiye kale oo uu aaminsan yahay inuu gacan siinayo oo ka caawiya sidii uu codkiisa u dhiiban lahaa.
3. Xoghayaha goobta cod-bixinta ayaa qoraalka gelinaya sababta loo ogolaaday in qofkaas naafada ah laga kaalmeeyo sidii uu codkiisa u bixin lahaa, waxa kale oo uu qoraalka ku muujinayaa qofka naafada ah iyo qofka kaalmeeyey.

Qodobka 47aad: Nidaamka cod-bixinta

1. Markuu dhamaado hawlgalka ku xusan qodobka kore, Gudoomiyaha goobta cod-bixinta wuxuu cod-bixiyaha siinayaa warqaddii cod-bixinta oo lagu dhuftay shaambaddii goobta oo laga reebay dabadii hadhaaga ahayd ee laga gooyey.
2. Markaa cod-bixiyuhu wuxuu gelaya qolka yar ee uu warqadda ku soo calaamadinayo, kuna soo xidhanayo.
3. Cod-bixiyuhu wuxuu calaamad soo saarayaa warqaddii cod-bixinta oo ka soo saarayaaa dhinaca midig ee astaanta uu codka siinayo, asagoo isticmaalaya qalin-Biro ah oo uu siinayo xoghayaha goobtu. Ka dib warqaddii wuu soo laabayaa. isagoo ku xidhaya dacalkii yaraa ee xabagta lahaa waxanu ku ridayaa sanduuqii loogu talagalay cod-bixinta.
4. Markuu cod-bixiyuhu warqaddiisa ku rido meesha daloosha sanduuqa, waa inuu goobta ka baxo, waxase ka horaysa inuu Gudoomiyaha goobtu hubiyo in cod-bixiyaha ay si fiican uga muuqato calaamaddii aan tirtirmayn, markaas haddii aanay calaamaddu si fiican u muuqan waa in lagu celiyo mar kale, si loo cadeeyo inuu codkiisii dhiibtay.
5. Haddii cod-bixiyuhu arko in warqadda la siiyey aanay dhamayn ama dhaawac qabto, waa

inuu soo celiyo oo Gudoomiyaha goobta weydiisto mid fayow, arrintaas waa in qoraal ahaan loo diiwaan-geliyo.

6. Gudoomiyaha goobtu wuxuu xaq u leeyahay inuu goobta ka saaro cod-bixiye kasta oo cudur-daar la'aan goobta ku daaha oo laga qaado warqadda cod-bixinta, waxana mar kale loo ogolaan karaa inuu codkiisa dhiibto markay dadkii kale ee goobta ku sugnaa ee codkooda dhiibanayey ay dhamaadaan.

7. Haddii cod-bixiye lagu helo inuu sito waraaqo cod-bixineed oo dheeraad ah ama kuwo ka duwan kuwa codka lagu bixinayo ama hore codkiisa u soo dhiibtay, Gudoomiyaha goobtu waa inuu si de deg ah u amro in la qabto oo booliska u dhiibo si maxkamad loo horgeeyo, Arrintaas waa in qoraal ahaan loo diiwaan-geliyo.

Qodobka 48aad: Hawlgalka cod-bixinta

1. Hawlgalka cod-bixintu waa in la dhamaystiro hal maalin gudaheed oo ka bilaabmaysa 7:00 saac ee subaxnimo kuna dhamaanaysa 6:00 fiidnimo.

2. Cod-bixintu way soconaysaa wakhtiga xidhitaanka la tixgelin mayo, haddii ay jiraan cod-bixiyayaal safka ku jira oo aan welli codkooda bixin ilaa ay ka dhamaanayaan.

Qodobka 49aad: Go'aanka cabashooyinka ee goobta cod-bixinta

Xafiiska goobta cod-bixintu waa inuu si ku meel gaadh ah go'aan uga gaadho cabashooyinka (haddii ay jiraan) oo ay ka mid yihiin kuwa af ahaan loo soo jeediyey iyo wixii muran ah ee ku hawlgalka goobta cod-bixinta. Cabashooyinka iyo muranadaas waa in qoraal ahaan loo diiwaan-geliyo.

Qodobka 50aad: Hawsha ka horaysa Tirinta Codadka

1. Markay cod-bixiyayaashu codkooda bixiyaan Gudoomiyaha goobtu wuxuu cod sare ku dhawaaqayaa inay cod-bixintu xidhan tahay.

2. Markuu Gudoomiyaha goobtu ka ururiyo miiska dhamaan waraaqaha iyo qalabka aan tirinta wax ahmiyad ah u lahayn wuxuu bilaabayaa hawsha soo socota:-

a. Hubinayaa tirada cod-bixiyayaasha isagoo ka eegaya tirada waraaqaha cod-bixinta.

b. Ururinayaa oo tirinayaa waraaqaha cod-bixinta ee aan la isticmaalin waxaanu ku ridayaa baqshadda 1aad.

c. Xaqiijinayaa oo saxeexiisa ku muujinayaa waraaqaha doorashada ee xumaaday ama aan hagaagsanayn ee ay soo celiyeen cod-bixiyayaashu, ama la arkay inay xun yihiin, waxaanu ku ridayaa baqshada 2aad.

Qodobka 51aad: Tirinta codadka

1. Marka Gudoomiyaha goobtu dhameeyo hawsha ku xusan qodobka la soo dhaafay wuxuu bilaabayaa tirinta waraaqaha cod-bixinta ee sanduuqa ku jira. Si taa loo fuliyo Hubiyuhu wuxuu markiiba sanduuqa ka soo saarayaa laba warqad cod-bixineed, wuxuuna u dhiibayaa Gudoomiyaha, Gudoomiyuhuna wuxuu furayaa warqaddii codbixinta oo cod sare ku dhawaaqayaa ururka/xisbiga codka lagu siiyey; warqadaas waxa hubiyuhu u sii gudbinayaa Hubiyaha kale oo isna tusi doona wakiilada Xisbiyada/Ururada, markaas xoghayaha ayaa gelinaya foomka khaanadaysan ee loogu talagalay ururka/xisbiga codkaas helay waxaanu warqadaas ku ridayaa sanduuqa loo sameeyay..

2. Ma banana in sanduuqa laga soo saaro warqad kale oo cod-bixineed inta tii ka horaysay laga dhamaynayee ee sanduuqa lagu ridayo. Hawsha waxa maamulaya hawl-wadeenada goobta oo keliya.

3. Gudoomiyaha goobtu markuu dhameeyo tirinta, wuxuu hubinayaa tirada waraaqaha cod-bixinta, iyo inay is keenayaan tirada codadka ururada/axsaabtu guud ahaan heleen, wuxuu intaas raacinayaa tirada codadka lagu muransan yahay ama aan hagaagsanayn ama aanay waxba ka jirin ee ku xusan qodobka 57aad ee xeerkan.
4. Gudoomiyaha goobtu markuu caddeeyo ee sidaas saxeexiisa ku muujiyo wuxuu waraaqadaha aan saxda ahayn ama waxba kama jiraanka laga soo qaadey ama muranku ka taagan yahay iyo waraaqaha cabashada iyo dacwooyinka ku ridayaa baqshadda 3aad.
5. Gudoomiyaha goobtu wuxuu ugu dambeyntii waraaqihii cod-bixinta ee la tiriyey ku ururinayaa baqshadda 4aad.

Qodobka 52aad: Xidhitaanka Hawsha Tirinta

1. Markuu Gudoomiyaha goobtu dhameeyo hawsha tirinta ee ku xusan qodobada kore wuxuu iyadoo fagaare ah ku dhawaaqayaa wadarta tirada cod-bixiyayaasha, codadka saxda noqday iyo tirada codadka uu helay liis kasta oo xisbi/urur.
2. Intaa dabadeed, Baqshadaha waa la lingaxayaa, korkana waxa lagaga dhufanayaa shaambaddii goobta, waxaana korka wadajir uga saxeexaya Gudoomiyaha goobta, ugu yaraan hal hubiye iyo wakiilada xisbi/urur kasta oo murashaxiin ku leh goobta-codbixinta.
3. Baqshadaha korkooda waxa lagu qorayaa faahfaahinta waxa baqshadda gudaheeda ku jira.
4. Hawsha tirinta waa in loo dhamaystiro si isdaba jooga ah ee la soo tilmaamay oo hakad lahayn oo wax kale aan la dhex galin.
5. Qoraalada raadraaca ahi (records) waa inay si cad u muujiyo hawlaha kor ku xusan

Qodobka 53aad: Codadka xumaada ama Lagu muransanyahay

1. Waraaqaha cod-bixinta marka la tirinayo waxay noqonayaan waxba kama jiraan:
 - a) Haddii ay ka duwan yihiin waraaqaha cod-bixinta ee Komishanku gartay in doorashada loo isticmaalo.
 - b) Haddii aanay lahayn shaambadda goobta cod-bixinta.
2. Waraaqaha cod-bixinta ee la tiriyay waxay noqonayaan waxba kama jiraan haddii:-
 - a) Haddii warqadda cod-bixinta ay ka muuqdaan qoraal ama calaamado ama raad si xirfadl leh loo soo agaasimay oo aan loogu talagelin in lagu qoro.
 - b) Haddii warqadda cod-bixinta aanay si fiican uga muuqan Karin Ururka/xisbiga codka la siiyey oo la aqoonsan kari waayo.
 - c) Haddii warqadda cod-bixinta ay ka muuqato in cod-bixiyuhu calaamadeyay hal astaan xisbi/urur wax ka badan.
3. Codka waxba kama jiraan wuxuu noqon karaa marka go'aan wadajir ah isku raacaan Hawl-wadeenada goobta cod-bixintu. Haddiise ay isku raaci waayaan oo ay ku kala qaybsamaan, waxa waraaqahaas cod-bixineed loo aqoonsanayaa kuwo muran ka taagan yahay.
4. Xafiiska Doorashada ee degmada ayaa go'aan ka gaadhi kara waraaqaha cod-bixinta ee muranku ka taagan yahay.

Qodobka 54aad: Qoraalka raadraaca Goobta Cod-bixinta

1. Qoraalka raadraaca ee goobta cod-bixinta waxa lagu qorayaa foom loogu talagalay oo saddex nuqul ah, kaas oo Komishanku u soo diyaariyey.
2. Laba nuqul oo qoraalka raadraaca ka mid ah waa in lagu rido saxaradda oo la raaciyo baqshadaha lingaxan ee ku xusan qodobka 55aad oo loo gudbiyo xafiiska doorashada

degmada, nuqulka saddexaad waa in loo gudbiyo Gudoomiyaha xafiiska doorashada ee gobolka, iyadoo la raacinayo wixii ka hadhay agabkii doorashada ee kala duwan.

Qodobka 55aad: Qaadista iyo wareejinta Qalabka

1. Gudoomiyaha goobta cod-bixinta oo ugu yaraan ay la socdaan xubin hawladeenada ka tirsani iyo Boolis ilaalo ahi ayaa qaadaya qoraalka raadraac iyo baqshadaha goobta kuna wareejinaya xafiiska doorashada ee degmada, iyadoo aan lahayn wax dib u dhac ah.
2. Marka xafiiska doorashada ee degmada lagu wareejinayo baqshadaha waa in la hubiyo inay lingaxan yihiin oo aan la furin lana farafarayn. Gudoomiyaha doorashada ee degmadu waa inuu bixiyo caddaynta la wareegidda agabkaas.
3. Gudoomiyaha doorashada ee degmaddu wuxuu u gudbinayaa baqshadaha natiijadda cod-bixinta doorashada Madaxweynaha iyo ku xigeenkiisa oo lingaxan iyo nuqulka saddexaad ee qoraalka raadraac Gudoomiyaha xafiiska doorashada gobolka

Qodobka 56aad: Shaqada xafiiska doorashada ee Degmada

1. Markuu Gudoomiyaha xafiiska doorashada ee degmadu helo agabka lagu tilmaamay qodobka 55aad ee xeerkan waa inuu:-
 - a. Waa inuu faro hubiyayasha, xoghayaha iyo tiriyayaasha inay hawshooda u diyaar garoobaan.
 - b. Waa inuu u yeedho wakiilada ururad/axsaabta ee murashaxiin ku leh degmada ee Komishanku soo ogolaaday inay goob-joog ahaadaan inta hawshu socoto.
 - c. Markay Gudoomiyaha, hawladeenada iyo Wakiiladu hubiyaan inay saxaraduhu lingaxan yihiin oo aan la furin, waa inuu furo saxarada oo ka soo saaro qalabka ku jira oo hubiyaa.
 - d. Markay wadajir u hubiyaan in baqshadahu lingaxan yihiin oo aan hore loo furin, waa inuu furaa baqshadda ay ku jirto shaambadu oo hubiyaa in lambarka shaambadu ku yaal qoraalada.
2. Xafiiska doorashada ee degmadu waa inuu markaas hubiyo in qoraalada iyo baqshadaha ku xusan qodobada 50, 51, 54aad ee xeerkan ay dhan yihiin.
3. Xafiiska doorashada degmadu markuu hubiyo natiijada doorashada Madaxweynaha & ku xigeenkiisa wuxuu u gudbinayaa xafiiska doorashooyinka ee gobolka oo markuu hubiyo u sii gudbinaya xafiiska dhexe.

Qodobka 57aad: Tirinta cod-bixinta Doorashada Madaxtooyada

Gudoomiyaha doorashada ee degmadu markuu qabanayo hawsha doorashada

Madaxtooyada waa inuu:

- a. Waa inuu tiriyo oo isu geeyo dhamaan cod-bixinta ka soo hoyatay goobaha cod-bixinta.
- b. Waa inuu hubiyo codadka waxba kama jiraanka noqday ee ka soo hoyday goobaha cod-bixinta.
- c. Waa inuu go'aan ka gaadho codadka muranku ka taagan yahay, sida uu tilmaamay qodobka 53aad ee xeerkan.
- d. Waa inuu isu geeyo codadka xisbi kasta oo murashaxiin ku leh degmada ka helay goobaha cod-bixinta.
- e. Waa inuu natiijada codadka ee soo baxay iyo cabashooyinka (haddii ay jiraan) u gudbiyo Xafiiska doorashada gobolka.

Qodobka 58aad: Hawsha xafiiska doorashada ee Gobolka

1. Xafiiska doorashada ee gobolku markuu helo nuqulka 3aad ee qoraalada raadraaca

goobaha cod-bixinta iyo natiijada guud ee codadka ka soo baxay degmooyinka gobolka iyo inta xisbi kasta ka helay ee uu u soo gudbiyey xafiisyada doorashada ee degmooyinka gobolku wuxuu hubinayaa xisaab ahaan natiijada codadka.

2. Gudoomiyaha xafiiska doorashooyinka ee gobolku wuxuu hawlgalka ka samaynayaa raad raac lagu qorayo foomka loogu talgalay oo saddex nuqul ka kooban, wuxuuna laba nuqul oo ka mid ah u gudbinayaa xafiiska dhexe ee doorashooyinka (Komishanka) kan asliga ahna (original) Maxkamadda sare ee dalka.

3. Xafiiska doorashada ee gobolku markuu helo natiijada cod-bixinta doorashada Madaxweynaha iyo ku xigeenkiisa, Wuxuu natiijada u gudbinayaa Komishanka si uu u hubiyo uguna dhawaaqo natiijada si ku meel gaadh ah.

Qodobka 59aad: Tirinta codadka doorashada Degaanka & ku dhawaaqidda natiijada

Gudoomiyaha xafiiska doorashada ee degmadu markuu helo agabka ku xusan qodobka 55aad ee doorashada degaanka, markaas waa inuu :-

1. Waa inuu tiriyo oo isu geeyo dhamaan cod-bixinta ka soo baxday goobaha cod-bixinta degmada.

2. Hubiyo codadka waxba kama jiraanka ah ee ka soo xerooday goobaha cod-bixinta degmada.

3. Go'aan ka gaadho codadka lagu muransan yahay.

4. Tiriyo codadka ansaxay ee urur/xisbi kasta ka helay doorashada degmada.

5. Xisaab ahaan isu qaybiyo tirada guud ee codadka ansaxay ee degmada iyo tirada kuraasta degaanka degmada, soona saaro inta urur/xisbi waliba ka helayo codadka.

6. Hubiyo urur/xisbi kasta inta uu ka helayo kuraasida degaanka.

7. Markaas ku dhawaaqo magacyada murashaxiinta ee xisbi/urur kasta ku guulaystay doorashada, iyadoo isugu xiga siday u kala horeeyeen, sida uu tilmaamayo qodobka 23aad ee xeerkan.

8. Natiijada doorashada degmada si fagaare ah ugu dhawaaqo kuna dhejiyo boodhka xafiiska doorashada ee degmada magacyada murashaxiinta guulaystay.

Qodobka 60aad: Gudbin raad raac (records)

1. Raadraacyada hawlgalada ku xusan qodobada 55aad, 56aad iyo 58aad ee xeerkan waxa lagu qorayaa foomamka Komishanku u diyaariyey mid kasta, waana inay ahaadaan min saddex nuqul.

2. Nuqulada raadraacyada (records) waxaa loo qaybinayaa sida uu tilmaamayo qodobada 55, 58aad ee xeerkan.

Qodobka 61aad: Soo saaridda Go'aanada Doorashooyinka Degaanada

Xafiiska doorashada ee degmaddu waa inuu soo saaro go'aanka doorashada degmada, iyadoo ku muujinaya qoraal kooban oo ay ku qoran yihiin magacyada murashaxiinta ku guulaystay doorashada degaanka, waxaana lagu dhejinayaa xafiiska maamulka Dawladda Hoose ee ay khusayso, iyadoo nuqul ka mid ahna u gudbinaya xafiiska dhexe.

Qodobka 62aad: Hubaal-celinta doorashada Degaanada

1. Gudoomiyaha Maxkamadda gobolku waa inuu hubaal-celiyo oo ansixiyo go'aanka doorashada Golayaasha degaanada. Waa inuu go'aan ka gaadho wixii muran ama cabasho ah ee guud ahaan uu u soo gudbiyey xafiiska doorashada ee degmadu ee soo baxay intii hawshu socotey.

2. Wixii tabasho ama dacwad ah ee aan loo keenin xafiisyada doorashada waxaa loo gudbin karaa maxkamadda gobolka toban cisho gudahood oo ka bilaabanta maalinta lagu dhawaaqo natiijada doorashada.

Qodobka 63aad: Hawsha xafiiska Dhexe ee Doorashada

1. Gudoomiyaha Komishanku markuu helo qalabka & qoraalada raadraaca ee ku xusan qodobka 60aad ee xeerkan, waa inuu a. Inuu faro kaaliyayaasha iyo xoghaynta inay u diyaaargaroobaan hawsha.
 - b. U yeedho Wakiilada ururada/axsaabta si ay goob-joog u ahaadaan marka hawshu socoto.
 - c. Inay wadajir u hubiyaan in baqshaduhu lingaxan yihiin oo aan la furin, markaa waa inuu furaa oo ka soo saaraa agabka ku jira.
 - d. Inay wadajir u hubiyaan in baqshadahu lingaxan yihiin oo aan la furin, markaa waa inuu furo baqshadda ay ku jirto shaambadda xafiiska doorashadu, waana in qoraalka raadraaca lagu muujiyo lambarka shaambada.
 - e. Waa inuu qalabka hadhay u gudbiyo xoghayaha.
2. Xafiiska dhexe ee doorashooyinku waa inuu markaas hubiyo inuu helay qoraalka raadraaca ee ku xusan qodobka 60aad ee xeerkan oo laga doonayo xafiisyada doorashooyinka ee degmooyinka/gobolada.

Qodobka 64aad: Ku dhawaaqidda natiijada Doorashooyinka Madaxtooyada

1. Gudoomiyaha Komishanku markuu ka helo xafiisyada doorashooyinka ee degmooyinka/gobolada waa inuu:
 - a. Go'aan ka gaadho dacwooyinka la xidhiidha cod-bixinta iyo tirinta.
 - b. Tiriyo oo isku geeyo (xisaab ahaan) codadka ansaxay, kuwa xumaaday ama waxaba kama jiraanka ah ee ka yimid xafiisyada doorashooyinka gobolada.
 - c. Markuu si walba u hubiyo ee uu ku qanco in hawshu si habsami u dhacday, wuxuu si ku meel gaadh ah ugu dhawaaqayaa natiijooyinka doorashada Madaxweynaha iyo ku Xigeenka Madaxweynaha.

Qodobka 65aad: Dacwadaha doorashada

1. Dacwadaha ku saabsan doorashooyinka Madaxweynaha iyo ku xigeenka Madaxweynaha waxa awood u leh Maxkamadda Sare, waana in dacwadaasi soo gaadho kaalinta maxkamadda 20 maalmood gudahood oo ka bilaabmaya marka lagu dhawaaqo natiijada doorashada. Haddii ay wakhtigaa dhaafto dacwadaasi wax tixgelin ah ma yeelanayso.
2. Maxkamadda Sare markay hesho qoraaladda raadraaca ee xafiisyada gobolada ee doorashada iyo kuwa xafiiska dhexe ee Komishanka isla markaana hubiso xisaab ahaan iyo sharci ahaan doorashada waxay ku dhawaaqaysaa natiijada doorashada Madaxweynaha iyo ku xigeenkiisa.

Qodobka 66aad: Dhaqangal

Xeerkani wuxuu dhaqangelayaa marka uu Madaxweynuhu saxeexo, laguna soo saaro faafinta rasmiga ah ee Dawladda.

Allah Mahad Leh

Dhamaad

Maxamed Xuseen Cisman, XOGHAYAHA GUUD G/WAKIILADA
C/Qaadir X. Ismaaciil Jirdeh, K/S GUDOOMIYAHA G/WAKIILADA

QAYBTA KOW IYO TOBNAAD (11): XEERKA DOORASHADA GOLAHA WAKIILADA**XEERKA DOORASHADA GOLAHA WAKIILADA (Xeer No. 20-2/2005)****GOLAHA WAKIILADA JSL**

Markuu arkey: Qodobada 22aad, 40aad, iyo 41aad, ee Dastuurka Qaranka JSL.

Markuu tixgeliyey: xuquuqda dastuuriga ah ee muwaadiniintu u leeyihiin in la doorto, waxna ay doortaan.

Markuu Xaqiiqsaday: in hirgalinta doorashada Golaha Wakiiladu dhamaytirayso hanaanka dimoqraadiyadeed ee lagu beegsanayo taabagalinta buuxda ee qaranimada Somaliland.

WUXUU ANSIXIYEEY XEERKAN OO AH LIFAAQA XEER No. 20/2001**Qodobka 1^{aad}****Macnaha erey-bixinta**

Doorasho: Waxa loola jeedaa hawlgalka kala saaridda murashaxiinta u tartamaya xubnimada Golaha Wakiilada, iyadoo lagu go'aan qaadanayo aqlabiyadda codadka muwaadiniinta cod-bixiyayaasha ah.

Komishanka: waxaa loola jeedaa Guddiga Qaranka ee u xilsaaran maamulidda hawlaha doorashooyinka.

Goobo-codbixin: waxa loola jeedaa goobaha tirooyin cod-bixiyayaasha ka mid ah oo isku degaan dhaw ka dhiiban karaan codkooda ee Komishanku cayimo.

Wakiil: waxa loola jeedaa xubinta xisbi u soo wakiishay la socodka hawlaha doorashada ee goob-cod-bixineed ama xafiisyada doorashada ee degmo, gobol ama xarunta komishanka.

Musharax: waxa loola jeedaa xubinta xisbigiisu u soo magacaabay inuu u tartamo xubnimada Golaha Wakiilada si xeerka waafaqsan.

Cod-bixiye: waxa loola jeedaa qofka buuxiyey shuruudaha cod-bixinta ee xeerku tilmaamay ee go' aarkiisa ku dhiibanaya codayn.

Kursi: waxa loola jeedaa jagada xubnimada Golaha Wakiilada ee hal qof loo dooran karo.

Astaan: waxa loola jeedaa summadda ama calaamadda u gaarka ah hal xisbi/Musharax ee loo diiwaangeliyay in lagu aqoonsado

Lis: waxa loola jeedaa magacyada musharaxiinta doorashada Golaha Wakiilada ee Xisbi kasta u soo gudbiyo Komishanka. Kuwaas oo si siman ugu tartamaya doorashada, kala horaynta magacyadooduna wax tixgelin ah aanay u lahayn kala doorashadooda.

Saraakiisha dawladda: waxa loola jeedaa shaqaalaha masuuliinta ah ee ku siman agaasime waaxeed iyo wixii ka sareeya iyo madaxda hay'adaha madaxa banaan ee dawladda, iyo sidoo kale, madaxda ciidamada ee ku siman taliye urur ama taliye saldhig boolis iyo wixii ka sareeya.

Ololaha Doorashada: waxa loola jeedaa hawlgalka ay Axsaabtu iyo murashaxiintoodu ugu tartamayaan iska dhaadhicinta iyo soo kala jiidashada cod-bixiyayaasha, si xeerkan waafaqsan

Xafiiska dhexe: waxa loola jeedaa xarunta ugu saraysa ee laga maamulayo hawsha doorashada ee ay ku shaqeeyaan Komishanka Qaranka ee Doorashooyinku.

Xafiiska Gobolka: waxa loola jeedaa xafiiska laga maamulayo hawlaha doorashada ee Gobol ee Komishanku sameeyo, si xeerkan waafaqsan

Xafiiska Degmada: waxa loola jeedaa xafiiska doorashada laga maamulayo ee degmo ee Komishanku sameeyo, si xeerkan waafaqsan.

Xafiiska Goobta: waxa loola jeedaa goobta muwaadiniintu cod-bixinta ka dhiibanayaan ee laga maamulayo hawlaha cod-bixinta.

Hawl-wadeen: waxa loola jeedaa shaqaalaha kala duwan ee komishanku hawlgeliyay inay ka shaqeeyaan goobaha cod-bixinta, xafiisyada doorashada ee degmooyinka iyo gobolada iyo xarunta dhexe ee xeerku jideeyay.

Xad-gudub: waxa loola jeeda fal kasta iyo qawl kasta oo lid ku ah nidaamka doorashada iyo nabadgelyada guud.

Goob-joogayaal: Waxa loola jeedaa kormeerayaasha caalamiga iyo kuwa maxaliga ah ee hubinaya habsami u socodka hawlaha doorashada ee Komishanka Qaranku aqoonsadey.

J a j a b: Waxaa loola jeedaa tirada codadka ee ka yar inta hal kursi lagu heli karo.

Si taxana ah: Waxaa loola jeedaa wax kala duwan oo xidhiidhsan oo loo qoray si isdaba taala oo midba midka kale ka horeeyay.

Qaybta I

MABAADIIDA GUUD

Qodobka 2^{aad}

Adeegsiga - Xeerka

Xeerkan waxa lagu maamulayaa loona adeegsanayaa doorashada xubnaha Golaha Wakiilada JSL.

Qodobka 3^{aad}

Tirada Xubnaha iyo Doorashada Golaha Wakiilada

Golaha Wakiilada JSL wuxuu ka kooban yahay 82 (sideetan iyo laba) xubnood. Kuwaas oo lagu soo dooranayo doorasho guud oo toos ah iyo cod-bixin qarsoodi ah oo xor ah, sida uu qeexay qodobka 40aad ee Dastuurku.

Qodobka 4^{aad}

Mudada Xilka

Mudada xilka ee musharixiinta ku guulaysta doorashada xubinimada Golaha Wakiilada waa 5 (shan) sano, oo ka bilaabmayso maalinta Maxkamadda Sare ku dhawaaqdo go'aamada doorashada, sida uu tilmaamay qodobka 42(1)aad ee Dastuurka JSL.

Qodobka 5^{aad}

Shuruudaha Cod-Bixiyaha

1. Waa inuu yahay Muwaadin Somaliland u dhashay ama qaatay muwaadinimada Somaliland, si Xeerka Jinsiyadda waafaqsan.
2. Waa in aan da'diisu ka yaraan 16 sano, sanadka doorashada la qabanayo.
3. Waa inuu xor yahay oo aanu xabsi ku jirin maalinta doorashadu dhacayso.

Qodobka 6^{aad}

Xuquuqda Cod-Bixivaha

Cod-bixiye kasta oo buuxiyey shuruudaha xeerku tilmaamay wuxuu xaq u leeyahay:-

1. Inuu codkiisa ka dhiibto goobta uu ku sugan yahay ee doorashadu ka socoto.

2. Marka JSL hesho aqoonsi caalami ah, muwaadiniinta buuxiyey shuruudaha cod-bixinta ee ku sugan dal shisheeye xilliga doorashada la qabanayo, wuxuu codkiisa ka dhiiban karaa xafiisyada diblomaasiyadeed ee JSL ku leedahay dalalka shisheeye ee ugu dhow.
3. Codku waa inuu ahaado mid shakhsi ah, xor ah, toos ah, qarsoodi ah oo si siman loo tixgeliyo.
4. Cod-bixiye kastaa wuxuu yeelanayaa hal cod oo keliya doorashadiiba.

Qodobka 7^{aad}

Xaqa is Sharixidda

1. Muwaadin kasta oo buuxiyay shuruudaha xeerku tilmaarnay wuxuu iska sharixi karaa xisbiga uu ka tirsan yahay, si waafaqsan xeerkan.
2. Guddiga Fulinta ee Xisbiga ayaa iska leh awooda xulista musharixiinta. Waxayna ku soo saarayaan go'aan Guddi-fulineed liiska musharixiinta marka aqlabiyadda Guddigu isku raacdo ka dib markay helaan soo jeedinta Guddida xisbiga ee heer gobol.
3. Uma bannaana qof shaqaale dawladeed ah ama hay'adaha madaxa bannaan ee dawladda ama kuwa Ciidamada qaranka, derejo kasta ha lahaadaane inay isu sharaxaan doorashada Golaha Wakiilada, haddii aanay iska casilin xilka, afar bilood ka hor maalinta doorashadu dhacayso. Sida uu dhigayo qod. 41'aad, farq. 7aad ee Dastuurka qaranku
4. Shaqo-ka-tegidda ama is casilaada waa in laga aqballo, qoraalna sidaa ku soo caddeeyso cidda awooda u lihi.

Qodobka 8^{aad}

Wakhtiga Qabashada Doorashada

Komishanka Qaranka ayaa soo cayimaya taariikhda la qabanayo doorashada Golaha Wakiilada, waxayna ku soo baxaysaa Degreeto Madaxweyne.-sida ku cad qod. 42'aad ee Dastuurka.

Qodobka 9^{aad}

Samaynta Gobolo-doorasho

1. Marka la qabanayo doorashada Golaha Wakiilada ee JSL, waxa dalka loo qaybinayaa gobolo-doorasho iyada oo la waafajinayo soohdimihii ay lahaayeen lixdii degmo ee jiray 26 June 1960 ee hadda gobolada ah, si waafaqsan qodobka 109aad ee Distuurka Qaranka.
2. Komishanka qaranka ayaa laga doonayaa inuu sameeyo gobolo-doorasho ugu yaraan 60 maalmood ka hor intaanay maalinta codbixinta. Waxaanuu Komishanka Qaranku arrintaa kala tashanayaa Wasaaradda Arrimaha Gudaha, Gudoomiyayaasha Gobolada iyo saddexda Xisbi Qaran.
3. Komishanka ayaa ku dhawaaqaya warbaahintana u gudbinaya gobolada-doorasho (electoral regions) ee la cayimay, markay la tashadaan Wasaaradda Arrimaha Gudaha, Gudoomiyayaasha Gobolada iyo Sadexda Xisbi Qaran.

Qaybta II

HANAANKA DOORASHADA

Qodobka 10^{aad}

Habka Doorasho

1. Xisbi kasta oo doonaya inuu ka qayb galo doorashada Golaha Wakiilada, waxa laga doonayaa inuu komishinka qaranka u gudbiyo liiska murashaxiinta uu u xulay inay ugu

tartamaan doorashada oo gobolaysan, kaas oo ku salaysan tirada kuraasida gobol kasta loo xadiday, una qoran si taxane ah.

2. Kuraasta gobol-doorasho, waxa Axsabtu ku kala helayaan habka saami-qaybsiga (proportional representation system), ee kuraasida iyo codadka xisbi waliba ka helo gobolkaas.

Qodobka 11^{aad}

Goobaha Codbixinta

1. Gobol-doorasho kasta wuxuu yeelanayaa goobo codbixineed, waxaana cayimaya komishanka qaranka, markuu la tashado Wasaaradda Arrimaha Gudaha, Gudoomiyayaasha Gobolada, iyo Xisbiyada Qaranka.
2. Komishinku waa inuu goobahaas codbixineed ku sameeyo ugu yaraan (60), maalmood ka hor maalinta codbixinta la qabanayo.

Qodobka 12aad

Habka Qaybinta Kuraasida

- 1) Iyadoo mudnaanta koowaad la siinayo danta qaranka ugu jirta taabagalinta doorashada awgeed, saamiga kuraasida goboladu ku yeelanayaan Golaha Wakiilada waxa doorashadan oo keliya loo qaybiyay sidan:

1. Gobolka Hargeysa	20 Kursi
2. Gobolka Togdheer	15 Kursi
3. Gobolka Awdal	13 Kursi
4. Gobolka Sanaag	12 Kursi
5. Gobolka Sool	12 Kursi
6. Gobolka Saaxil	10 Kursi
- 2) Marka doorashadu qabsoonto ee la isu geeyo wadarta guud ee codadka ansaxay ee gobolka kasta waxa loo qaybinayaa tirada kuraasida gobolkaas loo cayimay, markaa waxa la ogaanayaa qadarka codadka hal kursi lagu heli karo. Intaa dabadeed, waxa la isu qaybinayaa tirada codadka xisbi kasta ka helay gobolka iyo qadarka codadka hal kursi lagu heli karo, halkaasna waxa ka soo baxaysa tirada kuraasida gobolka ee xisbi kasta ku guulaystay.
- 3) Marka tirada codadka ansaxay ee gobolka iyo tirada kuraasida gobolkaas la isu qaybiyo, haddii ay jiraan tirooyin codad jajab ah oo xisbi kasta marka gaarkiisa loo eego ka yar qadarka codadka hal kursi lagu heli karo, waxa xisbiyadu kursiga ama kuraasida hadhay u kala helayaan sida ay ugu kala badan yihiin tirada codadka jajabka ah.
- 4) Marka la fuliyo hawlgalka ku tilmaaman faqrada (2 & 3) ee qodobkan, tirada kuraasida ee xisbi kasta marka gaarkiisa loo eego ka helo kuraasida gobolka u xadidan, waxa musharixiinta xisbi kasta gudihiisa u kala qaadanayaan sida ay u kala cod badan yihiin, iyagoo ku kala helaya aqlabiyad fudud (simple majority).
- 5) Haddii degaano dalka ka mid ah ay la soo gudboonaato duruufo culus ama xaalado aan saamaxayn in doorasho ka qabsoonto, waxa soo qiimaynaya go'aanna ka gaadhaya xaaladahaas Guddiga Qaranka ee Doorashooyinka, markay sidaa isla gartaan Xukuumadda iyo Axsabta Qaranka.
- 6) goobaha codbixinta ee doorashadu ka qabsoomi waydo, tirada kuraasida loo qoondeeyay goobahaas waxay xisbiyadu u kala qaadanayaan saami u dhigma sida ay u kala heleen wadarta guud ee codadka ansaxay ee gobolka.

7) Haddiise, ay doorashadu gobol dhan ka qabsoomi waydo, waxay Axaabtu kuraasida gobolkaas u kala qaadanayaan saami u dhigma sida ay u kala heleen wadarta guud ee codadka ansaxay dalka. Waxana loo raacayaa sida magacyadoodu liiska u kala horeeyaan.

Qodobka 13^{aad}

Liiska Musharixiinta

1. Xisbi kasta waxa uu komishanka u soo gudbinayaa liiska magacyada musharixiintiisa uu u xulay inay u tartamaan doorashada. Kaas oo ku salaysan tirada kuraasida gobolka loo qoondeeyay, una qoran si taxane ah.
2. Axaabtu waa inay tixgeliyaan xaqa muwaadiniinta ee doorashada iyo ka qaybgalka hawlaha siyaasadda, iyadoo aan lagu kala soocayn jinsiga, luqada, iwm. Sida uu jidaynayoo qodobka 22aad ee Dastuurku. sidoo kale, waa inay dhiirigaliyaan ka qaybgalka haweenka iyo dadka laga tirada badan yahay talada dalka sida uu tilmaamay qodobka 36(2)aad ee Dastuurku.

Qodobka 14^{aad}

Musharixiinta Doorashada Ku Guul-Daraysta

1. Musharixiinta liisaska xisbiyada ee kuraasi waaya waxay noqonayaan musharixiin kayd ah. Waxayna xaq u leeyihiin inay buuxiyaan marka ay jago baneeyaan Mudanayaasha xisbigooda kaga jira Golaha Wakiilada.
2. Marka ay banaanaato xubin/ xubno ka mid ah Golaha Wakiilada si waafaqsan asbaabaha ku xusan qodobka 50aad ee Dastuurka, Shirgudoonka Goluhuna sidaa caddeeyo, waxa Komishanku bedelkii xubinta/xubnaha banaan ku buuxinayaa musharixiinta kaydka xisbiga ay ka soo jeedeen kuwa banneeyay, muddo aan laba todobaad ka badnayn. Waxana loo raacayaa sida ay u kala cod badnaayeen.

Qaybta III

MUSHARIXIINTA

Qodobka 15^{aad}

Shuruudaha Musharaxa

Sida uu tilmaamayo qodobka 41aad ee Dastuurku, qofka isu taagaya doorashada Golaha Wakiilada waa inuu buuxiyo shuruudahan:

1. waa inuu yahay muwaadin Somaliland u dhashay ama qaatay jinsiyadda Somaliland si sharciga waafaqsan.
2. waa inuu muslin yahay kuna dhaqmo diinta Islaamka.
3. waa inaan da'diisu ka yarayn 35 sano sanadka doorashada la qabanayo.
4. waa inuu jidh ahaan iyo caqli ahaanba gudan karo xilkiisa.
5. waa inuu leeyahay aqoon dugsi Sare ama wax u dhigma ugu hoosayn.
6. waa inuu yahay xilkas, akhlaaqdiisa iyo dhaqankiisuna toosan yihiin.
7. waa inaanu ku dhicin xukun ciqaabeed oo kama dambays ah shantii sano ee u dambeeyay.
8. waa inuu saxeexay qoraal uu shakhsi ahaan ku cadaynayo musharaxnimadiisa doorashada iyo inuu u hogaansamayo shuruudaha doorashada iyo kuwa anshaxa.
9. waa inuu bixiyey deebaajiga mushaxnimo ee ku waajibay.

Qodobka 16^{aad}

Soo Gudbinta Liiska Musharixiinta

1. Gudoomiyaha ama Xoghayaha Guud ee xisbiga ayaa Liiska murashaxiinta xisbiga ee doorashada Golaha Wakiilada oo gobolaysan u soo gudbinaya xafiiska Komishanka 6da saac ee galabnimo maalinta 60aad doorashada ka hor, waana in si cad loogu soo muujiyaa magaca musharaxa oo afaran, da'diisa iyo gobolka uu ka tartamayo. Haddii ay jiraan musharaxyo isku magacyo ah waa in la sheego naanaysta (haddii ay jiro) iyo magaca oo afaran.
2. Liisaska musharaxiinta xisbiga marka loo gudbinayo komishanka waxa la soo raacinayaa:-
 - a. Caddeymaha caafimaadka, dambi la'aanta, waxbarshada, shaqo ka tegidda (hadday jirto), iwm.
 - b. Liisasku waa in ay yihiin min 4 nuqul oo ay si wanaagsan uga muuqato astaantii xisbigu.
 - c. Caddeyn uu bixiyey murashax kastaa oo uu ku muujiyey inuu ogol yahay murashaxnimada iyo inuu u hogaansamayo xeerka & anshaxa doorashada.
 - d. Go' aanka guddiga fulinta xisbigu ku ansixiyey Liiska musharaxiinta.
 - e. Rasiidhada bixinta deebaajiga murashaxnimo ee Wasaaradda Maaliyadda.
3. Khilaaf kasta oo ka dhasha xulista ama soo gudbinta liiska murashaxiinta oo ka dhex dilaaca xisbi gudahiisa waxa go' aan ka gaadhaya Guddiga Fulinta xisbiga arrintu khusayso.

Qodobka 17^{aad}

Hubinta Musharaxiinta

1. Hogaanka Xisbiga waxa ku waajib ah in ay si wadaniyad leh u fanidaan musharaxiinta marka ay xulayaan. Iyagoo hubinaya inay buuxinayaan shuruudaha aasaasiga ah ee xeerku jideeyay, isla markaana masuuliyadda ay u tartamayaan si haboon u gudan karaan, magac iyo milgona u soo jiidi karaan xisbiga iyo qarankaba.
2. Komishanku waa inay dhinacooda si madax banaan qof qof ugu hubiyaan musharaxiinta loo soo gudbiyay inay shuruudaha buuxinayaan. Haddii Komishanku ku qanco in xubin ama xubno liiska ka mid ahi aanay buuxinayn shardi ama shuruudaha, waxay muddo 3 cisho gudahood ah ku ogaysiinayaan xisbigii u soo gudbiyey inuu muddo loo cayimay ku soo dhamaytiro shuruudaha dhiman ama bedelkiisa ku keeno.

Qodobka 18^{aad}

Astaamaha Liisaska Musharaxiinta

1. Astaamaha liisaska musharaxiinta ee xisbiyada ka muuqdaa waa inay kala duwanaadaan marka la soo bandhigayo.
2. Xisbina waa in aanu isticmaalin astaan uu xisbi kale hore ugu isticmaalay doorasho.
3. Astaantu waa in ay ahaato mid gaar ah oo muujinaysa sumadda aqoonsiga xisbiga, hase yeeshee waa in aanay ka muuqan calaamado dawladeed, qabyaaladeed ama dariiqo.

Qodobka 19^{aad}

Dhawrsanaanta Musharaxinta

Musharaxiinta u taagan doorashada Golaha Wakiilada ee Komishanku faafiyey musharaxnimadooda lama xidhi karo mudada doorashadu socoto. Haddii aan la qaban iyagoo faraha kula jira dembi ciqaabtiisu gaadhayso 3 sano oo xadhig ah iyo ka badan.

Qodobka 20^{aad}

Faafinta Liisaska Musharaxiinta

1. Komishanka waa inay daabacaan liisaska musharaxiinta gobol kasta, iyagoo si bayaan ah u kala muujinaya astaamaha xisbiyadooda.

2. Komishanku goob kasta oo cod-bixineed waa inay gaadhsiiyaan nuqulada liisaska musharixiinta gobolka si loogu dhajiyo dhamaan goobaha cod-bixinta gobolkaas.
3. Komishanka iyo xafiisyadiisu waa inay 45 maalmood ka hor taariikhda cod-bixinta si rasmi ah u faafiyaan Liisaska musharixiinta xisbiyada, iyagoo adeegsanaya warbaahinta kala duwan; isla markaana ku dhaqaaqaya sifa kasta oo ay ku xaqiijinayaan in shacbigu meel kasta oo ay ku sugan yihiin ay si haqab la'aan ah uga bogan karaan liisaska musharixiinta tartamaya.

Qodobka 21^{aad}

Deebaaji

Musharixiinta u tartamaya xubinimada Golaha Wakiilada waxay bixinayaan deebaaji aan celin lahayn, oo dhan SI.Sh. 1,000,000 (hal milyan shillin) oo lagu bixinayo xafiiska cashuuraha berriga ee Wasaaradda Maaliyadda.

Qaybta IV

OLOLAHA DOORASHADA

Qodobka 22^{aad}

Bilowga iyo Dhamaadka Ololaha Doorashada

Ololaha doorashadu wuxuu bilaabmayaa marka Komishanku 30 maalmood ka hor maalinta cod-bixinta ku dhawaaqo fasaxa ololaha doorashada, waxaanu dhamaanayaa 24 saac ka hor taariikhda la qabanayo cod- bixinta.

Qodobka 23^{aad}

Qabashada Banaan-Baxyada

1. Masuuliinta Axsaabta ee qabanaabinaya banaan-baxyada ololaha doorashada waa inay qoraal ku ogeysiiyaan Duqa magaalada 48 saacadood ka hor wakhtiga la samaynayo.
2. Duqa magaaladu wakhti kale ayuu u cayimi karaa haddii laba banaanbax ama ka badan isku maalin laga codsado, sidoo kale, wuu joojin karaa in la sameeyo banaan-baxyo, haddii uu ku qanco in waxyeelo loo gaysanayo caafimaadka, anshaxa, ama nabadgelyada guud iwm, waxaana ku waajib ah inuu amro in banaan-baxyadaas lagu qaban karo meel uu tilnaamay ama wakhti uu cayimay.
3. Magaalo ama tuulo laguma wada qaban karo maalin qudha wax ka badan hal banaan-bax.

Qodobka 24^{aad}

Muuqaalka Boodhadhka

Ma banaana in boodhadhka iyo waraaqaha ololaha doorashooyinka lagu dhejiyo masaajidada, xafiisyada & gaadiidka dawladda, xarumaha diblomaasiyiinta shisheeye & ururada caalamiga ah iwm

Qodobka 25^{aad}

Anshaxa shirarka iyo Banaan-Baxyada

Shirarka iyo banaan-baxyada ololaha doorashada ee Xisbiyadu ku raadinayaan taageerada cod-bixiyayaasha waxa ka reebban:

- 1) In loo qaato HUB iyo lebbis ciidan ama wax u eeg.
- 2) in ololaha ama banaan-baxa lagu sameeyo agagaarka meelaha xurmada mudan sida masaajidada iyo goobaha aanay ku haboonayn sida dugsiyada, cusbitaalada, iwm.

- 3) in lagu tiraabo hadalo ama lagu soo bandhigo muuqaalo wax loogu dhimayo dhaqanka, diinta, nabadgelyada iyo xasiloonaada guud iwm ama sidoo kale lagu dhaawacayo qabiil, degaan iwm.
- 4) in xisbi ama musharax u adeegsado hantida qaranka sifa kasta ha lahaatee.

Qodobka 26^{aad}

Isticmaalka Hantida Qaranka.

- 1) Axsaabta qaranku si siman ayay u isticmaalayaan warbaahinta dawladda iyo fagaarayaasha Khayriyaddaha mudada ololaha doorashadu socoto. Komishanka ayaa kaltanka saacadaha u qaybinaya iyaga oo tala gelinaya Axsaabta iyo W/Warfaafinta.
- 2) waxa reeban in xisbina si gaar ah ugu takri falo dhaqaalaha qaranka.
- 3) waxa kale oo reeban in xisbina si dadban iyo si toos ahba u isticmaalo dhaqaale shisheeye oo ay ka mid yihiin NGO –yada shisheeyaha ah iyo Haya'daha UN-ka.

Qodobka 27^{aad}

Dhaqdhaqaaqa Gaadiidka Maalinta Doorashada

1. Guud ahaan dalka JSL dhaqdhaqaaqa gaadiidka dawladda iyo kan dadweynaha (public transport/Govt.) wuu reeban yahay maalinta cod-bixintu socoto laga bilaabo 6da saac ee subaxnimo ilaa 8da fiidnimo, marka laga reebo gaadiidka lagamamaarmaanka ah, sida nabadgelyada: dhooliyada (ampullance), booyadaha biyaha, wiishashka nalka, iwm. kuwaas oo fasax dhaqdhaqaaq la siin doono.
2. Gaadiidka hawl-wadeenada doorashada iyo madaxda Axsaabta waxa kornishanku siinayaa fasax dhaqdhaqaaq iyo astaan gaar ah oo lagu aqoonsado.
3. Komishanku wuxuu dadweynaha warbaahinta uga tebinayaa todobaad ka hor amarka xayiraada dhaqdhaqaaqa gaadiidka maalinta cod-bixinta. Iyadoo gaadiidka ku xadgudba qodobkan la qabanayo sharcigana la horgaynayo.

Qodobka 28^{aad}

Wakiilada Axsaabta

1. Guddiyada fulinta xisbiyadu waxay min 2 wakiil oo leh xaqa cod-bixinta u soo diran karaan goob kasta oo cod-bixin ka dhacayso oo ay musharaxiin ku leeyihiin iyo xafiisyada doorashada ee gobolada, degmooyinka iyo qarankaba. Waxa kale oo ay keeni karaan bedelkooda haddii ay maqnaadaan.
2. Wakiilada ay axsaabtu soo dirsadaan waa inay ku sugnaadaan goobahooda xilliyada hawsha doorashadu socoto, soona jeediyaan wixii tabasho ama caddeyn ay qabaan (haddii ay jirto), taas oo la diiwaangelinayo.
3. Magacyada wakiilada xisbiyada waa in loo geeyo Komishanka ama xafiisyadiisa 21 maalmood ka hor taariikhda cod-bixinta. Komishanka ama xafiisyadiisu wuxuu siinayaa wakiil kasta aqoonsi ama qoraal ogolaansho ah oo u fasaxaya inuu geli karo kana hawl geli karo goobta cod-bixinta ama xafiiska doorashada ee loo soo diray.

Qodobka 29^{aad}

Shuruudaha Wakiilka Xisbiga

Wakiilada xisbiyaddu u soo magacaabaan goobaha cod-bixinta iyo xafiisyada doorashada waa inay buuxiyaan shuruudahan:

1. waa inuu yahay muwaadin Somaliland u dhashay.
2. waa in aan da' diisu ka yarayn 25 sano sanadka doorashada la qabanayo.

3. waa inuu wax qori karo waxna akhriyi karo
4. waa inuu yahay qof xilkas ah oo dhaqan toosan.
5. waa in komishanku u tababaraa hawsha wakiilnimada.

Qaybta V

DIYAAR-GARAWGA IYO MAAMULKA DOORASHADA

Qodobka 30^{aad}

Tirada Xubnaha Komishanka

Iyadoo laga duulayo waaya-aragnimadii laga kasbaday doorashooyinkii hore iyo baaxadda hawsha komishanka Doorashooyinku u xilsaaran tahay, lana tixgelinayo cabashooyinka Axsaabta Qaranku ka soo jeediyeen liil-tirka hawsha doorashada, waxa lagamamaarmaan noqotay in la kaabo waxna laga bedelo qodobka 11aad, faqradiisa 1aad ee Xeerka 20/2001. Sidaa darteed, waxa lagu kordhiyey faqrad cusub oo u dhigan sidan:

1. Komishanka Qaranka ee doorashooyinku waxa lagu kordhiyey laba (2) Xubnood oo kale.

Kuwaas oo ay soo kala xulayaan:

- a) Hal, Xisbiyada Mucaaridka ah ayaa soo xulaya.
- b) Halka kalena Madaxweynaha, ayaa soo xulaya.

Golaha wakiilada ayaana Ansixinaya.

Qodobka 31^{aad}

Jadwalka Hawlgalka Doorashada

1. Iyadoo aan waxba loo dhimayn waajibaadyada iyo awoodaha Komishanka ee uu tilmaamay Xeerka Doorashooyinka (Xeer No. 20/2001), waxa kale oo ku waajib ah inay si rasmi ah u soo saaraan jadwal mudaysan oo ay si cad ugu muujinayaan qorshaha hawlgalkooda. Kaas oo ay nuqulo ka mid ah u dirayaan Axsaabta, isla markaana ku faafinayaan warbaahinta kala duwan.

2. faafinta jadwalka ka dib, haddii Komishanku lagamamaarmaan u arko wax ka bedelka meelo ka mid ah qorshaha hawlgalka waa inuu axsaabta sidaa ku wargeliyo isla markaana warbaahinta ka sheego isbedelkaas

Qodobka 32^{aad}

Hawl-Wadeenada Doorashada

Iyadoo aan waxba loo dhimayn arrimaha ay tilmaamayaan qodobada 19aad_& 20aad ee Xeerka. Doorashooyinka (Xeer No. 20/2001), ee ku saabsan hawl-wadeenada, waxa Komishanka ku waajib ah:

1. in si qoto dheer u hubiyaan hawl-wadeenada ay ku aaminayaan masuuliyada culus ee doorashada inay yihiin kuwa xilkas ah oo gudan kara hawsha loo xilsaaray.
2. in ay siiyaan tababar ku filan, isla markaana hubiyaan inay si hufan hawshooda u gudan karaan, inta ka horaysa maalinta cod-bixinta.
3. in xafiisyada doorashada iyo kormeerada u diyaariyaan gaadiidka shaqo lagu fulin karo iyo isgaadhsiin.
4. Komishanku waxay awood u leeyihiin inay kordhiyaan tirada hawl-wadeenada goobaha cod-bixinta, degmada iyo gobolka, haddii baahidaasi u muuqato.

Qodobka 33^{aad}

Qandaraasyada Agabka iyo Adeegyada Doorashada

1. Si looga fogaado musuqmaasuq, danaysi iyo cadaalado daro, Komishanku waa inuu qandaraas loo siman yahay ku bixiyaa agabka iyo adeegyada doorashada ay ku fulinayaan.
2. cidda qandaraaska ku guulaysata komishanku wuxuu la galayaa heshiis mudaysan oo lagu cadaynayo sifaha qandaraaska, mudada lagu keenayo iyo wakhtiga iyo sida loo bixinayo lacagta, iwm.
3. waxa reeban in xubnaha Komishanka ama qoysaskooda iyo meheradahoodu qaataan qandaraasyada ay bixinayaan iyo inay sifa kale kaga faa'iidaystaan xilalkooda.

Qodobka 34^{aad}

Qalabka/Agabka Xafiisvada Doorashooyinka

Komishanka Qaranka ee doorashooyinku waa inay goob cod-bixineed kasta u diyaarisaa qalabkan/agabkan:

- a. Nuqul xeerkan ka mid ah.
- b. Xidhmo lingaxan oo ay ku jirto shaambaddii goobta cod-bixinta oo ay la socdaan khadkii iyo khadeeyihii.
- c. Xidhmo lingaxan oo ay ku jiraan waraaqihii cod-bixintu.
- d. Buuga diiwaan gelinta.
- e. Sanduuq lambaraysan oo warqaddaha cod-bixinta lagu rido.
- f. Afar nuqul lagu qoro agabka cod-bixinta.
- g. Saddex foom oo lagu qoro hawlgalka cod-bixinta.
- h. Foom leh khaanado shaxaysan.
- i. Qalimo-biirro casaan ah oo ku filan calamadaynta warqadaha cod-bixinta.
- j. Ugu yaraan 5 waraaqadood oo daabacan tusinaya qaabka cod-bixiyayaashu u calaamadaynayaan warqadaha cod-bixinta.
- k. Xidhmo shamac ah iyo kabriido loo isticmaalo meelaha aan korontada lahayn ama haddii ay danto.
- l. Qalabka qoraalada kala duwan ee loo baahan karo (stationary).
- m. 8 Foom oo rasmi ah oo lagu qoro Natijada codbixinta ooy wada saxeexayaan Gudoomiyaha Goobta iyo 3 Wakiil xisbi.
- n. Si aanay u qoyin haddii roob yimaado aqabka yaala goobta codbixinta, waa in loo diyaariyaa baco ama teendhooyin.

Qodobka 35^{aad}

Habaynta Qalabka iyo Agabka Doorashada

1. Komishanku waa inay xafiiska doorashada degmo/gobol kasta u diyaarisaa qalabkan:
 - a. Nuqul xeerkan ah
 - b. Xidhmo lingaxan oo ay ku jirto shambaddii xafiiska degmada ama gobolka ee doorasho oo ay la socdaan khadkii iyo khadeeyihii.
 - c. 4 nuqul oo lagu qorayo hawlgalka cod-bixinta xafiiska doorashada degmada ama gobolka.
 - d. Foomam shaxaysan (tabulation forms)
 - e. Qalabka wax lagu qoro oo kala duwan (stationary)
2. Qalabka xafiis kasta oo doorasho waa in lagu rido saxarad gaar ah. Saxaradda waa in la xidho oo la lingaxo. Komishanku waa inay qalabkaas dirto wakhti ku haboon, iyadoo ay la socdaan sanaadiiqdii codka lagu ridayey oo lambaraysan, waxaana loo dirayaa xafiisyada doorashada gobolada oo u sii gudbinaya kuwa degmooyinka si ay ugu qaybiyaan goobaha cod- bixinta degmadaas.

3. Komishanku waa inay xafiisyadooda degmo/gobol u diyaariso waraaqo cod-bixineed oo dheeraad ah oo ku lingaxan kiishash si loo siiyo xafiiska doorasho ee soo codsada, iyadoo ay waajib tahay in ay soo sababeeyaan codsigooda. waxana waraaqahaas la gudoonsiinayaa gudoomiyaha goobta cod-bixinta.
4. Dhamaan agabka iyo qalabka kala duwan ee loo isticmaalayo doorashada waa in si adag loo xafido, lana diiwaangaliyo goob kasta oo uu yaalo. Iyadoo lagu soo ururinayo xarunta dhexe ee doorashooyinka marka hawshu dhamaato.
5. 5.-7 nuqul oo lagu qorayo natiijada codbixinta degmada oo rasmi ah, ooy wada saxeexayaan 3 wakiil xusbi iyo Guddoomiyaha Goobta oo shaabadaysan.

Qodobka 36^{aad}

Waraaqaha Cod-Bixinta

1. Waraaqda cod-bixinta (ballot paper) loo isticmaalayo waxay ka kooban tahay saddex khaanadood oo is le'eg oo si qoton ah (vertical) isu barbar yaala oo kala xidhan. Xisbi kasta waxa uu gaar u yeelanayaa khaanadda ay halka u sareysa kaga daabacan tahay astaanta xisbiga oo kor u taagan si afar gees ah. Astaanta xisbi kasta waxa hoosteeda lagu daabacayaa magacyada musharixiinta xisbigaas ee gobolka uga tartamaya, isla markaana, Magaca musharax kasta waxa hortiiisa ku yaala afar geesley banaan oo loogu talagalay inuu cod-bixiyuhu ku muujiyo musharaxa uu codkiisa siinayo. Waraaq kastaana waa inay leedahay cidhif yar oo xabagaysan oo warqadda cod-bixinta lagu lingaxo.
2. Waa in la daabaco waraaqo-cod-bixin oo tusaale ah (speciment) oo ku filan axsaabta, oo aan tirsi taxane lahayn loona qaybiyo xisbiyada xilliga ololaha, si loo gaadhsiiyo ama loo fahansiiyo dadwaynaha habka loo codaynayo.
3. waraaqaha cod-bixintu waa inay noqdaan kuwo leh astaamo qarsoon (hologramed) oo aan la been-abuuri karin, isla markaana waa inay leeyihiin tirsi taxane ah (seriel number).

Qodobka 37^{aad}

Qolka Calaamadaynta & Sanduuqa Cod-Bixinta

1. Goob kasta oo codbixinta laga dhiibanayaa waa inay lahaato laba qol oo yar yar oo loogu talagalay in lagu calaamadeeyo waraaqaha cod-bixinta.
2. Sanduuqa waraaqaha cod-bixinta lagu ridayaa waa inuu yaalo meel muuqata oo ka mid ah goobta cod-bixinta, taas oo ay si bayaan ah u wada arki karaan Gudoomiyaha goobta cod-bixinta, hawl-wadeenada goobta iyo wakiilada axsaabtu.

Qodobka 38^{aad}

Bandhigidda Liiska Musharixiinta

Liiska magacyada musharixiinta Axsaabta ee daabacan ee gobolkaa ku tartamaya waa in lagu dhejiyo meel la wada arki karo oo ka mid ah xafiiska doorashada ama goobta cod-bixinta horteeda.

Qodobka 39^{aad}

Qaybinta Qalabka iyo Agabka Doorashada

1. Komishanku, isagoo ku xisaabtamaya duruuf kasta oo lama-filaan ah oo hakin/xayiri karta gudbinta agabka doorashada, Waa inuu gaadhsiiyo xafiiska doorashada gobolka qalabka loogu talagalay cod-bixinta wakhti munaasib ah. Xafiiska doorashada gobolku waa inuu agabkaas gaadhsiiyo xafiiska doorashada degmada ugu dambayn 10ta subaxnimo maalinta ka horaysa cod-bixinta.

2. Xafiiska doorashada degmadu waa inuu gaadhsiiyo dhamaan goobaha cod-bixintu ka dhacayso ee degmadaas wixii agab ah ee loo baahan yahay ka hor 5:00 saac ee subaxnimo maalinta cod-bixinta.
3. Gudoomiyayaasha goob kasta oo cod-bixineed waxa kale oo loo gudbinayaa:
 - a) Nuqul muujinaya magacyada hawl-wadeenada goobta
 - b) Nuqul muujinaya magacyada wakiilada axsaabta ee goob-jooga ahaanaya.
 - c) Nuqul muujinaya magacyada goob-joogayaasha caalamiga iyo kuwa maxaliga ah ee degaanka ka hawlgalaya.

Oodobka 40^{aad}

Diyaargarowga Xafiiska Goobta Cod-Bixinta

1. Gudoomiyaha goobta cod-bixintu markuu helo qalabka ku xusan qodobka kore waa inuu:-
 - a) Abaabulo xafiiska oo uu hubiyayaasha iyo xoghaynta goobta u sheego waajibaadyadooda, isla markaana la socodsiiyo sida ay hawsha loo xilsaaray u gudanayaan.
 - b) Hubiyo in Wakiilada axsaabta ee loo soo gudbiyay inay goob-joog yihiin.
 - c) Markuu hubiyo inay saxaraduhu lingaxan yihiin waa inuu furo saxarada oo hubiyo inay dhan yihiin agabkii , waana inay goob-joog ahaadaan Hawl-wadeenadii goobta iyo wakiiladii axsaabtu.
 - d) Markay wadajir u hubiyaan gudoomiyaha iyo hawl-wadeenadiisa iyo wakiilada xisbiyadu in xidhmooyinka ay ku jiraan shaambadda goobta iyo waraaqaha cod-bixintu lingaxan yihiin, waa inuu furo xidhmooyinka oo waraaqaha cod-bixinta la dhaco shaambada goobta, oo si nidaamsan ugu rido weel xafidan. Waxaa reebban inuu markaas joogo qof aan ahayn inta goobta ku qoran.
 - e) hubiyo in ogaysiiska tilmaamaha cod-bixinta iyo liisaska murashaxiintu ku dhegan yihiin meelihii loogu talagalay.
 - f) hubiyo in qalabkii loo baahnaa ee cod-bixinta loogu talagalay loo agaasimay sida xeerku tilmaamayo, si hawsha doorashu si hufan ugu hirgasho.
2. Waa inuu xoghaynta faro inuu diiwaan-geliyo dhamaan hawlgalka kor ku xusan in la fuliyey. Qoraalka waa inay ku cadaato shaambadda goobta, tirada waraaqaha cod-bixinta ee goobta cod-bixintu heshay iyo buugii diiwaangalinta.
3. Waa inuu markaa ka saxeexo hawl-wadeenada iyo wakiiladaba in wax waliba sidii loogu talagalay yihiin.
4. Markuu hubiyo Gudoomiyaha goobta cod-bixintu in hawshaasi qabsoontay waa inuu ku dhawaaqo in cod- bixintu furan tahay.

Qodobka 41^{aad}

Awoodda Gudoomiyaha Goobta Cod-Bixinta

1. Gudoomiyaha goobta cod-bixinta waxa waajib ku ah inuu ilaaliyo nidaamka inta doorashadu socoto. Booliska ayuu ku amri karaa inuu qof goobtaa dibedda uga saaro ama in la qabto qof gef ku sameeyay hawsha doorashada ama qof waali ka muuqato.
2. Booliska looma ogola inuu galo gudaha goobta cod-bixinta haddii aanu Gudoomiyuhu amrin.
3. Haddii ay timaado xaalad lama filaan ah oo wax u dhimi karta habsami u socodka doorashada Gudoomiyaha goobtu wuxuu awood u leeyahay inuu qaato go'aan ku meel gaadh ah oo uu ku xalinayo dhibaata taagan, isagoo go'aankaas qoraal ahaan u diiwaangelinaya, una gudbinaya xafiiska doorashada degmada.

4. Saraakiisha Booliska iyo kuwa shaqaalaha dawladda waa in ay fuliyaan codsiyada Gudoomiyaha goobta si loo hubiyo in si dhib yar codka loo bixiyo oo aanay u dhicin in lagu ururo miiska hawl-wadeenada ama goobta cod-bixinta agagaarkeeda.

5. Gudoomiyaha goobta cod-bixintu wuxuu xaq u leeyahay inuu isticmaalo awoodaha ku qoran xubnaha qodobkan.

Qodobka 42^{aad}

Nidaamka Goobta Cod-Bixinta

1. Goobta cod-bixinta waxa geli kara hawl-wadeenada goobta ka shaqaynaya, wakiilada axsaabta iyo codbixiyayaasha codkooda dhiibanaya.

2. Ma banaana in hub lala yimaado goobta cod-bixinta, marka laga reebo ciidanka amniga ee goobta ka shaqaynaya.

3. Cod-bixiyayaashu waxay isu taagayaan safaf, markiibana hal qof oo keliya ayaa gelaya qolka calaamadaynta, iyadoo loo kala hor marinayo sidii loo soo kala horeeyay, hasa yeeshee waa 1a tixgelin karaa inuu ugu hormaro haddii ay jirto qof xaalad gaar ah loo tixgeliyay ama ka shaqaynaya hawsha doorashada oo doonaya inuu codkiisa bixiyo.

Qodobka 43^{aad}

Cod-Bixiyayaasha aan Codka Dhiiban Karin

1. Waxa codkiisa dhiiban kara cod-bixiyaha taga goobta cod-bixinta oo codkiisa ku ridi kara sanduuqa.

2. Haddii uu jiro qof ay naafonimo ama da' ama sabab kale u diidey inuu codkiisa bixiyo kuna sugan goobta codbixinta Gudoomiyaha goobta cod-bixinta ayaa u calaaminaya iyagoo ay goob jog ka yihiin muraaqibiinta xisbiyadu.

3. Xoghayaha goobta cod-bixinta ayaa diiwaangelinaya gelinaya sababta loo ogolaaday in qofkaas laga kaalmeeyo sidii uu codkiisa u bixin lahaa, waxa kale oo uu qoraalka ku muujinayaa magacyada qofkaas iyo qofka kaalmeeyey.

Qodobka 44^{aad}

Habka Cod-Bixinta

1. Markuu dhamaado hawlgalka ku xusan qodobka 40 iyo 42aad, Gudoomiyaha goobta cod-bixinta wuxuu cod-bixiyaha siinayaa warqaddii cod-bixinta oo lagu dhuftay shaambaddii goobta, isla markaana laga reebay dabadii hadhaaga ahayd ee warqaddu ku taalay.

2. Markaa cod-bixiyuhu wuxuu gelaya qolka yar ee uu warqadda ku soo calaaminayo, kuna soo xidhanayo.

3. Cod-bixiyuhu wuxuu ka calaaminayaa warqadda cod-bixinta meel ka mid ah afar geesta banaan eek u hor taala magaca musharaxa uu codka siinayo, asagoo isticmaalaya qalin-biro casaan ah oo uu siinayo xoghayaha goobtu. Ka dib warqaddii wuu soo laabayaa. isagoo ku xidhaya dacalkii yaraa ee xabagta lahaa waxanu ku ridayaa sanduuqii loogu talagalay cod-bixinta.

4. Markuu cod-bixiyuhu warqaddiisa ku rido meesha daloosha sanduuqa, waa inuu goobta ka baxo, waxase ka horaysa inuu Gudoomiyaha goobtu hubiyo in ay si fiican uga muuqato khadkii codayntu.

5. Haddii cod-bixiyuhu arko in warqadda la siiyey aanay dhamayn ama dhaawac qabto inta aanu codka bixin, waa inuu soo celiyo oo Gudoomiyaha goobta weydiisto mid fayow. Arrintaas waa in qoraal ahaan loo diiwaan-geliyo.

6. Gudoomiyaha goobtu wuxuu xaq u leeyahay inuu goobta ka saaro isla markaana ka qaado warqadda codbixinta, cod-bixiye kasta oo cudur-daar la'aan goobta ku daaha. waxana mar kale loo ogolaan karaa inuu codkiisa dhiibto markay dadkii kale ee goobta ku sugnaa ee codkooda dhiibanayey ay dhamaadaan.
7. Haddii cod-bixiye lagu helo inuu sito waraaqo cod-bixineed oo dheeraad ah ama kuwo ka duwan kuwa codka lagu bixinayo ama inuu hore codkiisa u soo dhiibtey, Gudoomiyaha goobtu waa inuu si degdeg ah u amro in la qabto oo booliska u dhiibo si maxkamad loo horgeeyo, Arintaas waa in qoraal ahaan loo diiwaan-geliyo.
8. Warqad kasta oo codbixineed waxay waajib ku tahay guddoomiyaha goobta iyo saddexda wakiil xisbi inay hubiyaan inay shaabadaysan tahay.

Qodobka 45^{aad}

Wakhtiga Hawlgalka Cod-Bixinta

1. Hawlgalka cod-bixintu waa in lagu dhamaystiro hal maalin gudaheed oo ka bilaabmaysa 6:00 saac ee subaxnimo kuna dhamaanaysa 6:00 saac ee fiidnimo. Hasayeeshee, hawl-wadeenada doorashada iyo wakiilada axsaabta waxa ku waajib ah inay goobahooda shaqo ku sugnaadaan saacad ka hor wakhtiga codbixintu bilaabmayso.
2. Cod-bixintu way soconaysaa oo wakhtiga xidhitaanka coddaynta la tixgelin maayo, haddii ay jiraan cod-bixiyayaal safka ku jira oo aan welli codkooda bixin ilaa ay ka dhamaanayaan cod-bixiyayaasha markaas safta taagan.

Qodobka 46^{aad}

Cabashooyinka Goobta Cod-Bixinta

Gudoomiyaha goobta cod-bixintu waa inuu qaraar ka gaadho cabashooyinka iyo wixii muran ah ee ka dhasha hawlgalka goobta cod-bixinta (haddii ay jiraan). kuwaas oo ay ka mid yihiin kuwa af ahaan ama qoraal ahaan loo soo jeediyey. Cabashooyinka iyo muranadaas waa in qoraal ahaan loo diiwaan-geliyo.

Qodobka 47^{aad}

U diyaar-Garowga Tirinta Codadka

1. Marka Cod-bixiyayaashii safka taagnaa wada codeeyaan, Gudoomiyaha goobtu wuxuu cod Sare ku sheegayaa inay cod-bixintu xidhan tahay.
2. Gudoomiyaha goobtu markuu hubiyo in hawl-wadeenadii goobta iyo wakiiladii axsaabtuba goob-joog yihiin wuxuu ka ururinayaa miiska dhamaan waraaqaha iyo qalabka aan tirinta codadka wax ahmiyad ah u lahayn, wuxuu bilaabayaa hawsha soo socota:
 - a) Wuxuu hubinayaa tirada guud ee cod-bixiyayaasha, isagoo isu eegaya tirada waraaqaha cod bixinta ee la isticmaalay iyo tirada cod-bixiyayaasha diiwaanka ku qoran.
 - b) Wuxuu ururinayaa oo tirinayaa waraaqaha cod-bixinta ee aan la isticmaalin waxaanu ku ridayaa baqshadda 1aad.
 - c) Wuxuu hubinayaa tirada waraaqaha cod-bixinta ee xumaaday ee ay soo celiyeen cod-bixiyayaashu, ama la arkay inay xun yihiin, waxaanu ku ridayaa baqshada 2aad.
 - d) Gudoomiyaha Goobta codbixinta iyo saddexda wakiil xisbi iyo madaxda nabadgelyadu waxay wada saxeexayaan buuga diiwaan gelinta goobta kuna cadeeyaan inay si nabadgelyo ah u dhacday una xidhantay.

Qodobka 48^{aad}

Habka Tirinta Cod-Bixinta Goobta

1. Marka Gudoomiyaha goobtu dhameeyo hawsha diyaargarawga ee ku xusan qodobka 47aad, wuxuu bilaabayaa tirinta waraaqaha cod-bixinta ee sanduuqa ku jira. Si taa loo fuliyo; Hubiyuhu wuxuu markiiba sanduuqa ka soo saarayaa hal warqad cod-bixineed, wuxuuna u dhiibayaa Gudoomiyaha goobta, Gudoomiyuhuna wuxuu furayaa warqaddii codbixinta oo cod sare ku sheegayaa xisbiga/musharaxa codka lagu siiyey; warqadaas waxa hubiyuhu u sii gudbinayaa Hubiyaha kale oo isna tusi doona wakiilada Xisbiyada, markaas xoghayaha ayaa gelinaya foomka shaxaysan ee loogu talagalay xisbiga codkaas helay waxaanu warqadaas ku ridayaa weel xafidan oo calaamadda xisbiga leh.
2. Ma banana in sanduuqa laga soo saaro warqad kale oo cod-bixineed inta tii ka horaysay laga dhamaynayo ee weelka lagu ridayo. Hawsha waxa maamulaya hawl-wadeenada goobta oo keliya. Hasa yeeshee, wakiilada Axsaabtu waxay si fiiro leh ula soconayaan hawl-galka tirinta, iyagoo hubinaya codadka.
3. Gudoomiyaha goobtu markuu dhameeyo tirinta, wuxuu hubinayaa tirada waraaqaha cod-bixinta, iyo inay is keenayaan tirada codadka axsaabtu guud ahaan heleen iyo cod-bixiyayaasha diiwaanka ku qoran. Wuxuu intaas raacinayaa tirada codadka lagu muransan yahay ama xumaaday ee waxba kama jiraan loo aqoonsadey.
4. Gudoomiyaha goobtu markuu hawshaas dhameeyo, wuxuu waraaqadaha xumaaday ama waxba kama jiraanka laga soo qaadey ama/iyo kuwa muranku ka taagan yahay iyo waraaqaha cabashada iyo dacwooyinka ku ridayaa baqshadda 3aad.
5. Intaa dabadeed, Gudoomiyaha goobtu wuxuu ugu dambeyntii waraaqihii cod-bixinta ee la tiriyey ku ururinayaa baqshadda 4aad, iyagoo kala soocan

Qodobka 49^{aad}

Xidhitaanka Hawsha Tirinta

1. Markuu Gudoomiyaha goobtu dhameeyo hawsha tirinta ee ku xusan qodobka 48aad wuxuu ku dhawaaqayaa wadarta tirada cod-bixiyayaasha, codadka ansaxay, kuwa xumaaday iyo tirada codadka uu helay xisbi kasta.
2. Intaa dabadeed, Baqshadaha waa la lingaxayaa, korkana waxa lagaga dhufanayaa shaambaddii goobta, waxaana korka wadajir uga saxeexaya Gudoomiyaha goobta, ugu yaraan hal hubiye iyo wakiilada xisbi kasta oo murashaxiin ku leh goobta-codbixinta.
3. Iyadoo laga taxadirayo inaan la lumin codadka muwaadiniinta, haddii wakiil xisbi si kas ah u diido ama ka hakado ama muran geliyo inuu saxeexo natiijada goobta waxa lagu kaaftoomi karaa saxeexa laba wakiil xisbi iyo hawl-wadeenada goobta. Waxna u dhimi mayso sharcinimada hawsha, hasa yeeshee cabashadiisa waa loo diiwaan gelinayaa.
4. Haddiise laba wakiil iyo ka badan saxeexi waayaan cabasho darteed waxa cabashadaas loo gudbinayaa muddo aan ka badnayn 12 saacadood xafiiska doorashada degmada si uu go'aan uga gaadho. Arrintaasna waa la diiwaangelinayaa.
5. Baqshadaha korkooda waxa lagu qorayaa faahfaahinta waxa baqshadda gudaheeda ku jira.
6. Hawsha tirinta waa in loo dhamaystiro si isdaba jooga ah ee la soo tilmaamay oo hakad lahayn oo wax kale aan la dhex galin inta laga dhamaystirayo.
7. Qoraalada raadraaca (records) waa in si cad loogu muujiyo hawlaha kor ku xusan, iyadoo wakiil xisbi kastaa qaadanayo nuqul ka mid ah foomamka natiijada goobta codbixinta oo wada saxeexan shaabadaysana.

Qodobka 50^{aad}

Codadka Xumaada ama/iyo kuwa Lagu Muransan Yahay

1. Waraaqaha cod-bixinta marka la tirinayo waxay noqonayaan waxba kama jiraan:
 - a. Haddii ay ka duwan yihiin wara aqaha cod-bixinta ee Komishanku gartay in doorashada loo isticmaalo.
 - b. Haddii aanay ku oollin shaambadda goobta cod-bixinta.
 - c. Haddii warqaddu dhaawacan tahay oo aanay dhamaystamayn
 - d. Haddii warqadda cod-bixinta ay ka muuqdaan qoraal ama calaamado ama raad aan loogu talagelin in lagu qoro.
 - e. Haddii warqadda cod-bixinta aanay si fiican uga muuqan oo la aqoonsan kari waayo xisbiga/musharaxa codka la siiyay.
 - f. Haddii warqadda cod-bixinta ay ka muuqato in cod-bixiyuhu calaamadeyay astaan hal xisbi/musharax wax ka badan.
 - g. Warqadaha cod-bixinta ee waxba kama jiraan loo aqoonsado ee farqadani tilmaantay (a f. laguma darayo tirada codadka ansaxay, axsaabtana loo tirin maayo.
2. Codka waxba kama jiraan wuxuu noqon karaa marka go'aan wadajir ah isku raacaan Hawl-wadeenada goobta cod-bixintu. Haddiise ay isku raaci waayaan oo ay ku kala qaybsamaan, waxa waraaqahaas cod- bixineed loo aqoonsanayaa kuwo muran ka taagan yahay.
3. Xafiiska Doorashada ee degmada ayaa qaraar ka gaadhi kara waraaqaha cod-bixinta ee muranku ka taagan yahay.

Qodobka 51^{aad}

Qoraalka Raad-Raaca Goobta Cod-Bixinta

1. Qoraalka raadraaca ee goobta cod-bixinta waxa lagu qorayaa foomam loogu talagalay oo 8 sideed nuqul ah, kaas oo Komishanku u soo diyaariyey.
2. Laba nuqul oo qoraalka raadraaca ka mid ah waa in lagu rido saxaradda oo la raaciyo baqshadaha lingaxan ee ku xusan qodobka 49aad oo loo gudbiyo xafiiska doorashada degmada, nuqulka saddexaad waa in loo gudbiyo Gudoomiyaha xafiiska doorashada ee gobolka, iyadoo la raacinayo wixii ka hadhay agabkii doorashada ee kala duwan
3. 5ta nuqul ee qoraalka raad-raacxa ka hadhay waxa loo qaybionayaa 3da wakiil xisbi , hal nuqul oo xarunta dhexe ee kumishinka qaranka, nuqulka kalena Maxkamadda sare.

Qodobka 52^{aad}

Qaadista iyo Wareeinta Qalabka/Agabka

1. Gudoomiyaha goobta cod-bixinta oo ugu yaraan ay la socdaan xubin hawl-wadeenada ka tirsan iyo Boolis ilaalo ah, iyo wakiilada xisbiyada ayaa qaadaya qalabka, qoraalka raadraac iyo baqshadaha goobta kuna wareejinaya xafiiska doorashada ee degmada, muddo aan ka badnayn 12 saacadood.
2. Marka xafiiska doorashada ee degmada lagu wareejinayo qalabka iyo baqshadaha waa in la hubiyo inay lingaxan yihiin oo aan la furin lana farafarayn. Gudoomiyaha doorashada ee degmadu waa inuu bixiyo caddaynta la wareegidda agabkaas iyadoo ay goob jog ka yihiin wakiilada Xisbiyadu.
3. Gudoomiyaha doorashada ee degmaddu wuxuu u gudbinayaa baqshadaha natiijadda cod-bixinta doorashada Golaha Wakiilada oo lingaxan iyo nuqul ka mid ah qoraalka raadraaca Gudoomiyaha xafiiska doorashada gobolka.
4. Saddex nuqul oo qoraalka raadraaca ahna waxa la siinayaa wakiilada xisbiyadda ee heer degmo.

5. laba nuqula waxa loo kala dirayaa xafiiska Kumishinka iyo maxkamadda sare

Oodobka 53^{aad}

Hawsha Xafiiska Doorashada ee Degmada

Markuu Gudoomiyaha xafiiska doorashada ee degmadu helo agabka lagu tilmaamay qodobka 52aad ee xeerkan:

- a. Waa inuu faro hubiyayasha, xoghayaha iyo tiriyayaasha inay hawshooda u diyaar garoobaan.
- b. Waa inuu u yeedho wakiilada axsaabta, kuna wargeliyo inay goob-joog ahaadaan inta hawshu socoto.
- c. Markay Gudoomiyaha, hawlwadeenada iyo Wakiiladu wadajir u hubiyaan in baqshaduhu lingaxan yihiin oo aan hore loo furin, waa inuu furaa baqshadda ay ku jirto shaamnbadu oo hubiyaa in lambarka shaambadu ku yaal qoraalada.
- d. waa inuu hubiyo in qoraalada iyo baqshadaha ku xusan qodobada , 49aad, 51aad ee xeerkan ay dhan yihiin.
- e. Waa inuu hubiyo oo isu geeyo dhamaan cod-bixinta ka soo hoyatay goobaha cod-bixinta degmada.
- f. Waa inuu hubiyo oo isugeeyo dhamaan warqadaha cod-bixinta ee aan la isticmaalin.
- g. Waa inuu hubiyo oo isugeeyo dhamaan codadka waxba kama jiraanka noqday ee ka soo hoyday goobaha cod-bixinta degmada.
- h. Waa inuu qaraar ka gaadho codadka muranku ka taagan yahay, ee uu tilmaamay qodobka 50aad ee xeerkan.
- i. Waa inuu isu geeyo wadarta codadka xisbi kasta ka helay cod-bixinta degmada oo dhan.
- j. Waa inuu natiijada codadka degmada ee soo baxay iyo cabashooyinka ama/iyo dacwadaha (haddii ay jiraan) u gudbiyo Gudoomiyaha Xafiiska doorashada gobolka

Qodobka 54^{aad}

Hawsha Xafiiska Doorashada ee Gobolka

1. Xafiiska doorashada ee gobolku markuu helo nuqulada qoraalada raadraaca goobaha cod-bixinta iyo natiijada codadka ka soo baxay degmooyinka gobolka iyo inta xisbi kasta ka helay ee ay u soo gudbiyeen xafiisyada doorashada ee degmooyinka gobolku wuxuu si dhugmo leh xisaab ahaan u hubinayaa saxnaanta natiijooyinka codadka degmooyinka gobolka.
2. hawlgalka faqradda 1aad ee qodobkan ka dib, waa in uu isu geeyo codadka musharax kasta helay, isagoo xisbi kasta gaarkiisa u eegaya.
3. Guddoomiyaha xafiiska doorashada ee gobolku markuu ku qanco wuxuu hawgalka ka samaynayaa raad raaca lagu qorayo foomam loogu talgalay oo lix nuqul ka kooban, wuxuuna laba nuqul oo ka mid ah u gudbinayaa xafiiska dhexe ee doorashooyinka (Komishanka) kan asliga ahna (original) Maxkamadda. sare ee dalka.
4. saddex nuqul ee hadhayna saddexda wakiil xisbi ee heer Gobol.

Qodobka 55^{aad}

Soo Saaridda Natiijada Hordhaca ah ee Doorashada

Gudoomiyaha Xafiiska doorashada ee gobolku, -iyadoo uu goob-joog yahay xubinta Komishanka Qaranka gobolka uga hawlgashay- waa inuu si hordhac ah u soo saaro natiijada doorashada Golaha Wakiilada ee gobolka, taas oo uu ku soo bandhigayo qoraal kooban oo ay ku muujisan yihiin wadarta guud ee codadka ansaxay ee gobolka iyo tirada xisbi kasta iyo

musharax kasta gaarkiisa ka helay cod-bixinta gobolka . Nuqul qoraalkaas ka mid ahna waa inuu u gudbiyo xafiiska dhexe, iyo wakiilada xisbiyada

Qodobka 56^{aad}

Gudbin Raad-Raac (Records)

1. Raadraacyada hawlgalada ku xusan qodobada 49aad, 51aad iyo 54aad ee xeerkan waxa lagu qorayaa foomamka Komishanku u diyaariyey mid kasta, waana inay ahaadaan min lix nuqul ugu yaraan.
2. Nuqulada raadraacyada (records) waxaa loo kala qaybinayaa sida ay tilmaamayaan qodobada 51aad iyo 54aad ee xeerkan.

Qodobka 57^{aad}

Hawsha Xafiiska Dhexe ee Doorashada

1. Komishanku wuxuu si feejigan ula soconayaa dhamaan hawlaha doorashada saameeya, isla markaana wuxuu si aan dib u dhac lahayn uga jawaabayaa adeegyada ay soo codsadaan xafiisyada doorashada ee degmooyinka/gobolada iyo xaaladaha kale ee gurmada iyo go'aan ka gaadhis u baahan.
2. Komishanku markuu helo qalabka & qoraalada raadraaca ee ku xusan qodobka 55aad ee xeerkan, waa:
 - a. inuu faro hawladeenada inay u diyaar-garoobaan hawsha
 - b. Inuu u yeedho Wakiilada axsaabta si ay goob-joog u ahaadaan marka hawshu socoto.
 - c. Inay wadajir u hubiyaan in baqshaduhu lingaxan yihiin oo aan la furin, markaa waa inuu furaa oo ka soo saaraa agabka ku jira.
 - d. Inuu xisaab ahaan hubiyo natiijooyinka codadka gobolada. Taas oo marka uu ku qanco isugu dubaridayo hab-xisaabeed shaxaysan oo si hufan looga dheehan karo tirsiyada goobaha, wadarta codadka, inta ansaxday, inta xumaatay, qadarka xisbiyadu kala heleen iyo qodarka musharaxiinta xisbi kasta gaarkiisa kala heleen oo u kala habaysan heer goobeed, degmo, gobol iyo qaran.
 - e. Inuu isku dubarido liiska magacyada murashaxiinta ku guulaystay doorashada Golaha wakiilada ee heer qaran, iyadoo la raacayo habka ku tilmaaman qodobka 12(2/3) ee Xeerkan. Sidoo kale wuxuu soo saarayaa liiska magacyada musharaxiinta doorashada waaya ee noqonaya kaydka ee xisbiyadu u soo gudbiyeen.
 - f. Inuu go' aan ka gaadho cabashooyinka ama/iyo dacwadaha (haddii ay Jiraan) ka soo gudba xafiisyada doorashooyinka ee gobolada iyo dacwadaha iyo cabashooyinka ka yimaada xarumaha axsaabta, iyadoo go'aanadaas la diiwaangelinayo.
 - g. Inuu hawsha ku dhamaystiro muddo 10 maalmood gudahood ah laga soo bilaabo maalinta codbixinta la qabtay.

Qodobka 58^{aad}

Ku dhawaaqidda & Gudbinta natiijada hordhaca ah

1. Komishanku markuu dhamaystiro hawshiisa qodobka 57aad ku sheegan, ee uu ku qanco in doorashadu si habsami ah u dhacday, wuxuu si hordhac ah ugu dhawaaqayaa natiijada doorashada Golaha Wakiilada.
2. Komishanku maalinta uu ku dhawaaqo natiijada hordhaca ah, wuxuu si rasmi ah Maxkamadda Sare ee qaranka u gudbinayaa natiijada doorashada oo dhamaystiran oo ay ku lifaaqan yihiin Liiska magacyada musharaxiinta guulaystay iyo dhokomentiyada kala duwan ee taageeraya natiijada

Qaybta VI
SHARCIYAYNTA NATIJJADA DOORASHADA

Qodobka 59^{aad}

Ansixinta Natiijada

1. Gudoomiyaha & Garsoorayaasha Maxkamadda Sare ee Dastuuriga ah ayaa fadhi buuxa ku go' aaminaya ansixinta natiijada doorashada Golaha wakiilada markay:
 - a. darsaan qoraalada natiijada doorashada ee Komishanku u soo gudbiyay.
 - b. Hubiyaan in xisaab ahaan iyo sharci ahaanba toosan tahay.
 - c. Xaqiijiyaan inaan dacwad ka dhan ah go'aanka kumishinka laga furan maxkamadda mudada xeerku cayimay, haddii ay jirtona go'aan ka gaadhaan.
2. Maxkamaddu Sare waxay go'aankeeda ay ku ansixisay natiijada doorashada iyo Liiska Magacyada musharixiinta ku guulaystay kaga dhawaaqaysaa fadhi maxkamadeed oo ay goob joog yihiin madaxda axsaabta, Xukuumadda iyo saxaafaddu

Qodobka 60^{aad}

Dhaarinta Mudanayaasha

Maxkamadda Sare marka ay ku dhawaaqdo go'aanka ansixinta natiijada doorashada waxay muddo aan todobaad ka badnayn u cayimaysaa fadhiga dhaarinta Mudanayaasha la doortay ee Golaha Wakiilada. Fadhigaas oo uu gudoominayo Gudoomiyaha Maxkamadda Sare sida ku tilmaaman Dastuurka qodobka 44(3)aad.

Qodobka 61^{aad}

Dacwadaha Doorashada

1. Maxkamadda Sare ee Dastuuriga ah, ayaa leh awooda ka garnaqista dacwadaha la xidhiidha doorashada Golaha Wakiilada marka ay ku qanacdo arjiga dacwoodaha.
2. Dacwadaasi waa inay ku soo gaadho kaalinta Maxkamadda Sare 20 maalmood gudahood oo ka bilaabmaya marka lagu dhawaaqo natiijada hordhaca ah ee doorashada. Haddii ay wakhtigaa dhaafto dacwadaasi wax tixgelin ah ma yeelanayso.

Qaybta VII

KU XADGUDUBKA XEERKA IYO NIDAAMKA DOORASHADA

Qodobka 62^{aad}

Dhawrida Xeerka iyo Nidaamka Doorashada.

Dhawrida nabadgelyada guud iyo u hogaansamidda Xeerka iyo nidaamka doorashada waa waajib saaran muwaadin kasta oo u dhashay dalka JSL. Taas awgeed, ku xad-gudubka nidaamka iyo sharciga waxa lagu mutaysanayaa ciqaab.

Qodobka 63^{aad}

Eedaynta Komishanka Doorashada

Haddii Xubin ama Xubnaha Komishanka Doorashooyinku ku talaabsadaan fal ay ka dhalan karto dambiyo culus ama khalkhal galin kara nidaamka iyo habsami u socodka doorashada ama xasiloonaada guud ee dalka, waxa eedayntooda, maamuus ka xayuubintooda iyo dacwad ku qqadistooda loo cuskanayaa sifaha uu tilmaamayo Dastuurka qodobkiisa 96(1/4/5)aad.

Qodobka 64^{aad}

Anshax Marinta Ku Xad-Gudubka Xeerka iyo Nidaamka Doorashada

1. Maadaama Komishanku leeyahay masuuliyadda koowaad ee taabagalinta habsami u socodka doorashada, wuxuu awood u leeyahay inuu anshax-mariyo cid kasta oo ku kacda gef idaari ah ama ku xad-gudubta nidaamka iyo xeerka doorashada. Sidaa darted, Komishanku, iyagoo ku go'aan qaadanaya miisaanka iyo saamaynta hadba xad-gudubkaasi leeyahay, waxay anshax marintu noqon kartaa siyaabahan:

1. Canaan iyo canbaarayn, ama/iyo
2. Digniin culus oo loo diiwaangelinayo, ama/iyo
3. Ganaax lacageed
 - a) haddii gefka ama xad-gudubka uu gaysto masuul xisbi ama musharax waxa xisbigiisa lagu anshax marinayaa ganaax lacageed oo dhan SI.Sh. 5,000,000 – 10,000,000
 - b) haddii gefka ama xad-gudubka uu gaysto hawlwadeenada doorashada waxa lagu anshax-marinayaa ganaax lacageed oo dhan SI.Sh. 200,000 – 400,000.
 - c) Haddii gefka ama xad-gudubka uu gaysto muwaadin caadi ah waxa lagu anshax-marinayaa ganaax lacageed oo dhan SI.Sh. 300,000 – 500,000.
3. Haddii xad-gudubkaasi yahay mid culus oo ciqaab lagu mutaysan karo ama khalkhal galinaya nidaamka doorashada ama xasiloonidda guud ama wax u dhimaya nidaamka iyo kala dambaynta, waxa komishanka ama masuuliinta xafiisyada doorashadu amrayaan in la qabto cidda xad-gudubka samaysay, si loo horgeeyo maxkamadda awooda u leh.

Qodobka 65^{aad}

Dhaqangalka & Faafinta Xeerka.

Xeerkani waxa uu dhaqangalayaa marka Baarlamanku ansixiyo ee uu saxeexo Madaxweynaha Jamhuuriyadda Somaliland, laguna soo saaro faafinta Rasmiga ah ee Dawladda JSL.

ALLAA MAHAD LEH

(Axmed Maxamed Adan)
-Guddoomiyaha G/ Wakiilada Jsl-
Wakiilada

(Maxamed Xuseen Cismaan)
-Xoghayaha Guud ee G/

QAYBTA LABA IYO TOBNAAD (12): XEERKA DIIWANGELINTA CODBIXIYAASHA IYO BEDDELKIISA

Xeerkan waxa uu markii hore ku hirgalay Dikriito Madaxweyne lam: 207 ee 08/07/2007. Hase yeeshe, makii ay isku raaceen 3da xisbi iyo Kommashinka Doorashooyinku in wax laga bedello si ay diiwaan-gelintu u qabsoonto, isbedelkan ayaa Golaha Wakiiladu ku sameeyeen 10kii Juun 2008, ka dib markii Madaxweynuhu isugu yeedhay kalfadhi aan caadi ahayn. In kastoo wax yar ay ka bedelleyn 15kii Juun 2008 Golaha Guurtidu qodobadda 1aad, 11aad, iyo 12aad ee wax-ka-beddelka, Wakiilada ayaa, fadhigoodii 21ka Juun 2008, ku adkeystay in sidii ay igu markii hore ay ku ansixiyeen, wax-ka-beddelku ku ansaxmo, sidaas ayuuna ku hirgeliyey Madaxweyne ku xigeenka oo, iyada uu markaas Madaxweynuhu maqnaa, 23ki Juun 2008 ku saxeexay.

Waxa hoos ku qoran **Xeerka Diiwaangelinta Cod-bixiyaasha** oo dhan iyo wax-ka-beddelkiisii oo dhan. Wax-ka-baddelka oo ka kooban **12 Qodob** oo si rasmi ah kusoo baxay **Lifaaq** Xeerkan lagu ladho, waxaan qodabadii Lifaaqa dhex geliyey Xeerka iyagoo ku qoran far leexsan (*italics*) si ay akhriigiiso u hawlyaraato, waxaan si leexsan u qoray si ku meel gaadhka ah loo laalay.

JAMHUURIYADDA SOMALILAND **GOLAHA WAKIILLADA**

XEERKA DIIWAAN-GELINTA COD-BIXIYAYAASHA - XEER LR.37/2007

- Markuu Arkay: Qoddobada 4aad, faq. (1), 8aad faq.(1), 9aad faq.(1), 22aad, faq. (2), 111aad, faq.u(2) ee dastuurka qaranka JSL.
- Markuu arkay: In ay muhiim tahay in laga faa'iidaysto waayo aragnimadii laga dhaxlay doorashooyinkii kala duwanaa ee ay soo martay ummada Somaliland taas oo muujinaysa in loo baahan yahay in la adkeeyo nidaamka sharci ee suurto gelinaaya in ay muwaadiniintu cod-kooda ku dhiibtaan isla markaana la tir-tiro in ay dhacdo in lagu noq-noqdo cod-bixinta taa soo sharci-daro ah.
- Markuu xaqiiqsaday: In habka ugu wanaagsan ee lagu sixi karo nidaamka doorashadu uu yahay in la abuurto nidaam lagu Diwaan-gelinayo dhamaan cod-bixiyeyaasha taas oo sahlaya in cod-bixiyeyaashu ay si sahlan codkooda u dhiibtaan maalinta doorashada
- Markuu ka Dooday: Wax-ka bedelka iyo soojeedinta golaha guurtidu ay ku sameeyeen mashruuc sharcigan.

Wuxuu ansixiyey soona saaray Xeerka Diwaangelinta Cod-bixiyeyaasha Xeer Lr. 37/2007

XEERKA DIIWAAN-GELINTA COD-BIXIYEYAASHA

CUTUBKA KOOWAAD

QODOBKA 1AAD**Macnaha Eray-bixinta**

1. **Diiwaanka:** Waxa loola jeedaa diwaanka lagu qoro magacyada cod-bixiyayaasha ee goob-doorasho kasta.
2. **Diiwaanka Guud:** Waxa loola jeedaa diiwaanka dhexe ee la dhigo xarunta komishanka doorashooyinka kaasoo lagu kaydiyo dhammaan magacyada cod-bixiyayaasha qaranka Somaliland
3. **Cod-bixiye:** Waxaa loola jeedaa muwaadin kasta oo xaq u leh in uu wax doorto, lana doorto islamarkaana gaadhay da'da cod-bixinta.
4. **Muwaaddin:** Waxaa loola jeedaa qof kasta oo buuxiyay shuruudaha uu tilmaamayo Xeerka Jinsiyaddu xeer Lm. 22/2002.
5. **Diiwaanka Gobolka ama Degmada:** Waxaa loola jeedaa diiwaanka heer gobol ama degmo
6. **Kaadhka Cod-bixinta:** Waxa loola jeedaa kaadhka la siiyo cod-bixiyaha marka la diiwaan-geliyo.
7. **Kaadhka Aqoonsiga:** Waxaa loola jeedaa kaadhka aqoonsiga muwaaddinimo (teesarada)
8. **Komishanka:** Waxaa loola jeedaa komishanka doorashooyinka qaranka
9. **Wakiil Xisbi:** Waxa loola jeedaa xubinta uu xisbi u soo magacaabo in uu wakiil uga noqdo goobaha diiwaan-gelinta codbixiyayaasha.
10. **Goob-joogayaal:** Waxa loola jeedaa kormeerayasha caalamiga iyo kuwa maxaliga ah ee hubinaya habsami u socodka hawlaha diiwaan-gelinta cod-bixiyayaasha.
11. **Dastuur:** Waxa loola jeedaa dastuurka Qaranka Jamhuuriyadda Somaliland

QODOBKA 2^{AAD}**MABAADII'DA GUUD**

Xeerkan waxaa lagu maamulayaa Diiwaan-gelinta codbixiyayaasha Qaranka Somaliland

Qoddobka 1^{aad} ee Lifaaqa: Saamaynta Xeerkan Wax-ka-beddel

Wax-ka-beddelkani waxa u saamayn KMG ah oo laalis ah ku samaynaya qoddobada Xeerka Diiwaan-gelinta Cod-bixiyayaasha ee kala ah 7.4(j); 8(1 & 9); 10(4); 12(1 & 2); 13; 14(t & j); 18; 19; 22; 23(1); 27; 28 iyo 31; isla markaana wuxu qeexaya Qoddobadda Xeer ee halkoodii lagaga dhaqmayo si loo hir-geliyo diiwaan-gelinta cod-bixiyayaasha ee ugu horaysa.

QODOBKA 3^{AAD}**SHAQADA KOMISHANKA DOORASHOYINKA QARANKA**

Komishanka Doorashooyinka Qaranku isagoo la kaashanaaya Wasaaradda Arrimaha Gudaha waxaa uu dalka Somaliland ka dhaqan-gelinayaa hawsha diiwaan-gelinta cod-bixiyayaasha.

QODOBKA 4^{AAD}**DIIWAANKA COD-BIXIYAYAASHA QARANKA SOMALILAND**

Xeerkan waxa uu aasaasay Diiwaanka cod-bixiyayaasha Qaranka Somaliland, Diiwaankaasi oo lagu diiwaan-gelin doono dhammaan muwaaddin kasta oo xaq u leh in uu wax doorto ama la doorto, sida ku cad Dastuurka yo Xeerarka kale ee dalka. Diiwaanku waxa uu noqonayaa Dokumenti lagu kaydiyo Qalabka Kombiyuutarka iyo qoraal oo ka kooban dhammaan xogaha laga qoro muwaaddinka marka loo diiwaan-gelinaayo cod-bixiye ahaan.

QODOBKA 5^{AAD}**DAABACAADDA DIIWAANKA COD-BIXIYAYAASHA**

Komishanka Doorashooyinka Qaranka ayaa xil ka saaran yahay habaynta, dhaqan-gelinta iyo daabacaadda diiwaanka codbixiyayaasha. Diiwaanka guud waa in la dhigo xarunta Komishanka qaranka, waxaana maamuli doona Waax gaar ah oo uu madax ka yahay mas'uulka diiwaanka codbixiyayaasha ee Qaranka, oo ay magacaabayaan komishanka qaranku, waxa kale oo jiraya diiwaanka gobolka, degmada, iyo goobta.

QODOBKA 6^{AAD}**LA HAANSHAHA DIIWAANKA**

Diiwaanku waa hanti ummadeed waxaanu u furan yahay dadweynaha. Xisbi kasta oo siyaasadeed waxa uu xaq u leeyahay in uu la socdo habaynta, dhaqan-gelinta, iyo daabacaadda Diiwaanka. Muwaaddin kasta waxa uu xaq u leeyahay in uu Xarunta uu yaallo Diiwaanku uu ka helo xog kasta oo uu u baahdo oo ku saabsan arrimaha Doorashooyinka.

QODDOBKA 7^{AAD}**HAWL-GALKA DIIWAAN-GELINTA COD-BIXIYA-YAASHA & SUGIDDA****MUWAADINIMADDA**

Bilawga Hawl-galka diiwaan-gelinta cod bixiya-yaasha waxa sal-dhig iyo gun-dhig u ah Qoddobadan soo socda oo ay waajib tahay in la dhammaystiro.

1) Marka diiwaan-gelinta la sammaynayo waa in la sugo Muwaadinnimada Qofka Somalilanderka ah (Nationality ID card) iyo tan Diiwaan-gelinta cod-bixiyaha (Registration Card) oo mar la wada qabanayo, is-diiwaan-gelinta ugu horaysa oo kaliya

2) Maadaama Xeerka Jinsiyada xeer lambar 22/2002 Qoddobkiisa saddexaad (3) farqada 1aad Xarafka A & B anu sahli karin, lana jaaan-qaadi karin sugida Muwaadinnimada & Diiwaan-gelinta cod-bixiyaha, iyada oo aan laga heli karin Maxkammadd goob-kasta, ayaa waxa leh awoodda bixinta Aqoonsiga Muwaadinka Wakiiladda Wasaaradda Arrimaha Gudaha iyo Wakiilka Maxkammada, iyada oo ay goob-joog yihiin Wakiiladda Komishanka & Xisbiyada.

3) Goob kasta oo diiwaan-gelineed waxa ka hawl-galaya:

- 1 Wasaarada Arrimaha Gudaha laba Xubnood
- 2 Wakiilka Maxkammada Hal Xubin
- 3 Komishanka Qaranka laba Xubnood
- 4 Wakiilada Xisbiyada Saddex Xubnood

Qoddobkani waxa uu si gaar ah dhaqan gal u ahaanaya xilliga diiwaan-gelinta cod-bixiyayaasha ee u horaysa. Wakhtiyada lagu jiro xilliyada aanay diiwaan-gelinta cod-bixiyayaashu jirin waxa la adeegsanaya Qoddobka 3aad ee Xeerka Jinsiyada Xeer Lambar 22/2002.

4) *Diiwaan-gelinta waxa loo raacayaa heerarkan ama jaran-jarooyinkan :-*

b. Qofkasta oo raba in uu is diiwaan-geliyo wuxu soo maraya Wakiiladda Wasaaradda & Wakiilka Maxkammada ka dib marka ay sugnaato muwaadinnimadiisna wuxu u gudbaya Wakiiladda Komishanka oo diiwaan-gelin doona iyaga oo Wakiiladda Axsabtuna ay goob joog-yihiin.

t. Waxa isla goobtaasi lagu wada siinaya qof kasta oo ay u sugnaatay Muwaadinnimadiisu Kaadhka Muwaadinnimadda (Nationality Card) iyo kan diiwaan-gelinta cod-bixiyaha (Registration Card).

j. Marka ay sugnaato Muwaadinnimada qofka is diiwaan-gelinaya, laguna dhaarto in uu muwaadin yahay waxa uu Mas'uulka Wasaaraddu gelinaya formka rasmiga ah, waxana lagu qorayaa magaca oo afran, sanadka dhalashada lab & dhedig in uu yahay qof xaas leh iyo in kale, ka dibna Mas'uulku ku saxeexo wakiilka maxkammada hortiisa.

5) Qofka ay Wasaaradda & Maxkammadu ay sugi kari waydo Muwaadinimadiisa waxa lagu war-gelinayaa in uu wakhti cayiman Guddigga horteeda ku keeno Caaqil, haddii ay suurta-geli waydana uu keeno qof la yaqaan oo Hanti ma-guurta ah ku leh Degaanka, oo caddeeyaa in uu yahay muwaadin Reer Somaliland ah, kuna dammiinto hantiddiisa.

6) Maxkammadaha Racfaanka ee Gobolladda ayaa magaacabaya Wakiiladda Maxkammadaha ee uga qayb-gelaya goobaha diiwaan-gelinta cod-bixiya-yaasha, Wakiiladda maxkammadaha & xisbiyadu waa in ay sitaan warqad Wakaaladda rasmiga ah iyo kaadhahd aqoonsi (ID card).

7) Diiwaan-gelintu waa hawl qaran oo soconaysa muddo cayiman (periodic process).

Qoddobka 2aad ee Lifaaqa: Hab-raaca Geedi-socodka Diiwaan-gelinta Cod-bixiyayaasha Iyo Sugida Muwaadinimadda

4.A 1. Geedi-socodka Diiwaan-gelinta Cod-bixiyayaashu waxa uu ka koobnaan doonaa saddex mar-xaladood oo is-daba-joog ah, lagana hir-gelin doono Gobol kasta oo Dalka ah xilli u gaar ah.

2. Saddexdaa marxaladood waxa ay kala yihiin: -

b. Marxaladda diyaar-garowga

i. Marxaladdani waxa ay noqonaysa muddo aan ka yarayn 25Maalmood oo Muwaadiniinta Gobol-kasta lagu wacyi-gelinayo in ay u diyaar-noqdaan Diiwaan-gelinta Cod-bixiyayaasha;

ii. Xilliga lagu jiro marxaladdan diyaar-garowga ah, Xafiisyadda Diiwaan-gelinta ee Degmo kasta, waxa la dhigaya Foomam loogu tallo-galay Dadweynaha, oo Is-diiwaan-geliyuhu ku qorayo Macluumaadka looga baahan yahay diiwaan-gelinta; sido kalena waxa dadweynaha lagu wacyi-gelinaya, tilmaamana laga siinaya sidii ay ugu diyaar-garoobi lahaayeen marxaladda xigta ee geedi-socodka Diiwaan-gelinta cod-bixiyayaasha

t. Marxaladda Diiwaan-gelinta Cod-bixiyayaasha ee rasmiga ah: -

*i. Marka ay dhammaato mar-xaladda diyaar-garowgu, waxa ku xigi doona muddo aan ka yarayn 5Maalmood oo ay Gobol kasta tagayaan kooxo hawl-wadeeno ah, tiradoodana uu goynayo Komishanku; kana kooban sida ku cad **Qoddobka 7aad (3)** ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha, si ay u hir-geliyaan diiwaan-gelinta rasmiga ah ee Cod-bixiyayaasha labadda doorasho ee soo-socda. Sido kalana halkaasi (goobtaasi) waxa Muwaadinka shuruudaha buuxiyay lagu siin doona Kaadhka Muwaadinimadda iyo Kaadhka cod-bixinta;*

ii. Haddii Maalinta ugu dambaysa ee diiwaan-gelinta cod-bixiyayaasha ay soo hadhaan dad aan la diiwaan-gelinin, Komishanka Doorashooyinka Qaranku waxa uu qaadaya talaabo kasta oo lagu xaqiijinayo in la diiwaan-geliyo dadka jooga Goobta ka hor waqtiga la xidhayo diiwaan-gelinta.

iii. Goobihii cod-bixineed ee doorashadii u dambaysay, waxay noqonayaan goobo diiwaan-gelineed. Hase- yeeshe Komishanka Doorashooyinka Qaranku wuxu awood u leeyahay in uu sammeeyo goobo cusub ama in uu goobihii hore u jiray u raro (beddelo) meelo kale si loo de-dejiyo geedi-socodka diiwaan-gelinta.

j. Marxaladda Dhammaystirka Diiwaan-gelintu waxa ay ahaanaysa mid daba socon doonta marxaladda diiwaan-gelinta rasmiga ah, socona doonta muddo dhan 15Maalmood oo

kooxo hawl-wadeeno ahi ka hawl-galayaan Xafiis kasta oo diiwaan-gelineed oo heer-degmo ah, si ay xogaha diiwaan-gelinta la xidhiidha uga soo qadaan muwaadiniinta ka soo gaadhi waayay waqtigii Marxaladda diiwaan-gelinta rasmiga ahi socotay.

QODDOBKA 8^{AAD}

FORMKA DIIWAAN-GELINTA

Formka diiwaan-gelinta ayaa sal-dhig u noqonaya diiwaan-gelinta Muwaadinka, Diiwaan-gelinta oo dhammaystiran ayuunba la gelin karaa diiwaanka.

Formka Diiwaan-gelinta waxa lagu qorayaa ugu yaraan xogaha hoos ku qoran ee Cod-bixiyaha :-

1. Magaca Cod-bixiyaha oo afran una qoran sida uu ugu qoran yahay formka Muwaadinimda ee Wasaaradda Arrimaha Gudaha
2. Sanadka uu dhashay iyo meesha uu ku dhashay
3. Lab ama dhedig
4. Goob-doorasho Gobol ee uu cod-bixiyuhu ka dhiibanayo codkiisa
5. Sawirka cod-bixiyaha.
6. Saxeexa cod-bixiyaha ama tilmaan tusaysa in aanu cod-bixiyuhu saxeexi karayn
7. Lambarka gaarka ah ee lagu diiwaan-geliyay cod-bixiyaha
8. lambarka tix-raaca diiwaan-gelinta cod-bixiyaha
9. lambarka warqadda Aqoonsiga (ID Card Number)
10. Komishanka Doorashooyinku waxa uu awood u leeyahay in uu ku daro formka Diiwaan-gelinta xog kasta oo dheeraad ah oo ay u arkaan in ay muhiim u tahay in ay qabsoonto doorasho Dimuqraaddi ahi, isagoo kala tashanaya Axsaabta Qaranka.

Qoddobka 5^{aad} ee Lifaaqa: Foomka Diiwaan-gelinta

Qoddobkani waxa uu wax-ka-beddel ku sammaynayaa isla Markaan kaabaya Qoddobadda 8(7 & 9) iyo 31(4 & 5), waana sidani.

Lambarka diiwaan-gelinta u gaarka ah ee lagu xusay Qoddobka 8aad ee Xeerka Diiwaan-gelinta Cod-bixiyayaashu waa inuu la mid yahay kuwa u gaarka noqonaya kaadhka cod-bixiyaha iyo kaadhka muwaadinka.

QODDOBKA 9^{AAD}

SHAQAALAHA KA HAWL-GALAYA SUGITAANKA JINSIYADDA

Shaqaalaha loo qaadanayo Xafiisyada kala duwan ee sugidda Muwaadinimo waxa lagu xulanaya shuruudahan:-

1. Waa in uu Muwaadin reer Somaliland ah yahay.
2. Waa in aan da'diisu ka yaraan 25 jir.
3. Waa in uu Caafimaad qabaa jidh ahaan & Maskax ahaanba.
4. Waa in aanu xukun maxkammadeed oo kama-dambays ahi ku dhicin.
5. Waa in uu leeyahay aqoon Dugsi Sare, heer-jaamacadeed ama wax-u-dhigma.
6. Waa in uu ku sifoobaa karti, daacadnimo & Aaminaad Bulshada dhexdeeda ah, sumcadna ku leeyahay.
7. Sifooyin ka kalana waxa uu la wadaagaa, sifaha lagu xullanayo Shaqaalaha Diiwaan-gelinta.

QODOBKA 10^{AAD}

REEBBANAAN

Waxa reebban in shaqsiyaadka hoos ku xusan loo diwaan geliyo cod-bixiyayaal ahaan: -

1. Qofka aanu xuskiisu dhamayn (waalan)
2. Maxaabiista Xukuman ama gar-sugayaasha ah.
3. Ajnabiga dalka gudahiisa ku sugan
4. Qofka aan gaadhin da'da cod-bixinta

QODOBKA 11^{AAD}**SHAQAALAHA DIIWAAN-GELINTA**

1. Si loo dhaqan-geliyo Diiwaan-gelinta, Komishanku waa in uu shaqaaleeyaa shaqaale khibrad iyo xirfad u leh dhaqan-gelinta Diiwaan-gelinta, oo ay ka mid yihiin:

- a) Mas'uulka Diiwaanka Qaranka oo mas'uul ka noqon doona maamulka Diiwaanka islamarkaana ah madaxa Waaxda Diiwaan-gelinta cod-bixiyeyaasha ee Xarunta Komishanka Doorashooyinka Qaranka;
- b) Mas'uulka Diiwaanka ee Gobol kasta;
- c) Mas'uulka Diiwaanka ee Degmo kasta. Haseyeeshee Degmooyinka ay ku nool yihiin dadweyne badani, Komishanku waxa uu xafiisyada Diiwaan-gelinta ee heer Degmo u magacaabi karaa in ka badan hal mas'uul, si hawsha doorashadu si habsami ah ay ugu dhaqangasho oo loo qabto;
- d) Mas'uulka Diiwaanka ee goob kasta oo cod-bixineed.

2. Shaqaalaha loo qaadanaayo xafiisyada kala duwan ee Diiwaan-gelintu waa in ay noqdaan dad reer Somaliland ah oo ka madaxbannaan siyaasadda oo lagu soo xushay khibradda iyo aqoonta looga baahan yahay booska uu ka shaqaynaayo. Inta aan qofka la shaqaalayn ka hor, Komishanku isagoo ka duulaaya shuruudaha heer caalami (international criteria), waa in uu qeexo:

- a) Shuruudaha iyo xirfadaha looga baahan yahay qofka loo qaadanaayo booska;
 - b) Habka loo raacayo xulashada Shaqaalaha; iyo
 - c) Waajibaadyada shaqo ee qof kasta (boos kasta) uu ku lahaanayo geeddi-socodka hawsha Diiwaan-gelinta. Booska Mas'uulka Diiwaanka heer Qaran waa mid joogto ah.
3. Qaabdhismeedka maamulka goobaha diiwaan gelinta waxaa loo raacayaa xeerka doorashooyinka qaranka.

CUTUBKA LABAAD**DIIWAAN-GELINTA CODBIXIYEYAASHA*****Qoddobka 3^{aad} ee Lifaaqa: Nidaamka Diiwaan-gelinta Rasmiga ah.***

Qoddobkani waxa uu beddelayaa qoddobadda 12(1 & 2), 18 & 19 ee Xeerka Diiwaan-gelinta cod-bixiyayaasha, waana sidan:

Waa in la raaco dhammaanba tallaabooyinka soo socda marka la sammaynayo Diiwaan-gelinta rasmiga ah, una kala horeeya sidani :-

b) Mas'uulka Wasaaradda Arrimaha Guduhu;

*i. Wuxu waydiinaya qofka in uu yahay muwaadin Somaliland ah, xaqiijin ka dibna waxa uu Wakiilka Maxkamaddu ku dhaarinaya hortiisa, Muwaadin kasta oo is-diiwaan-gelinaya, da'diisuna ka yaraanayn 16sano Maalinta loo qorsheeyay **Doorashadda Madaxtooyadda.***

- ii. Mas'uulka Wasaaraddu haddii uu ku qanco Jawaabta uu ka hello Is-diiwaan-geliyaha waxa uu u ogolanaya in diiwaan-gelinta qofkaasi muwaadinimadiisu sugantay la sii wado.
- t) Hawl-wadeenka Komishanka Doorashooyinku waxa uu isago adeegsanaya **Kombuyuutarka Lap-topka** ah, ka qoraya is-diiwaan-geliyaha xogta isaga la xidhiidha ee uu qeexayo **Qoddobka 8aad** ee Xeerka Diiwaan-gelinta Cod-bixiyayaashu, sido kalena waxa uu sawir elektaroonik (Electronic)ah & farahaba ka qaadayaa is-diiwaan-geliyaha oo uu Kombuyuutarka gelinaya.
- j) Is-diiwaan-geliyaha waa in loo akhriyo xogta laga qoray waana in la hubiyo in uu ogolaaday, ka dibna diiwaan-geliyuhu waxa uu ku xafidaya xogtaasi Kombuyuutarka.
- x) Mas'uulka Diiwaan-geliyaha ahi waxa uu ka soo saaraya kombuyuutarka: -
- i. Laba nuqul oo isku mid ah, oo ah foomka diiwaan-gelinta, kuwaasi oo mid la siin doono Wasaaradda Arrimaha Gudaha ka kalena noqon doono diiwaanka Diiwaan-geliyayaasha.
- ii. Kaadhka Muwaadinimadda iyo Kaadhka cod-bixinta doorashadda.
- kh) Mas'uulka ka socda Komishanka, ahna Guddoomiyaha Goobta, ayaa saxeexaya kaadhka cod-bixinta, halka uu mas'uulka ka socda Wasaaradduna uu saxeexi doono kaadhka muwaadinimadda. Labadda mas'uul waxa kale oo ay saxeexayaan labadda nuqul ee foomka diiwaan-gelinta. Is-diiwaan-geliyuhuna waa in uu suulka bidix dhigo ama saxeexo labadda foom iyo weliba kaadhka cod-bixinta doorashadda iyo kaadhka Muwaadinimadda.
- d) Is-diiwaan-geliyaha waa in far-yaradda bidix ee gacanta loo geliya khadka aan masaxmin, haddii ay maqan tahayna far-yarta midig ee gacanta. Haddi ay labadduba maqan-yihiina laga mariyaa khadka meel uu ka muuqan karo oo jidhkiisa ah.
- r) Is-diiwaan-geliyaha waxa isla-goobtaasi lagu siinaya kaadhka muwaadinimadda iyo kaadhka cod-bixinta doorashadda.

Qoddobka 4^{aad} ee Lifaaqa: Nidaamka Dhammaystirka Diiwaan-gelinta

Qoddobkani waxa uu beddelayaa oo uu halkiisii gelayaa qodobadda **12(1 & 2), 18 iyo 19**. Sidoo kalena waxa uu wax ka beddelayaa Qoddobka **14aad** ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha, waana sidani: -

1. Nidaamka loo raacayo hir-gelinta Marxaladda dhammaysirka diiwaan-gelintu waxa uu noqonayaa nidaam la mid ah ka loo raacay hir-gelinta Marxaladda diiwaan-gelinta rasmiga ah ee cod-bixiyayaasha. Haseyeeshe is-diiwaan-geliyaha, isla marka la diiwaan-geliyo la siin maayo kaadhka codbixiyaha iyo kaadhka muwaadinka, halkoodii waxa laga siinaya nuqul daabacan oo muujinaya xogtii isaga/iyadda laga buuxiyay ee la geliyay kombuyuutarka;
2. **Marka uu komishanku soo af-jaro hubinta in aanay jirin dad hal mar in ka badan is diiwaan-geliyay, ayaa kaadhka cod-bixinta iyo kaadhka muwaadinnimadda laga siinaya is-diiwaan-geliyaha, isla Xafiiskii uu hore isaga diiwaan-geliyay, isagoo la imanaya halkaasi nuqulkii daabacna ee laga siiyay Xafiiska Diiwaan-gelinta Degmadda;**
3. Muddada lagu jiro marxaladda Dhammaystirka Diiwaan-gelinta lama dabaqayo xarfaha **(t) iyo (j) ee Qodobka 14aad ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha**, marka la diiwaangelinayo, waa in uu muwaadinku cayimo goobta uu jecel yahay in uu ka coddeeyo, taasi ayaana lagu Diiwaan-gelinayaa Foomka diiwaan-gelinta iyo labada kaadhba, halkaasi ayuun baanu muwaadinkaasi ka dhiibanayaa codkiisa Maalinta Doorashadda, meel kalana ka coddayn maayo.

QODOBKA 12^{AAD}**DHAQAN-GELINTA DIIWAAN-GELINTA**

1. *Komishanku waa in uu dhaqan-geliyaa diiwaan-gelinta cod-bixiyeyaasha ugu yaraan muddo lix bilood ah ka hor maalinta doorashada.*
2. *Diiwaan-gelintu waxa ay soconaysaa muddo aan ka yarayn hal bil kana badnayn saddex bilood.*
3. *Komishanku isagoo adeegsanaya dhammaan hababka warbaahinta kala duwan ee ka jira dalka, waa in uu daabaco islamarkaana baahiyo xilliga loo cayimay Diiwaan-gelinta iyo dhammaan wixii xog ah ee ay muwaaddiniintu u baahan yihiin in ay ogaadaan.*
4. *Komishanka waxaa ku waajib ah in uu baro islamarkaana ku wacyi geliyo muwaaddiniinta muhiimadda ay Diiwaan-gelintu leedahay.*
5. *Si arrintaa loo suurto-geliyana Komishanku waa in uu diyaariyaa barnaamij qayb ka ah geedi-socodka Diiwaan-gelinta oo loogu talo-galay in lagu baro laguna wacyi geliyo dadwaynaha in ay isu diyaariyaan doorashada.*
6. *Madaxweynaha ayaa ku dhawaaqaya xiliga la bilaabaayo diwaan-gelinta cod-bixiyeyaasha, isaga oo ku soo saaraaya digreeto Madaxweyne ka dib marka uu helo soo jeedinta komishanka doorashooyinka qaranka muddo shan iyo toban maalmood gudahood.*

Qoddobka 7^{aad} ee Lifaafa: Ku dhawaaqidda Wakhtiga Diiwaan-galinta (Registration Calendar)

Qoddobkani waxa uu wax ka beddelayaa Qoddobka 12(3) ee Xeerka Diiwaangelinta Cod-bixiyeyaasha, waana sidani: -

Kalalka (wakhtiyadda) Diiwaan-gelinta ee Goboladda waxa ku dhawaaqaya oo faafinaya Komishanka Doorashooyinka Qaranka, isagoo adeegsanaya aaladaha war-baahineed ee Dalka ka jira; waana in uu xil gaar ah iska saaro Komishanku, si uu u xaqiijiyo in muwaaddiniinta Gobol kasta ogaadaan kalka/wakhtiga loo cayimay gobolkooda in ay ka qabsoonto diiwaan-gelintu cod-bixiyeyaashu.

QODOBKA 13AAD**ANSIXINTA DIIWAANGALINTA COD-BIXIYAYAASHA**

Komishanka ayaa ansixinaaya Diiwaan-gelinta cod-bixiyeyaasha ee doorasho kasta. Hase ahaatee, Komishanku waa in uu furo diiwaangelinta cod-bixiyeyaasha muddo aan ka yarayn bil gudaheed, lix bilood ka hor xilliga doorasho kasta si loo diiwaan-geliyo cod-bixiyeyaasha cusub iyo wixii isbedel ku yimid cod-bixiyeyaashii hore loo diiwaan-geliyay, isla markaas kaadhahka cod-bixinta ee hore loo bixiyey waxay noqonayaan kuwo ansax ah.

QODDOBKA 14^{AAD}**GOOBTA DIIWAAN-GELINTA**

Iyadda oo laga duulayo waaya-aragimaddii aynu ka helnay Doorashooyinkii hore-

- b) *Komishanku waxa uu cayimayaa Goobo-doorashooyin, waxaanu dejinayaa nidaam lagu kala garto goobaha doorashooyinka, iyada oo uu siinaayo goob-doorasho kasta tirsi lambar (code) oo gaar u ah goob kasta.*
- t) *Cod-bixiyaha waxa laga diiwaan-gelinaya Goob-doorasho cayiman.*
- j) *Cod-bixiye kastaa, waxa uu codkiisa ka dhiibanay maalinta cod-bixinta Doorashooyinka Goobtii hore looga diiwaan-geliyay oo kaliy.*

QODOBKA 15^{AAD}**DOORKA SHAQO EE WASAARADDA**

Doorka shaqo ee ay Wasaaradda Arrimaha Guduhu ku yeelanayso geeddi-socodka Diiwaan-gelinta cod-bixiyeyaashu waxa uu noqonayaa iyadoo la raacaayo sida ku xusan Qodobka 4aad ee Dastuurka iyo Xeerka Jinsiyadda ee tirsigiisu yahay 22/2002; sidaas darteed, Wasaaraddu waa in ay kala caddayso muwaaddinnimada shakhsiyaadka raba in ay isu diiwaan-geliyaan cod-bixinta doorashada. Hawsha shaqo ee Wasaaradda ee ah in ay xaqiijiso muwaaddin-nimada muwaaddiniinta waa in ay Wasaaraadu qabataa ka hor inta aan diiwaan-gelinta la bilaabin balse hawsha diiwaan-gelintuna ay socoto.

QODOBKA 16AAD**WAKIILLADA ASXAABTA QARANKA (GOOB-JOOGAYAAL)**

Xisbi kasta oo siyaasadeed waxa uu magacaabayaa wakiil uu u soo dirsado goob kasta oo diiwaan-gelineed. Wakiillada Xisbiyadu waxa ay hubinayaan in geeddi-socodka diiwaan-gelintu uu waafaqsan yahay sharciga, iyo in aanay dhicin wax kala takoorid ahi, iyo in aan muwaaddin looga reebin diiwaan-gelinta si sharci-darro ah, iyo in ay xaqiijiyaan in nidaamka loo raacay geeddi-socodka diiwaan-gelintu uu yahay mid sax ah. Wakiillada Xisbiyadu way diiwaangelin karaan wixii cabasho ah ee arrimahaas ku saabsan.

QODOBKA 17AAD**NIDAAMKA DIIWAANGELINTA COD-BIXIYAYAASHA**

Maalin kasta inta aan la furin goobta lagu diiwaan-gelinaayo Codbixiyeyaasha waxaa waajib ku ah :-

1. Mas'uuliyiinta Wasaaradda Arrimaha Gudaha, Komishanka Doorashooyinka Qaranka iyo Wakiillada Xisbiyadu waa in ay is xadiriyaan islamarkaana ay saxeexaan qalabka diiwaan-gelinta iyagoo diiwaan-gelinaaya lambarka tixraaca Foomka Diiwaan-gelinta ee ay maalintaa ku shaqaynayaan.
2. Marka ay shaqada dhammeeyaanna waa in sidaas si la mid ah ay magacyadooda ugu saxeexaan iyagoo sheegaaya tirada muwaaddiniinta ay diiwaan-geliyeen maalintaa; inay diiwaan-geliyaan dhacdooyinkii ay la kulmeen, gaar ahaan haddii ay jiraan foomam xumaaday ama si qaldan loo daabacay; inay qoraan tirsiga lambarka foomamka aan la isticmaalin.
3. Wakiillada Xisbiyadu, ka hor inta aanay saxeexin, waxa ay xaq u leeyihiin inay dhiibtan wixii talo ah ama cabasho ah ee la xidhiidha diiwaan-gelinta maalintaas.
4. Labada Dokumenti ee la saxeexay waa in nuqullo ka mid ah la siiyo Mas'uulka ka socda Wasaaradda Arrimaha Gudaha iyo Wakiillada Xisbiyada ee goobtaas jooga.
5. Haddii mid ama in ka badan oo wakiillada Xisbiyada ka mid ahi ay diidaan in ay saxeexaan dokumentiga, mas'uulka ka socda Komishanka Doorashooyinku waa in uu arrintaas diiwaan-geliyo. Si kastaba ha ahaatee, ka baaqsashada uu wakiil ka mid ah Xisbiyadu ka baaqdo in uu saxeexo dokumentiga waxba ma yeelayso (uma dhimayso) hawsha Diiwaan-gelinta.

QODOBKA 18AAD**HAWSHA MAS'UULKA KOMISHANKA DOORASHOYINKA QARANKA**

Marka uu mas'uulka Komishanka Doorashooyinka Qaranku helo nuqulka caddaynaya muwaaddinnimada cod-bixiyaha waxa uu qabanayaa hawlahaan soo socda:

- 1) *Mas’uulku waa inuu waydiiyo cod-bixiyaha in ay rasmi yihiin xogaha la geliyay foomka muwaadinnimada.*
- 2) *Mas’uulku waa inuu xogta sare ku xusan geliyo Foomka diiwaan-gelinta cod-bixiyaha, isla markaana uu u akhriyo cod-bixiyaha.*
- 3) *Cod-bixiyuhu waa inuu suulka bidix dhigo ama saxeexo Foomka diiwaan-gelinta codbixiyaha iyo kaadhka codbixinta,*
- 4) *Cod-bixiyaha waa in la sawiraa isla markaana la siiyaa kaadhka cod-bixinta.*
- 5) *Cod-bixiyuhu waxa uu qaadanaayaa kaadhka codbixinta, iyadoo ay joogaan mas’uulka iyo wakiillada Xisbiyada Siyaasaddu.*
- 6) *Cod-bixiyuhu waa inuu saxeexaa inuu qaatay kaadhka cod-bixinta.*

QODOBKA 19AAD

CABASHADDA COD-BIXIYAHA EE XOGTA FOOMKA LA GALIYAY

Haddii uu cod-bixiyuhu sheego in aanuu ku qanacsanayn xogaha lagu buuxiyay (la geliyay) Foomka muwaadinnimada, mas’uulka Komishanka Doorashada Qaranku waxa uu nuqulkaasi ku celinayaa mas’uulka wasaaradda si uu u saxo.

QODOBKA 20AAD

COD-BIXIYAHA AAN LAHAYN AWOODA SAXEEXA

Haddii cod-bixiyuhu aanu saxeexi karahayn Foomka Diiwaan-gelinta, waxa uu ku saxeexayaa Suulka oo uu saarayaa. Haddii uu cod-bixiyuhu naafo yahay oo aanu adeegsan karahayn suulka bidix , waxa uu adeegsanayaa suulka gacanta midigta, waase in sababta lagu qoro diiwaanka. Haddii uu codbixiyuhu naafo dhammaystiran yahay waa in arrintaa lagu sheego Foomka Diiwaan-gelinta.

QODOBKA 21AAD

SIXITAANKA DA’DA

Haddii uu muwaadinku yahay mid aan gaadhin da’da doorashada xiliga diiwaan-galinta, balse uu gaadhayo da’da doorashada wakhtiga doorashada, qofkaasi waa la diiwaan-gelinayaa kaadhka cod bixintana waa la siinayaa.

QODOBKA 22AAD

HABKA XAFIDAADA QALABKA DIIWAAN-GELINTA

1. Marka ay dhammaato hawl-maalmeedka shaqo ee diiwaangelintu, dhammaan Foomamka diiwaangelinta iyo Foomamka muwaadinnimada iyo qalabka kale ee loo isticmaalay diiwaangelinta waxa lagu celinayaa oo la dhigayaa si looga qaado maalinta shaqo ee xigta xafiiska diiwaangelinta ee Degmada. Haddii sidaas la yeeli waayo, Mas’uulka Diiwaangelinta Degmada waxa xil ka saaran yahay in sida ugu dhakhsaha badan uu u wargeliyo Booliiska islamarkaano uu faro in mas’uulka qaladkaasi ku kacay la soo qabto loona keeno mas’uulka Degmada; Haddii uu qaladku yahay mid ku yimi dhayalsi ama si niyad xumo ah, mas’uulka Degmadu waxa uu islamarkaaba shaqada ka eryayaa masuulka ku kacay falkaasi ama waxaa lagu ciqaabayaa Xeerka Ciqaabta iyadoo loo eegaayo xaaladda iyo hadba culayska fal-dambiyeedkaasi uu leeyahay.
2. Meelaha ay jirto gaadiid xumo, dokumentiga waxuu ku dhaxayaa diiwaangaliyaha goobta oo u gudbin doona diiwaangaliyaha Degmada hal mar todobaadkiiba maalinta khamiista. Haseyeeshee mas’uulka diiwaangaliyaha ah waxa uu xil ka saaranyahay qorista iyo xafidaada diiwaanka hawl maal- meedka diiwaan-gelinta oo dhan sida ku qeexan

Qodobka 17aad ee Xeerkan. Komishanka ayaa go'aaminaya goobdoorashooyinka uu qodobkani saamaynayo, iyagoo la tashaday xusbiyada qaranka.

3. Hawlmaalmeedka goobta diiwaangelinta waxaa la bilaabayaa 6:00 subaxnimo, waxaanay dhammaanaysaa 6:00 galabnimo, haddii dib u dhac ku yimaado saacada furitaanka ee goobta waa in lagu caddeeyo war bixinta sababta keentay dib u dhacaas, haddii dib udhacu aanu garawshiiyo lahayn waa in masuulka diiwaangelinta ee degmadu talaabo ka qaadaa, sidaasina uu war bixinta uu ku guddbiyaa.

Haddii la gaadho 6:00 galabnimo oo ay joogaan dad aan la diiwaan gelin, waxaa loo raacayaa xeerka doorashooyinka, waxaana la diiwaan gelinayaa dad kaas ilaa in ta ay ka dhammaanayaan dadka markaas joogaa.

Qoddobka 8^{aad} ee Lifaafa: Nidaamka lo ilaalinayo Qalabka Diiwaan-gelinta.

Qoddobkani waxa uu beddelaya oo uu halkoodii gelayaa Qodobadda **22 iyo 23(1)** ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha, waana sidani: -

1. Muddada lagu jiro marxaladda Diiwaan-gelinta Rasmiga ah, dhammaanba Qalabka iyo agabka kale ee loo adeegsaday Diiwaan-gelinta iyo waliba natiijada ka soo baxday hawsha la qabtay maalintaasi, waxa meel amaan ah ku xafidaya oo hayntooda u xil-saaran mas'uulka uu Komishanka doorashooyinku u xil-saro hawshaasi iyada ah.

2. Maalin kasta bilawga iyo dhammaadka hawsha diiwaan-gelinta ee maalintaasi, waa in ay hawl-wadeennaddu buuxiyaan foomka bilawga hawsha iyo foomka la gelinayo natiijada hawsha maalintaasi la qabtay. Dhammaan mas'uuliyiinta ku hawlan hawsha diiwaan-gelinta iyo waliba Wakiiladda Xisbiyada Siyaasiga ahi waa in ay wada saxeexaan foomamkaasi oo dhan.

3. Marka ay dhammaato marxaladda diiwaan-gelinta Rasmiga ah ee Gobolku, qaabka loo gudbinayo dhammaan foomamka loo adeegsaday diiwaangelinta, war-bixinaha geeddi-socodka diiwaan-gelinta iyo xogaha electroonikada ku diiwaan-gashanba, waxa habka loo kaydinayo tilmaan ka bixinaya Komishanka Doorashooyinka Qaranka.

QODOBKA 23AAD

WAAJIBAADKA MAS'UULIYIINTA DIIWAAN-GELINTA

1. Masuulka diiwaangelinta ee heer Degmo wuxuu habaynayaa oo uu haynayaa gelinayaana warbixinada diiwaangelinta qabsoontay todobaad walba Foomka uu siin doono Komishanku, wuxuuna u gudbinayaa mas'uulka heer Gobol xog faahfaahsan oo ku saabsan sida ay diiwaangelintu uga qabsoontay todobaadkii tagay Degmadiisa.

Mas'uulka heer Gobolna ka dib markuu soo ururiyo warbixinta degmooyinka gobolka wuxuu u gudbinaya warbixin dhamaystiran komishanka qaranka.

2. Komishanka waxa waajib ku ah inuu todobaad kasta ku daabaco Wargaysyada Qaranka kana baahiyo Idaacadaha iyo Telefeeshinka tirada muwaadiniinta is diiwaangelisay iyo inuu sidoo kale qaado talaabooyin uu dadka ku wacyi -gelinayo si ay suurto gal ugu noqoto in ay isdiiwaan-geliyaan tirada ugu badan ee suurto galka ahi.

Komishanku wuxuu bixinayaa dhammaan Foomamka loo baahdo oo dhan. Warbixintuna waa inay lahaato saxeexa masuulka soo diray.

QODOBKA 24AAD

HAB QORAALKA MAGACYADA

Magaca cod-bixiyaha waa in lagu qoro xuruuf la isla wada sar-gooyey; waana in aanay kala duwanaaniin xuruufta iyo qoraalka ay Wasaarada Arrimaha Gudaha iyo masuuliyiinta Komishanku u adeegsanayaan diiwaangelinta.

QODDOBKA 25

MURANKA DA'DA COD BIXIYAHA.

Haddii Mas'uulka Wasaaradda ama wakiilka Maxkamaddu aanay hubin ama mugdi ka galo da'da muwaadinku in ay gaadhay da'dii cod-bixinta-doorashada waxa la waydiinayaa oo la qaadanaya da'da uu sheego Waalidkii , haddii la waayana waxa go'aan ka gaadhaya Mas'uuliyiinta Goobta.

CUTUBKA SADDEXAAD

LIISKA COD-BIXIYEYAASHA

QODOBKA 26AAD

SOO SAARISTA LIISASKA

Komishanka Doorashooyinka Qaranku, isagoo ku salaynaya liiska magacyada diiwanka ku jira, waa in uu soo saaro liisaska kala duwan ee codbixiyayaasha ee lagama maarmaanka u ah qabsoomidda Doorashada. Si uu u noqdo liis cod-bixineed oo rasmi ah (official). Liis kastaa waa inuu yeeshaa shaambadda Komishanka iyo saxeexa xubin ka mid ah Komishanka Doorashooyinka Qaranka.

Qoddobka 6^{aad} ee Lifaaqa: Xidhista Diiwaan-gelinta.

Qoddobkani waxa uu kaabaya oo habeynayaa Qodobbadda 27 iyo 30 ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha, waana sidani.

b) Mar haddii ay Gobolladda ka dhammaato marxaladda Dhammaystirka Diiwaan-gelintu, ma jirayo qof dambe oo la diiwaan-gelinayaa.

t) Waxa diiwaan-gelin la samayn doona uun ka dib marka ay dhammaadaan Doorashooyinka Golayaasha Deeganadda iyo Doorashadda Madaxtooyadda ee xiligani 2008/2009.

j) Komishanka Doorashooyinka Qaranka ayaa ku dhawaaqaya wakhtiga dambe ee Diiwaan-gelinta Cod-bixiyayaasha dib loo furayo.

QODOBKA 27AAD

DAABACAADA IYO SOO BANDHIGADA LIISASKA

1. Shan bilood ka hor maalinta doorashada, waa in la gaadhsiiyo mas'uuliyiinta diiwaan-gelinta goobaha diiwaan-gelineed, lana bilaabo diiwaangelinta iyada oo koobaysa magaca cod-bixiyaha iyo waxyaabaha kale ee looga baahan yahay.

2. Liisku waa inuu ku daabacan yahay waraaqaha rasmiga ah ee Komishanka waana inuu leeyahay shaambadda xafiiska.

3. Muddada Diiwaan-gelinta haddii ay dhamaato, ayse goobta ay ku sugan yihiin dad aan is diiwaan-gelin oo doonaya in ay is Diiwaan-geliyaan waa in diiwaan-gelintu socata ilaa dadka joogaa dhamaadaan.

Qoddobka 10^{aad} ee Lifaaqa: Daabacadda iyo soo ban-dhigidda Liisaska

Qoddobkani wuxu wax ka beddel ku samaynaya Qoddobka 27aad ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha, waana sidani: -

b. Liiska Muwaadiniinta iska-diiwaan-geliyay Goobaha, kana coddayn doona oo daabacan, kuna daabacan waraaqaha Rasmiga ah ee Komishanka Doorashooyinka Qaranka, lehna shaanbadda Xafiiska waa in lagu dhajiya Goob doorasho-kasta oo cod-bixineed laba bilood gudahood ka hor Maalinta Doorashadda loo muddeeyay in la qabto.

t. Qoddobka 13aad, 27aad iyo 28aad ee Xeerka Diiwaan-gelinta Cod-bixiyayaasha, laguma dabaqayo Diiwaan-gelinta Cod-bixiyayaasha doorashadda ugu soo horaysa marka laga reebo wixi laga soo qaatay qoddobadaasi ee ku jira lifaaqan.

QODOBKA 28AAD

SAXITAANKA XOGAHA KHALDAMA

1. Cod-bixiyaha ku arka wax ka qaldan liiska diiwaangelinta oo isaga ku saabsan, waa inuu u sheego mas'uulka diiwaangelinta kuna qoro qaladka saxeexana foomka loogu talo galay arintan. Mas'uulkanina waa inuu sida ugu dhakhsaha badan u sameeyo sixitaan, warbixinna u gudbiyo mas'uulka diiwaanka heer qaran isagoo u sii marinaya mas'uullada heer Degmo iyo Gobol.

2. Cod-bixiyaha beddela deegaankiisa intii la diiwaangeliyay kadib, ee jecel inuu ka codeeyo goob doorash kale, waa inuu ugu tago mas'uulka diiwaanka Degmada inta aanay dhammaan muddada labada toddobaad ah ee ku xusan Qoddobka 27aad ee Xeerkan isagoo tusaya mas'uulka kaadhkiisa cod-bixinta una sheegaya goob- doorashada kale ee uu jecelyahay inuu ka codeeyo. Mas'uulka diiwaangelinta Degmaduna waa inuu beddelka goob-doorashada ku qoro Foomka loogu talo galay una gudbiyo mas'uulka diiwaangelinta Qaranka.

3. Marka ay dhammaato muddada loogu talo galay beddelka iyo sixitaanku, mas'uulka diiwaangelinta Qaranku wuxuu xog faahfaahsan ka diyaarinayaa dhammaan wixii isbeddelay, wuxuuna xogtan u gudbinayaa Komishanka si loo ansixiyo loona ogolaado in isbeddeladan la geliyo Diiwaanka.

Qoddobka 9^{aad} ee Lifaaqa

Gudbinta Cabashooyinka Muwaadiniinta.

Qoddobkani waxa uu beddelaya oo halkiisi gelaya Qoddobka 28aad ee Xeerka Diiwaan-gelinta Cod-bixiyayaaha, waana sidani: -

Ka hor Maalinta ay dhacayso doorashada hore, Komishanka Doorashooyinka Qaranku waxa uu goob kasta oo cod-bixineed gaynaya foomam loogu talo galay in muwaadiniintu ku soo gudbiyaan wixii cabasho ah ee la xidhiidha Diiwaan-gelinta, kuwaasoo komishankuna ka go'aan gaadhayo ka hor Doorashadda Labaad.

QODOBKA 29AAD

SOOSAARISTA LIISASKA KAMA DAMBAYSTA AH

Marka la diiwaangeliyo dhammaan wixii isbeddel ah, waxaa la diyaarinayaa lana gelinayaa Kombiyuutarka liiska kama dambaysta ah oo noqonaaya liiska uu Komishanku amri doono in laga daabaco dhammaan liisaska loo baahan yahay sida ay jidaynayaan Xeerarka Doorashooyinku iyo hadba sidii kale ee uu Komishanku u arko in ay lagama maarmaan u tahay habsami-u-socodka doorashada. Markay hawshani dhamaato, Komishanku wuxuu siinayaa hal nuqul liiskii oo ah elektroonik (electronic format) wasaaradd Arimaha Gudaha, xisbiyada siyaasiga ah. Liiskaas oo habaysan heer degmo iyo goob codbixineed waxa ka

koobnaanayaa magacyada codbixiyayaasha oo dhan oo hurmaysan sida xuruuf magacyada u kla horeeyaan (alphabetical order) iyo lambarka u gaarka ah ee mid waliba leeyahay.

CUTUBKA AFRAAD
KAADHKA COD-BIXINTA

QODOBKA 30AAD
QAYBINTA KAADHADHKA COD-BIXINTA

Komishanku waa inuu siiyo kaadhka cod-bixinta muwaadin kasta oo isdiwaangaliyay. Si uu muwaaddinku u adeegsado xaqa doorashada waxa lagama maarmaan ah inuu muwaaddinku tago goobaha codbixinta isagoo sita kaadhka codbixinta.

QODDOBKA 31^{AAD}
XOGTA LAGU QORAYO KAADHKA

Kaadhka Diiwaan-gelinta cod-bixiyaha waxa waajib ah in ay ku qornadaan xogtan hoose:-

- 1) Magaca oo afran
- 2) Sawirka Cod-bixiyaha
- 3) Saxeexa Cod-bixiyaha ama Suulka.
- 4) Lambarka Warqada aqoonsiga (ID Card)
- 5) Lambarka Tixraaca Diiwaan-gelinta Cod-bixiyaha.
- 6) Sanadka uu dhashay.
- 7) Lab ama Dhedig
- 8) Goobta Doorashada uu Cod-bixiyuhu ka dhiibanayo Codkiisa

QODOBKA 32AAD
NOOCA KAADHKA COD-BIXINTA

Kaadhka cod-bixintu waa inuu ka samaysanyahay shay aan si fudud u duugoobayn ama dhammaanayn oo aan la fojari-garayn karahayn. Kaadhka cod bixintu wuu nasakhmayaa lana ogolaanmaayo in lagu codeeyo haddii uu kaadhku tirtiran yahay ama ay qaybi ka maqantahay oo aan la akhriyi karahayn.

QODOBKA 33AAD
REEBANAANTA HALKA KAADH WAX KA BADAN

Muwaadinna looma oggola inuu qaato ama haysto hal kaadh cod bixin wax ka badan. haddii lagu helo si khiyaamo ama been abuur ah ama lagu siiyo cod bixiye, ama haysashada hal kaadh in ka badan waxay noqonaysaa been abuur lagula kacay dokumenti Dawladeed. Qofkasta (hawlwadeenada iyo cod-bixiyayaasha) oo falka noocan ah ku kacaana waxa uu mudan yahay oo lagu ciqaabi doonaa sida uu tilmaamayo Xeerka Ciqaabtu. Hay'ad kasta oo awood u lehna waxa uu xil ka saaran yahay inay talaabo sharci ka qaado qofka falkan oo kale ku kaca. Qof kasta oo siiya war qaldan mas'uulka diiwaan-gelinaya, waxa uu mutaysanayaa in lagu Ciqaab mariyo sida uu tilmaamayo Xeerka Ciqaabtu. Waxaa ciqaabtaas oo kale yeelanaya masuulka wasaarada arrimaha guddaha ee bixiya foomka muwaadinnimada, siiyana qof aan muwaadin ahayn.

QODOBKA 34AAD
LUMISTA KAADHKA COD-BIXINTA

Qof kasta oo uu ka lumo ama ka xumaado Kaadhka codbixintu, waxa uu waydiisan karaa Komishanka ama wakiilladiisa heer Degmo ama Gobol in la siiyo mid cusub. Marka sidaas laga soo codsado, lana caddeeyo sababta lumista, Komishanku waa in uu siiyaa Kaadh codbixineed oo cusub, si looga taxadiro in la foojari-gareeyo Kaadhkana waa in la tir-tiraa ka hore

QODDOBKA 35^{AAD}

WAX-KA-BADDELKA KAADHKA DIIWAAN-GELINTA COD-BIXIYAHA

Mashruuca Xeerka Golaha Wakiiladda ka yimid waxa uu ahaa Qoddobka 35aad, isga oo aanu faqradda labaad ku darnayna waxa uu u qormaya sidani:-

- 1) Iyada lagu xisaabtamayo horumarka tiknoolajiyada ee casriga ah ee saamayn kara kaadhka cod-bixinta aqoonsiga shakhsig, isla markaana aanu Komishanka dabrayn muuqaalka Kaadhka aqoonsigu uu yeellanayo ee uu Xeerkani waajibiyay, ayaa Komishanka Doorashooyinka Qaranku waxa u awood u leeyaay in uu wax-ka-badelo kaadhka aqoonsiga Cod-bixinta ama uu nooc cusub u soo saaro, isaga la tashanaya Wasaaradda Arrimaha Gudaha iyo Xisbiyada Siyaasadda. Si kasta ha aheetee, wuxu hubinayaa Aaladda/qalabka, Tiknoolajiyadda ee la isticmaalayo in ay tahay ta ugu habboon ee aan mad-madaw lahayn (transparent) sugaysana ammaanka Diiwaanka marka loo eego awooda iyo xaaladda dalku ku jiro.
- 2) Kaadhka Cod-bixinta Xilliga Doorashadda waxa Waajib ah in la dalooliyo Kaadhka cod-bixinta si loo garto in uu coddeeyay Qofku.

CUTUBKA SHANAAD

QODOBBO KALA-DUWAN

QODOBKA 36AAD

GUDDIGA FARSAMO EE HAWLAHA DIIWAAN-GELINTA

Si Xeerkan loo dhaqan-geliyo islamarkaana loona diyaariyo arrimaha farsamo ee hawlaha diiwaangelinta, isku-duwid loogu sameeyo hawlaha uu Xeerkani waajibinaayo,

1. waxaa komishanku magacaabayaa Guddi Farsamo oo ka kooban:
 - (a) Laba xubnood oo Komishanka Doorashooyinka Heer Qaran ah;
 - (b) Laba Wasaaradda Arrimaha Gudaha ah;
 - (c) Saddex Xubnood oo ka kala socda Xisbiyada Siyaasadda
2. Xilka guddigan farsamo wuxuu noqonayaa diyaarinta iyo dhammaystirka dhammaan hawlaha farsamo ee xeerkani waajibinaayo.
3. Guddida Farsamada waxaa la hawl-gelinayaa isla marka la ansixiyo Xeerkan waxaanay shaqadoodu dhammaanaysaa marka hawsha diiwaan-gelinta la dhammays tiro. Hase yeeshee markasta oo ay Diiwaangelini jirto Guddida dib ayaa loo abuurayaa. Guddida waxaa Guddoominaya mid ka mid ah labada Xubnood ee ka socda Komishanka Doorashooyinka.

QODDOBKA 37^{AAD}

GACAN KA GAYSASHADA ARRIMAHA NABAD-GELYADA & WACYI-GELINTA EE HAWSHA DIIWAANGELINTA

- b) Koomishanka Doorashooyinka Qaranku waxa xilliga hawasha Diiwaangelinta gacan ka siinaya dhinaca Nabad-gelyada Ciidanka Booliska JSL iyaga oo u maraya Wasaaradda Arrimaha Gudaha

QODOBKA 38AAD**GOOB-JOOGAYAASHA**

Goobjoogayaasha ama kormeerayaasha caalamiga iyo kuwa maxaliga ah ee hubinaya habsami usocodka hawlaha diwaan-gelinta cod-bixiyayaasha, waxaa oggolaanaaya komishanka doorashooyinka qaranka isagoo xagga ammaanka kala kaashanaaya Wasaarada Arrimaha Guddaha.

QODOBKA 39AAD**WAAJIBAADKA HAY'ADDAHA SHARCI FULINTA**

Madaxda Dawlada, Hay'addaha sharci fulinta, Komishanka Doorashooyinka Qaranka iyo Xisbiyada siyaasiga ahba waxaa xil ka saraan yahay ku dhaqanka iyo meel-marinta Xeerkan

QODOBKA 40AAD**CIQAAB**

Qofkasta oo jabiya ama ku xad gudba qodob ama qodobo xeerkan ka mid ah waxaa lagu ciqaab marinayaa si waafaqsan xeerka ciqaabta guud ee dalka.

QODOBKA 41AAD**NASAKHAAD**

Xeerkani waxaa uu nasakhayaa ama burinayaa dhamaan xeerarka ama qodobada xeer oo ka hor imanaaya xeerkan.

Qoddobka 11^{aad} ee Lifaaqa: Xeerka Hab-dhaqanka (Code of Conduct)

b) Wixii faah-faahin ah ee ku saabsan geeddi-socodka Diiwaan-gelinta cod-bixiyaayasha, goorta uu bilaabmayo Ololaha doorashada ugu soo horeysa, xal-ka-gaadhista cabbashooyinka xisbiyada siyaasiga ah, waxa ka tashanaya Komishanka & Asxaabta.

t) Muddada u dhaxaynaysa Doorashooyinka 1aad & 2aad ee soo socda waxa Go'aaminaya Heshiis ay wadda-gelayaan Komishanka Doorashooyinka Qaranka iyo Xisbiyadda Siyaasaddu;

j) Heshiiska ku xusan Xarafka (b) ee Qoddobkani, waxa uu noqonayaa xeer hab-dhaqan oo ka mid noqonaya xeerarka lagu dhaqayo geeddi-socodka diiwaan-gelinta cod-bixiyayaasha ugu soo horreysa.

QODOBKA 42AAD**DHAQANGALKA**

Xeerkani waxaa uu dhaqangalayaa marka ay ansixiyaan Goleyaasha xeer-dejintu (Wakiilada iyo Guurtida) ee uu madaxweynuhu saxeexo.

Qoddobka 12aad ee Lifaaqa**Dhaqan-galka lifaaqan Xeer.**

Lifaaqan xeer waxa uu dhaqan-gelayaa marka uu ansixiyo Golaha sharci-dejintu (Guurtidda & Wakiiladda), Madaxweynaha Jamhuuriyadda Somalilandna saxeexo.

Md.Cabdiraxmaan Maxamed C/laahi
Guddoomiyaha Golaha Wakiillada

Maxamed Xasan Kaahin (Kayse)
Xoghayaha Guud ee G/Wakiilada

QAYBTA SADAX IYO TOBNAAD (13): XEERARKA KALE EE SAAMEYNTA WEYN KU LEH ARRIMAHA DOORASHOYINKA (OTHER LAWS WHICH AFFECT THE ELECTORAL PROCESS – in the English language section of the this Handbook, these laws are referred to in the relevant footnotes)

1. QAAR QODOBADA XEERKA JINSIYADDA SOMALILAND – XEER LAM: 22/2002 (Citizenship Law Articles)

Qodobka 1aad: Qeexidda Erey-bixinta

Muwaadin: Waxa loola jeedaa qofka ka ISIRRAN dadkii deganaa gayiga Somaliland 26 Juun 1960kii iyo ka hor iyo qofka sifa sharci ah lagu siiyey jinsiyadda Somaliland.

....

Qodobka 2aad: Muwaadinimada u Dhalashada ah

- 1) Waxa Muwaadin dhalad Somaliland ah qof kasta oo uu dhalay Aabbe ka Isirran dadkii deganaa dhulka Somaliland 26 Juun 1960kii iyo ka hor.
- 2) Muwaadinka dhalad Somaliland ahi wuxuu qaadan karaa jinsiyad dal kale (dual nationality) iyadoo aanu luminayn muwaadinimadiisii Somaliland.
- 3) Qof kasta oo qaan-gaadh ah oo uu dhalay muwaadin Somaliland ah ee ku nool dal shisheeye ama haysta jinsiyad dal kale ama laaji ku ah wuxuu muwaadinimada Somaliland qaadan karaa marka ugu horaysa ee uu soo galo dalka Somaliland, haddii aanu iskii uga tanaasulin.

Qodobka 3aad: Hellidda Aqoonsiga Muwaadinimada

- 1) Aqoonsiga caddeynta Muwaadinimada Somaliland waxa lagu kasban karaa marka codsaduhu la yimaado arrimahan:
 - a) Caddayn uu Maxkamadda horteeda ka bixiyey Caaqil ka diiwan-gashan Wasaaradda Arrimaha Guduhu ee ardaaga uu ka soo jeedo codsaduhu.
 - b) Soo buuxiyo foomka loogu talagalay oo uu soo saarayo xafiiska Jinsiyaddu, isla markaana saxeeexo.
- 2) Aqoonsiga muwaadinimada Somaliland wuxuu ahaanayaa mid isku mid ah oo leh tiro taxane ah oo ka diiwaan-gashan Wasaaradda Arrimaha Gudaha, waxana saxeeexaya Gudoomiyaha Gobolka awoodda u leh.
- 3) Qaabka, midabka, qoraalka lagu muujinayo aqoonsiga iyo ogolaanshaha daabacaadiisa iyo maamulkiisa waxa xeer nidaamiye ku soo saaraya Wasiirka Arrimaha Gudaha.

2 QAAR QODOBADA XEERKA GOBOLADA IYO DEGMOOYINKA LAM: 28/2002 (IYO BEDELKIISA 2007):

(District & Regions Law Articles)

QODOBKA 2AAD: QAAB-DHISMEEDKA DALKA

1. Qaab dhismeedka Dalka JSL wuxuu ka kooban yahay una qaybsamaa Gobolo iyo Degmooyin
2. Caasimada Dalka Jsl waa Hargeysa waxayna yeelan doontaa Xeer u gaar ah
3. Gobolkii hore ee waqooyi Galbeed wuxu isu-beddelay Gobolka Maroodi-jeex, laga bilaabo Ansixinta Xeerka Caasimadda.

QODOBKA 3AAD: SHURUUDAHA LAGU MAGACAABI KARO GOBOL AMA DEGMO

Shuruudaha (Criteria) lagu magacaabi karo Gobol ama Degmo waxa waajib ah inay ku salaysnaato buuxinta shuruudaha hoos ku qoran:-

1. Baaxada Dhulka ay ku fadhido.
2. Miisaanka iyo Baaxada Dadweynaha Deegaanka ku nool.
3. Wax soo saarkeeda iyo Khayraadkeeda Dabeeciga ah Ee ay leedahay.
4. Isku filaansho iyo hanashada Adeegyada Arrimaha Bulshada, waa in ay degmadu hanan kartaa boqolkiiba lixdan 60% miisaaniyadeeda ugu yaraan.

QODOBKA 4AAD: SHURUUDAHA QIIMEYNTA

Faahfaahinta shuruudaha Qiimeynta ee lagu magacaabi karo Gobol iyo Degmo Ee ku qoran Qodobka 3aad farqadahiisa 1, 2, 3, 4, ee Xeerkan, Wasaaradda Arrimaha Gudaha ayaa ku soo saaraysa Xeer Nidaamiye sababaynaya, waxaana ansixinaya Labadda Gole (Guurtidda Wakiiladd), sida ku cad Dastuurka Qoddobkiisa 109aad, faqradiisa 3aad.

QODOBKA 5AAD: GOBOLADA IYO DEGMOOYINKA JSL

Jamhuuriyadda Somaliland waxay u qaybsantaa (6) Lix Gobol oo kala ah:-

- Gobolka Maroodi Jeex.
- Gobolka Togdheer.
- Gobolka Sanaag.
- Gobolka Awdal.
- Gobolka Sool.
- Gobolka Saaxil.

Gobolkiiba waxaa uu u qaybsamaa Degmooyin darajadoodu kala yihiin A,B,C,D. Magaalo Madaxda Gobol kasta Darajadeedu waa "A" oo ah kuwan soo socda:-

MAGACA MAGAALO MADAXDA.**DARAJADA.**

1. Caasimadda Hargeisa.	"A"
2. Burco	"A"
3. Ceerigaabo	"A"
4. Boorama	"A"
5. Laascaanood	"A"
6. Berbera	"A"

QODDOBKA 6AAD: DARAJOOYINKA DEGMOOYINKA DALKA**1) Gobolka Maroodi Jeex.****MAGACA DEGMADA****DARAJADA**

Caasimaadda Hargeisa (Ku-meel-gaadh)	A
Gabilay	A
Baligubadle	C
Salaxlay	C
Faraweyne	D
Sabawanaag.	D
Caddaadlay.	D
Daarasalaam.	D
Allaybaday.	D
Dacar Budhuq.	D

2) GOBOLKA TOGDHEER.**MAGACA DEGMADA.****DARAJADA**

Burco	A
Oodwayne	B
Buuhoodle	B
Duruqsi	D
Sh. Xasan Geelle	D
Qoryaale.	D

3) GOBOLKA SANAAG.**MAGACA DEGMADA.****DARAJADA.**

Ceerigaabo	A
Ceel-af-weyn	B
Badhan	B
Laas-qoray	C
Dhahar	C
Gar-adag	C
Maydh	D
Darar-weyne	D
Fiqi-fulliye	D
Xiis	D

4) GOBOLKA AWDAL.**MAGACA DEGMADA****DARAJADA**

Boorama	A
Baki	C
Saylac	B
Lughaya	C
Dilla	D

5) GOBOLKA SOOL.**MAGACA DEGMADA.****DARAJADA**

Laascaanood	A
Caynabo	C
Taleex	C
Xuddun	C
Boocane	D
Yagoori	D

6) GOBOLKA SAAXIL**MAGACA DEGMADA****DARAJADA**

1. Berbera	A
2. Sheekh	C
3. Ma-dheera	D
4. Bulaxaar	D
5. Xaggal	D

QODOBKA 7AAD: XUDUUDAHA GOBOLADA IYO SOOHDIMAHA DEGMOOYINKA

1. Xuduudaha Lixda Gobol Ee JSL ka kooban tahay waxay ku salaysan yihiin Xuduudahii ay lahaan jireen lixdii Degmo Ee Waaweynaa Ee jiray xiligii Ingiriiska ka hor 26/06/1960 Ee

QODOBKA 18AAD: GOLAYAASHA DEGMOOYINKA

Tirada Mudanayaasha Golayaasha Deegaanka Ee Dawaladdaha hoose waxay ku salaysan yihiin darajooyinkooda oo kala ah: -

Caasimadda Hargeysa	25 Xildhibaan.
Degmooyinka Darajada "A"	21 Xildhibaan.
Degmooyinka Darajada "B"	17 Xildhibaan.
Degmooyinka Darajada "C"	13 Xildhibaan.
Degmooyinka Darajada "D"	9 Xildhibaan.

QODOBKA 19AAD: DOORASHADA MUDANAYAASHA

1. Doorashada Mudanayaasha Goboladda iyo Degmooyinka JSL waxa lagu dhaqayaa Xeerka Doorashooyinka Ee markaas dhaqan galka ah.
2. Golayaasha Deegaamadu xil gudashadoodu waa tabaruc mana yeelanayaan hawl maalmeed joogto ah marka laga reebo Guddiga Fulinta iyo guddida joogatada ah.
3. Golayaasha Deegaanku waxay ku iman doonaan Tartan doorashooyin Ee Nidaamka Saddexda Xisbi Qaran Ee loolanka Golayaasha Deegaanka.

QODOBKA 20AAD: MUDDADA XILKA GOLAHA

1. Mudada Xilka Mudanayaasha Golaha Degmada waa shan (5) sanno oo ka bilaabmanta maalinta Maxkamaddu Go'aanka doorashada ku dhawaaqdo.
2. Xilka Golahii hore ee Degamdu, wuxuu ku egyahay (14) Afar iyo toban cisho ka dib, maalinta Maxkamaddu ku dhawaaqdo Go'aanka Doorashada Mudanayaasha cusub.
3. ...

QODOBKA 22AAD: DIIWAANGALINTA HANTIDA MUDANAYAASHA

Mudanuhu, wuxuu bil gudaheed marka la doorto, ku diiwaangelinayaa hantida uu leeyahay mood iyo noolba.

Xoghayaha Fulintu wuxuu samaynayaa, ilaalinayaa, kaydinayaa diiwaanka hantida mudanayaasha.

QODOBKA 27AAD: JAGADA BANNAANAATAY

1. Xoghayaha Fulintu wuxuu diiwaangelinayaa, una bandhigayaa Duqa Xubnaha jagooyinkoodu bannaanaadeen sababahan soo socda dartood :-
 - a)Hadduu ku sifoobo shuruudaha waayitaanka ee ku xusan Xeerkan Q.26aad.
2. Marka ay jago bannaanaato, waxaa jagadaas lagu soo buuxinayaa hal Bil gudaheed, laga soo bilaabo taariikhdiisii Duqa ku dhawaaqay Jagadaas bannaanaatay.
3. Jagadaas bannaanaatay waxaa soo buuxinaya xisbigii laga soo doortay xubinihii murashixiinta tartantay ka hadhay ee dhacay , sida ay u kala horeeyaan.

QODOBKA 28AAD: ISTIQAALADDA XUBINTA MUDANAHA AH

1. Mudanuhu wuu iska casili karaa Xilka isaga oo istiqaalad qoraal sababaysan u gudbinaya Duqa Degmada, waxaana ansixinaya Duqa Degmada, ka dib markuu oggolaansho ka helo Golaha Deegaanka .
2. Xubinta istiqaaladda dhiibtay, goluhuna ka aqbalay, wuxuu Duqa Degmadu qoraal toos ah u soo gudbinayaa Guddoomiyaha Gobolka oo u gudbindoona Wasiirka Wasaaradda Arrimaha Gudaha oo ku soo saari doona xeer wasiir una gudbin doona Guddiga

doorashooyinka, xisbigii uu ka tirsanaa si loo soo buuxiyo Jagada banaanaatay, lana waafajiyo sharciga xubinta banaanaatay iyadoo la marinaayo Maxkamada Gobolka ee ay khusayso oo leh sharciyaynta iyo Diiwaangalinta.

QODOBKA 29AAD: KALA DIRIDDA GOLAHA

1. Marka ay (3) kalfadhi oo is xiga sabab la'aan, Degmooyinka Darajada "A" & "B" fadiyadoodu u qabsoomi waayaan. Degmooyinka Darajooyinka C, & D hadii 4 Kalfadhi oo isku xiga sabab la'aan u qabsoomi waayaan.
2. Marka ay (1/3) xubnaha Goluhu soo jeediyaan (2/3) na ansixiyaan.
3. Marka guddi gaar ah oo xilkas ah oo heer qaran ah oo madax banana uu Madaxweynuhu u magacaabo inay soo baadhan gafafka dhacay ee lidka ku ah xil gudashooda warbixin cadna ka keenan
4. Marka dadweynihii soo doortay ee Degmooyinka Darajada "A" (5,000) Shan Kun oo Qof Maxkamadda Gobolka iska diiwan galiyaan kuna hor saxeexaan, soona jeediyaan in la kala diro Golaha sidoo kale Degmooyinka Darajooyinka "B" "C" & "D" na waa 2000 oo Qof.
5. Dadweynaha soo jeedinaaya Codsiga kala dirida wax u shardi ah inay deggan yihiin Degmada kana diiwaan gashan yihiin, isla markaana buuxiyaan shuruudaha Codeynta Ee sharciga doorashooyinku jideeyeen.
6. Marka Wasiirka Wasaaradda Arrimaha Gudduhu ku qanco, hubiyana, Xaqijinta ama ay jabiyeen Shuruudaha ku xusan Qoddobkan ee Sababta kala diridda Golaha Deegaanka, Waxaa uu Wasiirku Awood u leeyahay in uu soo jeediyo kala diridda Golaha, una gudbiyo Madaxweyanaha oo leh Awoodii kama danbaysata ah ee kala diridooda, iyada oo loo marayo Maxkamadda Awooda u leh kala diridooda (Heer-Gobolka).

QODOBKA 30AAD: MUDADA KALA GUURKA

1. Marka la kala diro Golaha Deeganka waxaa soo buuxinaya Kuraasta Banaanaatay Kaydkii Axaabta Siyaasiga ah oo ku salaysan mid waliba saamigi uu ku lahaa Golihii hore.
2. Mudada kala Guurka ah ee u dhaxaysa Golihii hore ee la kala diray inta lagu soo buuxinayo Kuraasta banaanaatay Kaydkii Axaabta Siyaasiga ah ee ay ku kala lahaayeen Deeganka, waxaa xilka sii haynaya Xoghayaha Fullinta iyo Madaxda Waaxyaha ama Laamaha Wasaaradaha, kuwaasi oo xilka sii fulinaya iyagoo raacaya Shuruudihii hore, inta la soo buuxinayo, kuwaas oo noqon doona Golihii cusbaa.

....

LIFAAQA XEERKA NO: 23 EE ISMAAMULKA GOBOLADA IYO DEGMOOYINKA

Degmooyinka Maamul ee ku meelgaadhka ah

1. Degmo waxay degmo dhan ku noqonaysaa kadib markay ka gudubto shuruudaha qiimaynta ee degmonimo.
2. Inta natiijada qiimaynta ka horaysa waxay ahanaysaa degmo maamul oo ku meel gaadh ah.
3. Degmooyinkii la magcaabay intii ka danbeysay 1991, marka laga reebo degmooyinka Baliguble iyo Salaxley oo iyaga shirweyne lagu ansixiyey, waxa loo aqoon sanayaa degmo maamul oo ku meel gaadh ah waana ku wa hoos ku qeexan:

<u>Gobolka Hargeisa</u>	<u>Gogolka Togdheer</u>	<u>Gobolka Awdal</u>
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b) Faraweyne t) Sabo Wanaag j) Cadaadley x) Daarasalaam kh) Alaybaday d) Dacar Budhuq	b) Duruqsi t) Shiikh Xasan Geele (Bali dhiig) j) Qoryaale	Dila
<u>Gobolka Saxil</u> b) Bula xaar t) Mandheera j) Xagal	<u>Gobolka Sanaag</u> b) Maydh t) Xiis j) Darar Weyne x) Fiqi fuliye	<u>Gobolka Sool</u> b) Boocane t) Yagoori

Isu geyn waa 19 degmo oo ku meel gaadh ah.

4. Degmooyinka maamul inta laga soo qiimaynayo iyadoo loo raacayo shuruudaha looga baahan yahay, waxay ka tirsanaanayaan degmooyinkii ka farcameen, waxanay yeelanayaan maamule degmo.
5. Maamulaha degmada ku meel gaadhka ah waxa soo magcaabaya golaha deegaanka ee ay ka tirsan tahay, waxa soo jeedinaya gudida fulinta, waxana ogolaanaya golaha deegaanka, shardi waxa ah in maamulahaas golaha deegaanku magcaabay uu yahay xildhibaan ka tirsan golaha deegaanka, deegaanan u ah degmadaa ku meel gaadhka ah.
6. Xoghayayaasha degmooyinka ku meel gaadhka ah waxa magcaabaya wasiirka wasaarada arimaha gudaha.
7. Marka ay dhamaato qiimaynta degmooyinkaas ku meel gaadhka ah, degmadii ku guuleysataa, waxay u gudbaysaa derejada D, waxana laga soo dooranayaa gole deegaan oo tiradoodu dhan tahay sagaal (9) xubnood, degmadii sifaha qiimaynta buuxin weyda waxay waayaysaa derejadii degmo maamul waxayna dib ugu noqonaysaa derejadedii tuulo nimo.
8. Xukuumadda waxa ku waajib ah inay kusoo dhamaystirto xuduudaha, qiimaynta iyo shuruudaha kale ee looga baahanyahay Degmooyinkaas maamul ee ku meel gaadhka ah, muddo aan ka badnayn (12) bilood laga bilaabo tariikhda dhaqan galka xeerkan una soo gudbiso Golayaasha Baarlamaaka si loo ansixiyo.

**QAYBTA AFAR IYO TOBNAAD (14): DIKRIITOOYINKA & WAREEGTOOYINKA
WASIIRADA EE KU SAABSAN DOORASHOYINKA
MINISTERIAL DECREES & CIRCULARS**

1. XEER-NIDAAMIYE WASIIR - DIIWAANGELINTA CODBIXIYAASHA: 15/10/2008

Wasiirka Wasaaradda Arrimaha Guduhu

Markuu arkay: Qodobka 109aad, 111aad iyo 112aad ee Dastuurka Jamhuuriyadda Somaliland

Markuu arkay: Xeer maamulka gobollada iyo degmooyinka Lr. 23 qodobkiisa 103aad.

Markuu arkay: Xeerka doorashooyinka Lr. 23/200, qodobadiisa 8aad, 9aad iyo qodobkiisa 40aad.

Markuu arkay: Xeerka jinsiyadda Qaranka Xeer Lr. 22/2001 qodobadiisa 3aad, 4aad, 5aad iyo 8aad ee tilmaamaya sugidda nabadgelyada.

Markuu la Tashaday: Komishanka Doorashooyinka Qaranka iyo Diiwaangelinta Qaranka.

Wuxuu soo saaray Xeer Nidaamiye

Qodobka 1aad

Waxa la Diiwaangelinayaa qofkasta oo uu dhashay Jamhuuriyadda Somaliland

Qodobka 2aad

Waxa mamnuuc ah in qofku laba jeer ama laba goobood iska diiwaangeliyo qofkii isku dayana wuxuu mutaysan doonaa ciqaab gaadheysa xadhig dheer iyo ganaax.

Qodobka 3aad

Qofka ajaanibka ah ee aan waafaqsanayn sida uu tilmaamayo xeerka jinsiyadda qodobkiisa 4aad, 5aad, 7aad iyo 8aad iyo qodobka dastuurka ee 23aad oo isku daya inuu kaadhka muwaadinimada iyo ka codbixinta qaato, wuxuu muteysan doonaa ciqaab xadhig dheer iyo ganaax.

Qodobka 4aad

Muwaadinka macluumaadka laga buuxiyo ka been-abuura waxa lagu ciqaabaa xadhig iyo ganaax iyo xuquuqdiisa doorasho oo uu waayo.

Qodobka 5aad

Muwaadin kasta oo damiinta qof aan muwaadin ahayn ama markhaati been ah u fura wuxuu la kulmi doonaa xadhiga dheer iyo ganaax.

Qodobka 6aad

Qof kasta oo ku kaca fal dambiyeedyadan ku xusan qodobadda xeer nidaamiyahani qeexayo waxa la hor geyn doonaa maxkamadda awoodda u leh.

Qodobka 7aad

Fulinta xeer nidaamiyahan waxa uu xil saaran dhammaan guddoomiyeyaasha gobollada, taliyeyaasha qaybta booliska Guddoomiyeyaasha Golaha Deegaannada iyo masuuliyiinta heer qaran iyo heer degmo.

Qodobka 8aad

Masuulka u sahla qof aan Somalilander ahayn waraaqaha caddaynta iyo muwaadinimada ama midkood waxa uu mutaysanayaa xadhig dheer iyo ganaax.

Qodobka 9aad

Xeer nidaamiyahan wuxuu dhaqangalayaa marka uu saxeexo Wasiirka Wasaaradda Arrimaha Gudaha.

Cabdillaahi Ismaaciil Cali (Cirro)

Wasiirka Arrimaha Gudaha - 15/10/2008

2. BAYAANADA IYO DIKRIITOOYINKA WASIIRADDA EE KU SAABSAN DOORASHOYINKA**A) BAYAAN WASIIRKA ARRIMAHA GUDAHA – 8/09/2002**

**JAMHURIYADDA SOMALILAND
WASAARADDA ARRIMAHA GUDAHA**

1. Waajibaadka Gobollada iyo Degmooyinka

1. Laga bilaabo bayaankan iney gobolada iyo degmooyinku u hawlgalaan sugitaanka iyo u kuurgalka tiro koobka ajanabiga Qaxoontiga ah ee ku sugan deegaan kasta iyagoo la kaashanaya International NGO/CNGO si loo helo saldhig Raad Raac laga qiyaas qaadan karo.
2. Siiba haddii ay jiraan xaafado u gaar ah oo ay ku leeyihiin degmooyinka waxa shardi ah in la helo tiro koobkooda.
3. Dhaqan gelinta xeerka jinsiyadda iyo adkaynta bixinta waraaqaha jinsiyadda iyadoo lagu salaynayo qodobada iyo shuruudaha ku cad sida xeerku tilmaamayo.
4. Waxa waajib ku ah gobolada iyo degmooyinka in ay diyaariyaan hawl wadeenadii ilaalin lahaa xaafadaha iyo goobaha ay degenyihiin dadka ajanabiga ah, maalinta doorashooyinka dawlada Hoose ay dhacayso.

2. Ciidanka Booliiska JSL Saldhigyada Booliska/Waaxda Socdaalka

1. Laga bilaabo faafinta bayaanka, lama ogola dad Qaxooti ah oo ka soo gudba xuduuda "Kuma jiraan dadka sita oggolaanshaha fiisaha dal ku galka."
2. In dib loogu celiyo soohdinta dalka ay ka yimaadeen iyadoo waajib ay ku tahay gaadiidka ay la socdaan in dib loogu celiyo.
3. Ogolaanshaha aqoonsiga qaxootinimo iyo bixinta ruqsadda joogitaan ku meel gaadh ah iyo dhamaan arrimaha la xidhiidha u ololaynta aqoonsi qaxootinimo waa la joojiyay lama bixinayo ilaa inta doorashooyinka laga faraxalanayo oo dhan.
4. Haddii la hayo tirokoob qaxootiga ama inta haysata oggolaansho joogitaan muddaysan iyo aqoonsi qaxootinimo iney soo gudbiyaan tiro koobkooda.
5. Soo gudbinta liistada iyo magacyada xubno guddi u ah oo u qaabilsan arrimaha doorashooyinka iyo xidhiidhintu xafiisyada hadii ay jiraan in loo soo gudbiyo Wasaaradda arrimaha gudaha iyo guddida doorashooyinka Qaranka.

3. Waaxda Nabadgelyada Waddooyinka

1. Inay la socdaan dhaqdhaqaaqa dadka qaxootiga ee isaga gudbaaya Gobollada iyo Degmooyinka JSL oo aan sharciga waafaqsanayn.

2. Iney uga digaan gaadiidka dadweynaha inay qaadaan dad qaxooti ah ee ka soo gelaaya dalalka aynu deriska nahay iyo isu gudubka Gobollada JSL dhexdooda, una caddeeyaan inay ku mutaysan doonaan ganaax.

4. Gudbinta Farriimha aiyo Digniinta u Gaarka ah Dadka Qaxootiga ah

1. In maalinta doorashadu dhacayso dadka ajanabiga “Qaxootiga” ay ku sugnaadaan guryahooda ay deggenyihiin soona dhaafi karin, kana reeban tahay ka qayb galka codaynta doorashooyinka Dawladaha Hoose.

2. In maalinta ka horaysa maalinta ay doorashadu dhacayso la faro dadka ajanabiga iney raashinkooda, biyahooda, xaabadooda, iyo dawadoodaba sii dhigtaan guryahooda dhaqdhaqaaqn ka reeban yahay maalintaas.

3. Qofkii lagu qabto Documenti iyo warqado been abuur ah oo sheegaya in uu haysto ogolaa’ansho muwaadinimo, isla goobtaas ayaa lagu xidhayaa.

4. Qofkii ku kaca khal khal gelin ama ku dagaalama safafka doorshooyinka ee ajanabi ah isaga oo doonaya in uu sifo sharci daro ah ku codeeyo, isla goobtaas ayaa lagu xidhayaa.

5. Qof kasta oo ajanabi ah hadduu u hanqal taago ka qayb qaadashada codaynta, waxa boolisku xaq u leeyahay inuu qabto sharcigana u gudbiyo. Ciqaabaha Lagu Mutaysan Karo Fal Dembiyeedka Qodobada ka Reeban Qaxootiga ee looga Digey Qofkii ajanabi ah ee gala danbi ama danbiyo ka mid ah kuwa kor ku xusan, wuxu mutaysan doonaa mid ka mid ah ama ka badan ciqaabah soo socda:

1. In la ganaaxo SI.Sh 1,000,000 ilaa SI.Sh 1,500,000 Xadhiga bil ah ama saddex bilood ah.

2. In laga qaado oo dib loogala noqdo ogolaanshaha joogitaanka dalkan sifo qaxootinimaddii uu haysto.

3. In wadanka laga masaafuriyo oo gacanta loo geliyo dawladda wadankii uu hore uga soo galay.

4. In uu dambiile yahay oo aanu dib ugu soo noqon karin dalka jamhuuriyadda Somaliland waa qofkii la masaafuriyey.

5. In gaadiidkii xuduuda ka soo geliya ee soo qaada dad qaxooti ah iyo isu socodka Gobolada gudahooda in la ganaaxo SI.Sh.10,000.00 ilaa 15,000.00 qofkii rakaab ahba ama (Qaxooti ah).

6. In muwaadinka somaliladerka ah ee qofka ajanabiga ah ku gacan siiya dambi ama danbiyo ka mid ah kuwa kor ku xusan, isla goobtaas ayaa lagu qabanayaa laguna xidhayaa waxaana la horgayn doonaa maxkamaddii ku shaqo leh si sharciga loo mariyo.

6. Qof kasta oo ajanabi ah ee ku xad guba ama gala dambiyada kor ku xusan qayb ahaan iyo dhamaan ahaanba waxa lala tiigsan doonaa ciqaabaha ku cad qodobka 37aad ee xeerka socdaalka JSL Lambar 72 soona baxay 27/10/1995 iyo xeerka ciqaabta isaga oo loo gudbinayo maxkamadda awooda u leh.

**Wasiirka Arrimaha Gudaha
AXAD, 8 Sebtembar 2002**

QAYBTA SHAN IYO TOBNAAD (15): GO'AANADDA MAXKAMADAHA SARE EE KU SAABSAN DOORASHOYINKA (SUPREME COURT DECISIONS RELATING TO THE ELECTIONS)

1. Go'aanki Maxkamada Sare ee ku Dhawaaqida Natiijadii Doorashada Madaxweynaha 2003

**JAMHUURIYADDA SOMALILAND
MAXKAMADDA SARE**

Taariikh: 11/05/2003

Markii ay aragtay qoraalka sumaddiisu tahay Komishanka doorsahooyinka Qaranka /100/8/2003, kuna Taariikhaysan 2704/2003, kana soo baxday xafiiska Guddiga Doorashooyinka Qaranka ee Jamhuuriyadda Somaliland. Ujeeddada qoraalkaas oo ah ku dhawaaqidda natiijada ku-meel-gaadhka ah ee tartanka doorashada Madaxtooyada, kuna soo lifaaqeen shaxda natiijada ku-meel-gaadhka ah ee doorashooyinka Madaxweynaha iyo Madaxweyne-ku-xigeenka,

Markii ay aragtay qoraallada raad-raaca asalka (Original-ka), ee xafiisyada doorashooyinka gobolladu, ay u soo gudbiyeen Maxkamadda Sare kaas oo waafaqsan qodobka 58aad xubintiisa labaad ee xeerka doorashooyinka, Xeer No: 20/2001,

Markii ay aragtay qodobka 65aad xubintiisa 2aad ee Xeerka Doorashooyinka No: 20/2001, oo qeexaya Maxkamadda Sare, marka ay hesho qoraalada raad raaca ah ee xafiisyada gobollada ee doorashada iyo kuwa xafiiska dhexe ee Komishanka, isla markaana ay hubiso xisaab ahaan iyo sharci ahaan doorashada inay ku dhawaaqdo natiijada kama dambaysta ah ee doorashada Madaxtooyada,

Markay aragtay qodobka 83aad xubintiisa 4aad ee Distoorka Jamhuuriyadda Somaliland oo qeexaya in loo aqoonsanayo inay doorashada Madaxweynaha iyo Madaxweyne ku xigeenka ku guulaysteen labada qof ee magacyadoodu ku sheeganyihiin liistada hesho codadka ugu tirada badan,

Markay aragtay qodobka 1aad ee Xeerka doorashooyinka ee No: 20/2001 oo qeexaya 'Doorashada waxa loola jeedaa kala saarida murashixiinta u tartamaya xilalka iyada oo lagu go'aan qaadanayo aqlabiyada codadka dadka ay khusayso,

Markii ay aragtay qodobka 22aad ee Xeerka doorashooyinka ee No: 20/2001 oo qeexaya "Doorashada Madaxweynaha iyo Madaxweyne ku xigeenka oo noqonaysa habka aqlabiyada hal dheeriga ah (Majority System)",

Markay aragtay qodobka 35aad ee Xeerka Doorashooyinka ee No: 20/2001 oo qeexaya "Shuruudaha murashaxa Madaxweynaha iyo Madaxweyne-ku-xigeenka inay ahaadaan kuwo ku tilmaaman qodobka 82aad ee Distoorka Jamhuuriyadda Somaliland",

Markii ay aragtay qodobka 64aad xubintiisa 'A' iyo qodobka 14aad xubintiisa 5aad ee Xeerka Doorashooyinka Xeer No: 20/2001,

Markay deristay hubisay sharci ahaan iyo xisaab ahaanba dhammaan raad-raaca qoraallada asalka ah ee xafiisyada doorashooyinka gobollada iyo natiijada ku-meel-gaadhka ah ee ay ku dhawaaqeen Guddiga Doorashooyinka 19/04/2003, Maxkamadda oo ay u soo ifbaxday farqi u dhexeeya natiijada ku-meel-gaadhka ah ee Guddiga Doorashada Qaranka iyo qoraallada raad-raaca asalka ah ee xafiisyada doorashooyinka gobollada, farqigaas oo sida uu ku yimid ay ku caddahay lifaaqa shaxda natiijada kama dambaysta ah ee Maxkamadda Sare.

Sidaa darteed, Maxkamaddu waxa ay soo saartay qaraarkan hoos ku qoran:

1. In saddexda xisbi ee kala ah KULMIYE, UCID, UDUB, oo u tartamayay doorashadii Madaxweynaha iyo Madaxweyne-ku-xigeenka Jamhuuriyadda Somaliland oo qabsoontay 14/04/2003, uu mid waliba tirada codadka guud ahaan doorashada ka helay ay yihiin:
 - A. Xisbiga UDUB: **205,590** (Laba boqol iyo shan kun iyo shan boqol iyo sagaashan) cod.
 - B. Xisbiga KULMIYE: **205,373** (Laba boqol iyo shan kun saddex boqol iyo saddex iyo toddobaatan) oo cod
 - C. Xisbiga UCID: **77,160** cod (Toddoba iyo toddobaatan kun boqol iyo lixdan) cod.
2. In tartankii doorashada Madaxweynaha iyo Madaxweyne-ku-xigeenka Jamhuuriyadda Somaliland ay ku guulaysteen murashixiinta xisbiga UDUB oo kala ah:
 1. **Daahir Rayaale Kaahin**, oo ku guulaystay jagada Madaxweynaha Jamhuuriyadda Somaliland.
 2. **Axmed Yuusuf Yaasiin**, oo ku guulaystay jagada Madaxweyne-ku-xigeenka Jamhuuriyadda Somaliland.
3. Muddada xilka Madaxweynaha iyo Madaxweyne-ku-xigeenku waa shan sanno oo ka bilaabmaysa maalinta xilka loo dhaariyo, sida ku cad qodobka 88aad ee Distoorka Jamhuuriyadda Somaliland xubintiisa 1aad.
4. Qaraarkani waxa uu soo baxay maanta [shalay] oo ay Taariikhdu tahay 11/05/2003.

Garsoorayaasha Maxkamadda Sare:

- | | | |
|----|-----------------------------|------------|
| 1. | Siciid Faarax Axmed, | Guddoomiye |
| 2. | Cabdiraxmaan Yuusuf Cayuun, | Xubin |
| 3. | Sheekh Cali Cabdi Guuleed, | Xubin |
| 4. | Cismaan Ismaaciil Axmed, | Xubin |
| 5. | Maxamed Cumar Geelle, | Xubin |
| 6. | Yaasiin Xasan Ismaaciil, | Xubin |
| 7. | Cabdi Cilmi Xaadir, | Xubin. |

1. Supreme Court declaration of outcome of the presidential elections 2003**THE REPUBLIC OF SOMALILAND****THE SUPREME COURT****Date: 11/05/2003**

Having seen the resolution of the National Elections Commission of the Republic of Somaliland (reference 100/8/2003) dated 27/04/2002 issued by the office of the Commission, the purpose of which was to announce the provisional results of the election of the president and the vice-president that are set out in its enclosures;

Having seen the original written records of the Regional Electoral Offices which were directly forwarded to the Supreme Court in line Article 58(2) of the Elections Law, Law No: 20/2001;

Having seen Article 65(2) of the Elections Law which states that the Supreme Court, on receiving the written records of the Regional Electoral Office and those of the Central Office

of the Commission and having checked both arithmetic and legality of the elections shall declare the final outcome of the presidential elections;

Having seen Article 83(4) of the Constitution of the Republic of Somaliland which states that the two persons whose names are in the list which obtains the highest number of votes shall be recognised as the winners of the presidential and vice presidential elections;

Having seen Article 1 of the Elections Law No: 20/2001 which states that “Election means the sifting of candidates running for office by means of majority votes cast by the relevant electorate”;

Having seen Article 22 of the Elections Law No: 20/2001 which states that “the election of the President and the Vice-President shall, however, be based on a “majority system””;

Having seen Article 35 of the Elections Law No: 20/2001 which states that “The conditions for candidacy to the offices of the President and Vice-President shall be those set out in Article 82 of the Constitution”;

Having seen Article 64(a) and Article 14(5) of the Elections Law No: 20/2001;

Having examined and confirmed both legally and arithmetically the original written records of the Regional Electoral Offices and the provisional results of the elections declared by the National Elections Commission on 19/04/2003, the Court has found a discrepancy between the provisional results and the original written records, the details of which are set out clearly in the attached table of the Supreme Court’s final (election) results;

The Supreme Court has, therefore, issue the following declaration:

1. The three parties, KULMIYE, UCID and UDUB which contested the elections of the President and Vice President of the Republic of Somaliland on 14 April 2003 has each obtained the following total votes:
 - A. UDUB Party: **205,590** (Two hundred thousand, five hundred and ninety) votes.
 - B. KULMIYE Party: **205,373** (Two thousand, three hundred and seventy three) votes.
 - C. UCID party: **77,160** (Seventy seven thousand, one hundred and 60) votes.
2. The UDUB Party candidates of the election of President and Vice President of the Republic of Somaliland have therefore won the contest, and are the following:
 1. **Mr Dahir Rayale Kahin** who won the office of President of the Republic of Somaliland.
 2. **Mr Ahmed Yusuf Yasin** who won the office of Vice President of the Republic of Somaliland.
3. The term of office of the President and the Vice President is five years beginning from the date when they are sworn into office, as set out in Article 88(1) of the Constitution of the Republic of Somaliland.
3. The decision has been issued today, 11 May 2003.

SUPREME COURT JUDGES:

1. Said Farah Ahmed Chairman
2. Abdirahman Yusuf Ainan
3. Shaikh Ali Abdi Gulaid
4. Osman Ismail Ahmed
5. Mohamed Omar Gelle
6. Yasin Hassan Ismail
7. Abdi Elmi Hadir

2. SOMALILAND CONSTITUTIONAL COURT DECISION ON THE CONSTITUTIONALITY OF THE HOUSE OF REPRESENTATIVES' ELECTION LAW PASSED BY BOTH HOUSES – Referral of the Law to the Court by the President of the Republic under Article 77(4) of the Somaliland Constitution. *(For a summary of the Court's decision in English, see the footnotes of the House of Representatives' Election Law 2005 – Chapter 6)*

GO'AANKII MAKAMADDA DASTUURIGA EE KU SAABSANAYA XEERKII DOORASHADA GOLAHA WAKIILADA

**JAMHUURIYADDA SOMALILAND
MAGACA UMMADDA SOMALILAND
MAXKAMADDA DASTUURIGA AH**

MS/DD/01/05 26/02/05.

Maxkamadda Dastuuriga JSL oo ka kooban:

1. Faysal Xaaji Jaamac Geeddi Guddoomiye
2. Maxamuud Xirsi Faarax Xubin
3. Sh. Cali Cabdi Guuleed Xubin
4. Yaasiin Xasan Ismaaciil Xubin
5. Cabdi Cilmi Xasan Xubin
6. Cismaan Ismaaciil Axmed Xubin
7. Maxamed Cumar Geelle Xubin

oo ay kaalinayso Sahra Ismaaciil Cabdillaahi, waxay 23/02/05, u fadhiisatay Dacwadda Dastuuriga ah ee uu Maxkamadda Dastuuriga ah u soo gudbiyey Xeer Ilaaliyaha Guud ee Qaranka, tirsigeeduna yahay XIG/JSL/31/2005, kuna taariikhaysan Hargeysa 20/2/05, Nuxurkeeduna yahay:

“Anigoo cuskanaya Qod. 77, xubintiisa 4aad ee Dastuurka JSL, waxaan halkan idiinku soo gudbinayaa qoraalka Madaxweynaha JSL ee sumaddiisu tahay JSL/M/Xig/102-1034/022005 ee 19/2/05, kuna saabsan Xeerka Doorashada Golaha Wakiillada, Xeer No. 20-2/05, oo la xidhiidha ku xadgudub Qodobada Dastuurka ah ee kala ah 22, 48, 70, sababtoo ah waxay ku xadgudbeen Xuquuqda muwaadinka ee ah in la doorto, waxna uu doorto, waxaana laga dabray muwaadiniinta in ay doorashada dhiibtaan maalintii uu Madaxweynuhu u cayimay, sida uu jidaynayo Qod. 42 xubintiisa 2aad ee Dastuurka JSL, qodobada Xeerka [ee] Doorashada Dabarka ku ah waxay yihiin Qod. 10aad Xubintiisa 1aad, 2aad iyo Qod. 13aad Xubintiisa 1-8 ee Xeer No. 20-/05, Xeerka Doorashada Golaha Wakiillada, kuwaas oo 130ka Qodob ee Dastuurku ka kooban yahay aan ku jirin qodob ama xubin si toos ah ama si dadban toona u tilmaameyn [u tilmaamaya] in Diiwaangelinta Codbixiyayaasha Doorashadu ay waajib tahay, tirakoobka, sugida xuduudaha iyo kala xadaynta soohdimaha Degmooyinka cusub oon dhamaantood aan shardi looga dhigin labadii doorasho ee dalka ka dhacay, haddii ay ka dhici weydona ay ku sheegeen inay tahay khiyaamo qaran, waana qodobo lagu dabrayo hab socodka iyo himilada hiigsiga Dimuqraadiyad taam ah oo Dalka ka hana qaadda, iyadoo labada Gole ee Guurtida iyo Wakiilladu ku meelmariyeen Cod 2/3 Saddex meelood laba.

Waxa kale oo ay ku xadgudbeen fasiraada Qod. 8,9,25,44,50,96,109,127 ee Dastuurka JSL, kuwaas oo ay dhammaantood u soo qaateen si aan Dastuurka waafaqsanayn una fasireen si ka soo horjeeda Macnaha ay xambaarsan yihiin qodobadaasi, iyadoo ay muuqato inay fuliyeen awoodii waaxda Garsoorka ee uu dhigayey Qod. 98 (1) ee Dastuurka JSL.

Sidaa darteed, waxaan maxkamadda Dastuuriga ah ka codsanayaa in ay laasho qodobada kor ku qoran oo ah kuwo aan Dastuurka waafaqsanayn.”

Haddaba, Maxkamaddu Markay Aragtay Xeerka Doorashada Golaha Wakiillada No. 20-2/2005 ee 18/01/2005 qodobadiisa 10aad, 13aad, 38ad, 44aad ee Dastuurka JSL.

Markay Aragtay Qodobada Dastuuriga ah ee loo cuskaday Xeerka Doorashada Golaha Wakiillada Qodobadiisa 127 (t), 22aad, 25aad, 48aad, 96aad.

Markay Aragtay Qodobka 97aad Xubinta 2aad ee Dastuurka JSL.

Markay Aragtay Qodobka 98aad Xubintiisa 1aad xarfihiisa (b), (j) ee Dastuurka.

Markay Aragtay Qodobada 334 XHM [Xeerka Habka Madaniga].

Markay Aragtay Qodobada 8aad, 9aad, 22aad, 25aad, 40aad, 41aad, 42aad, 44aad, 50aad, 109aad, iyo Qodobka 127aad, Xarafkiisa (t) ee Dastuurka JSL oo fasiraadoodu tahay sidan:

1. Qodobka 8aad ee Dastuurka waxa uu ka hadlayaa sinnaanta Muwaadiniinta ee kama hadlayo Doorashada Golaha Wakiilada.
2. Qodobka 9aad ee Dastuurka JSL waxa uu ka hadlayaa Nidaamka siyaasadeed ee kama hadlayo kuma saabsana Xeerka Doorashada Golaha Wakiilada.
3. Qodobka 22aad ee Dastuurka JSL, wuxuu ka hadlayaa Xuquuqda Siyaasadeed, dhaqaale, Bulsho iyo Xaqa Doorashada.
4. Qodobka 25aad ee Dastuurka JSL, waxa uu ka hadlayaa xaqa xorriyadda, Damaanad qaadka iyo Shuruudaha Xuquuqda iyo Xorriyadqaadka ee kama hadlayo wax la xidhidha Xeerka Doorashada Golaha Wakiilada.
5. Qodobka 40aad ee Dastuurka JSL, wuxuu ka hadlayaa tirada Golaha iyo Doorashadiisa oo keli ah.
6. Qodobka 41aad ee Dastuurka JSL, wuxuu ka hadlayaa shuruudaha qofka isu taagaya Doorashada ee kama hadlayo waajibaadka laga rabo qofka wax dooranaya.
7. Qodobka 42aad ee Dastuurka JSL, wuxuu ka hadlayaa mudada Xilka iyo xiliga Doorashada.
8. Qodobka 44aad ee Dastuurka JSL, wuxuu ka hadlayaa isugu yeedhida Golaha Cusub ee kama hadlayo Diiwaan gelinta Codbixiyayaasha Doorashada Golaha Wakiilada ka hor iyo Shuruudaha Codbixiyayaasha lagu xidhay.
9. Qodobka 50aad ee Dastuurka JSL, wuxuu ka hadlayaa waayida xubinimada Golaha Wakiillada ee kama hadlayo Xeerka Doorashada Golaha Wakiillada.
10. Qodobka 109aad ee Dastuurka JSL, wuxuu ka hadlayaa qaabdhismeedka Dalka Xubintiisa 1aad waxay u dhigan tahay sidan:
 - I. Dalka Jamhuuriyadda Somaliland wuxuu ka kooban yahay Gobolo, Gobol kastaana waxa uu u sii qaybsamaa Degmooyin, kamana hadlayo sugitaanka tiro koob oo lagu sameeyo dadweynaha ku nool Gobolada iyo Degmooyinka doorashada ka hor.
 - II. Dhismaha Gobolada iyo Degmooyinka xuduudahooda iyo darajooyinkooda Xeer baa tilmaamaya ee kama hadlayo, habka qaybinta kuraasta iyo in la sameeyo tiro koob sugan oo diiwaan gashan doorashada ka hor.

11. Qodobka 127aad wuxuu ka hadlayaa xuquuqda wax ka bedelka iyo kaabista Dastuurka xarafkiisa (t) wuxuu ka hadlayaa Midnimada Dalka (israacsanaanta Dhul ahaaneed) ee ma sheegayo inay waajib tahay in doorashada Golaha Wakiilada mar ka wada dhacdo Gobolada iyo Degmooyinka Dalka oo dhan.

Markay Aragtay Qodobka 13aad, 10aad ee Xeerka doorashada Golaha Wakiilada iyo Qodobada 38aad, 44aad ee isla xeerkaasi.

Markay Daristey muranka Dastuuriga ah ee ku saabsan qodobo ka mid ah Xeerka Doorashada Golaha Wakiilada iyo fasiraada Xeerkaasi loogu cuskaday qodobo ka mid ah Dastuurka JSL, waxay Maxkamaddu soo saartay Go'aankan hoos ku qoran:

GO'AANKA MAXKAMADDA

1. Waxaa Maxkamadda u cadaatay in ay qodobada 10aad, 13aad, 38aad, 44aad ee Xeerka Doorashada Golaha Wakiiladu ka soo horjeedaan Dastuurka JSL, Dabar iyo carqaladna ku yihiin qabsoomida Doorashada Golaha Wakiilada mudada loo cayimo. Sidaa darteed, Maxkamadda Dastuuriga ahi waxay laashay qodobada 10aad, 13aad, 38aad, 44aad ee Xeerka Doorashada Golaha Wakiilada ee No. 20-2/05 ee 18/01/05. Qodobada la laalay wixii qaab farsamo ah ee loog maarmi waayo doorashada Madaxtooyada Socodsiinta Hawsha Doorashada Golaha Wakiilada, waxaa loo raacayaa xeerka Doorashada Madaxtooyada iyo Golayaasha Deegaanada Dalka ee Lam.20/2001.

2. Xeer No. 20-2/2005 marka laga reebo Qodobada la laalay waxa si toos ah loogu dhaqmayaa marka uu saxeexo Madaxweynaha JSL.

3. Go'aankani wuxuu soo baxay 26/02/05.

GARSOORAYAAL

1. Faysal Xaaji Jaamac Geeddi Guddoomiye
2. Maxamuud Xirsi Faarax Xubin
3. Sh. Cali Cabdi Guuleed Xubin
4. Yaasiin Xasan Ismaaciil Xubin
5. Cabdi Cilmi Xasan Xubin
6. Cismaan Ismaaciil Axmed Xubin
7. Maxamed Cumar Geelle Xubin.

3. GO'AANKII MAXKAMADA DISTOORIGA AH EE KU SAABSANAA MURANKA MAGACAABISTA GUDIGA DOORASHOYINKA 2007

(Constitutional Court decision on the controversy surrounding the nomination procedures of the new National Electoral Commission in 2007)

**JAMHUURIYADDA SOMALILAND
MAGACA UMMADDA SOMALILAND**

MAXKAMADDA SARE EE DISTOORGA AH

MS/DD/02/07

6/05/07

Iyadoo Maxkamaddau aqoonsantahay qoraaladii Dacwad furashada iyo jawaab celintoodiiba, markay dhagaysatay doodihii iyo difaacyadii labada dhinacba, wixii qoraalo cadayna ah ama qiraal Maxkamadda horteeda yimi waxay Go'aamisay:

1. Inuu yahay Go'aanka Celinta Lixda (6) xubnood ee Madaxwaynuhu Komishanka Cusub u soo magacaabay mid la buriyey oo khilaafsan Qodobada 11ad-12ad Xeer Lr.20/2001, asbaab iyo Qodobo sharci kalena looma cuskan.
2. Waxay Maxkamaddu go'aamisay in dib loogu celiyo Golaha wakiilada lixda (6) Xubnood ee Komishanka Madaxweynuhu soo magacaabay iyada oo xisbiyada Mucaaradkuna soo buuxinayaan xubinta ka dhiman, xubin kastana lagu anxixiyo shuruuda ku xusan Qod 12ad Xeer Lr. 20/2001 oo qudha, qof kastana loogu codeeyo.
3. Waxay Maxkamaddu burisay Go'aankii Golaha Wakiilada ee muddo kordhinta komishanka hore ee xilgiisii dhammaaday.

Go'aanku wuxuu dhacay 6/05/07.

Garsoorayaasha Maxkamdda

1. Mohmaed Xirsi Ismaciil	Guddoomiye
2. Cabdi Cilmi Xasan	Xubin
3. Moxamed Cumar Geele	Xubin
4. Moxamuud Xirsi Faarax	Xubin
5. Cismaan Ismaciil Axmed	Xubin
6. Moxamed Cabdi Naaleeye	Xubin
7. Yaasiin Xasan Ismaaciil	Xubin

F.G: Go'aanka oo Faahfaahsan¹ Dib ayaa la idinka siinayaa.

¹ Qoraaga buugani iyo warbaahintu may helin faahfaahinta lagu balanqaaday qoralka Go'aanka Maxkamadda

APPENDIX 1: INTERNATIONAL ELECTION STANDARDS

SELECTION OF MAIN CONVENTIONS AND DECLARATIONS CONCERNING ELECTORAL RIGHTS

Member states of the UN stress their

“conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed, and that the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms.” - UN General Assembly resolution on *‘Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections’*, Resolution A/RES/46/137 (1991).

UNITED NATIONS INSTRUMENTS

1. **Universal declaration of Human Rights** Adopted and proclaimed by General Assembly resolution 217A (III) of 10 December 1948.
Article 21 of the Universal Declaration
 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
 2. Everyone has the right of equal access to public service in his country.
 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
2. **International Covenant on Civil and Political Rights** Adopted opened for signature, ratification and accession by the General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force 23 March 1976.
Article 25
Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:
 - (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
 - (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
 - (c) to have access, on general terms of equality, to public service in his country.
3. **International Convention on the elimination of all forms of Racial Discrimination**
Adopted and opened for signature and ratification by General Assembly resolution 2106 A (XX) of 21 December 1965. Entry into force: on 4 January 1969.
States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...]
 - (c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the

Government as well as in the conduct of public affairs at any level and to have equal access to public service;

4. **Convention on the Political Rights of Women** Opened for signature and ratification by General Assembly resolution 640 (VII) of the United Nations of 20 December 1952. Entry into force: on 7 July 1954.

Article 1

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article 2

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

5. **Convention on the elimination of all forms of Discrimination against women** Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979. Entry into force: on 3 September 1981

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; [...]

6. **Declaration on the elimination of all forms of the Intolerance and of Discrimination based on Religion or Belief** Proclaimed by General Assembly resolution 36/55 of 25 November 1981

7. **Declaration on the Rights of Disabled Persons** Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975

AFRICAN INSTRUMENTS

The 'African Charter on Human and Peoples' Rights' 1981

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

The OAU/AU Declaration on the Principles Governing Democratic Elections in Africa

Adopted at the 38th Ordinary Session of the Organization of African Unity, 8 July 2002, Durban, South Africa.

IV. Elections: Rights and Obligations

1. Every citizen shall have the right to participate freely in the government of his or her country, either directly or through freely elected representatives in accordance with the provisions of the law.

2. Every citizen has the right to fully participate in the electoral processes of the country, including the right to vote or be voted for, according to the laws of the country and as guaranteed by the Constitution, without any kind of discrimination.
3. Every citizen shall have the right to free association and assembly in accordance with the law.
4. Every citizen shall have the freedom to establish or to be a member of a political party or organization in accordance with the law.
5. Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.
6. Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country”.
7. Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.
8. No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms. Hence all stakeholders should refrain from, among others, using abusive language and/or incitement to hate or defamatory allegations and provocative language. These acts should be sanctioned by designated electoral authorities.
9. All stakeholders in electoral contests shall publicly renounce the practice of granting favours, to the voting public for the purpose of influencing the outcome of elections.
10. In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.
11. Every candidate and political party shall respect the impartiality of the public media by undertaking to refrain from any act which might constrain or limit their electoral adversaries from using the facilities and resources of the public media to air their campaign messages.
12. Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.
13. Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

APPENDIX 2: SOMALILAND ELECTIONS FROM 1997 – RESULTS**A: House of Representatives Election – September 2005**

Region	SEATS	UDUB	KULMIYE	UCID
Awdal	13	7	3	3
Hargeisa	20	6	8	6
Sahil	10	4	2	4
Sanaag	12	5	5	2
Sool	12	6	4	2
Togdheer	15	5	6	4
Total	82	33	28	21
% of seats	100	40	34	26

(Source: NEC)

	Awdal	Hargeisa	Sahil	Sanaag	Sool	Togdheer	Total
UDUB	74,691	81,552	21,793	34,727	9,157	39,529	261,449
	56.15%	32.20%	41.53%	38.89%	44.54%	32.47%	39.00%
KULMIYE	26,837	95,881	12,355	36,652	8,964	47,639	228,328
	20.18%	37.86%	23.54%	41.05%	43.61%	39.13%	34.06%
UCID	31,492	75,796	18,331	17,907	2,436	34,583	180,545
	23.67%	29.93%	34.93%	20.06%	11.85%	28.40%	26.93%
Total votes	133,020	253,229	52,479	89,286	20,557	121,751	670,322
% of votes	19.84%	37.78%	7.83%	13.32%	3.07%	18.16%	

(Source: IRI 2005)

B: Presidential Election – May 2003

The formal results as declared by the Supreme Court on 11 May 2003 were:

PARTY	VOTES
UDUB	205,590
KULMIYE	205,373
UCID	77,160

The earlier provisional and more detailed results declared the Electoral Commission were as follows:

REGION	KULMIYE	UCID	UDUB	VALID	VOID	TOTAL
W. Galbeed	81,585	47,951	79,328	208,864	5,092	213,956
Awdal	16,607	5,976	43,347	65,930	2,466	68,396

Saaxil	10,271	2,712	17,554	30,537	591	31,128
Togdheer	63,506	13,453	38,105	115,064	982	116,046
Sool	5,524	463	3,715	9,702	83	9,785
Sanaag	27,830	6,749	23,359	57,938	843	58,781
National Level	192	129	187	508	39	547
TOTAL	205,515	77,433	205,595	488,543	10,096	498,639
%	41.22%	15.53%	41.23%	97.98%	2.02%	100.00%

C: Local District Councils Elections - December 2002

Org.	Regions							Percentage
	Hargeisa	Sahil	Togdher	Awdal	Sanag	Sool	TOTAL	
UDUB	70,989	13,502	18,330	58,939	16,574	1,055	179,389	40.76%
Kulmiye	29,923	5,309	17,476	13,679	13,701	3,070	83,158	18.90%
UCID	30,676	2,900	4,821	7,422	3,401	224	49,444	11.24%
Sahan	14,748	2,054	15,234	4,499	11,356	51	47,942	10.89%
Hormod	29,104	1,188	1,454	7,229	1,409	154	40,538	9.21%
Asad	10,943	2,281	9,283	8,727	6,655	1,707	39,596	9.00%
TOTAL	186,383	27,234	66,598	100,495	53,096	6,261	440,067	100.00%

(Source: EU Delegation Report 2003)

D: Presidential Election – February 1997

Candidates

Constituent Assembly Votes

- | | |
|----------------------------------|-----|
| 1. Mohamed H Ibrahim Egal | 223 |
| 2. Suleiman Mohamoud Adan (Gaal) | 90 |
| 3. Mohamed Hashi Elmi | 2 |

APPENDIX 3: REPORT OF THE HOUSE OF REPRESENTATIVES AD HOC COMMITTEE (THE JIRDEH COMMITTEE) ON THE 2004 PARLIAMENTARY ELECTIONS BILL December 2004

Title of Report: Completion of the House of Representatives Election Law

The Ad hoc Committee was chaired by Mr Abduqadir Haji Ismail Jirdeh, who was, at the time the Deputy Speaker of the House of Representatives, and the committee was assisted by the independent researcher Dr Abdirazak Aqli. The report was presented to the House in December 2005.

The report deals comprehensively with the electoral systems in Somaliland since 1959 and addresses the vexing issues of the regional allocation of parliamentary seats, choice of voting systems and the demarcation of the regions. It is, in my view, the best House sub committee report that has been undertaken on any proposed legislation in the Republic of Somaliland and is a credit to both the Chair of the committee and to the researcher. This report will be of considerable help in the forthcoming debates about the changes to the current electoral laws, as many of the issues it covers remain still unresolved, and is therefore included in this Handbook, as an essential reference.

Dhammaystirka Xeerka Doorashada Goolaha Wakiilada

Waxaa soo diyaariyay:- Gudida ku meel gaadhka ee xeerka doorashada Hargeisa, December 2004

Tusmada Warbixinta

1. Hawl fulinta gudida oo kooban (Executive summary)	6. Qaabka doorasho
2. Araar	6.1 Qaabka Aqlabiyadda (Majoritarian)
3. Saami qaybsiga Kuraasta Golaha Wakiilada	6.1.1 Goob doorasho qof keliya ah
3.1 Dareenadii ka dhashay muddo kordhiska	6.1.2 Degmo doorasho dhawr qof ah
3.2 Sababaha abuuray xallin la'aanta saami qaybsiga	6.1.3 Gobol doorasho
4. Aragtiyaha kala duwan	6.2 Qaabka saami wax ku qaybsiga(PR)
4.1 Aragtida 1aad	6.2.1 Liis xisbi (Party list)
4.2 Aragtida 2aad	6.2.2 Liis xisbi qof la calaamadinayo
4.2.1 Shirkaa beeleedkii Borama	6.3 Go'aanka gudida ee qaabka doorasho
4.2.2 Shir beeleedkii Hargeisa	7. Kala xadaynta Gobolada
4.3 Aragtida 3aad	7.1 Go'aanka gudida ee kala xadaynta gobolada
5. Xal u dhexeeya saddexda aragtiyood	8. Sixitaanka qaladaadkii doorashooyinkii hore
	9. Xeerka Doorashada

1. Hawl fulinta gudida oo kooban (Executive summary)

Gudoomiyaha Golaha Wakiilada Mudane Axmed Maxamed Aden (Qaybe), ayaa magacaabay Gudida ku meel gaadhka ee dhammaystirka xeerka doorashada Golaha Wakiilada, taariikhdu markay ahayd, 17kii November 2004. Gudidaasi oo ka kooban.

1. Mudane Cabdilqadir Xaaji Ismaciil (Jirdeh)
2. Mudane Maxamed Muuse Diiriye
3. Mudane Maxamed Warsame Diiriye
4. Mudane Maxamed Maxamuud Maxamed.
5. Mudane Cabdi Faarax Ducaale.

Gudiduna Waxay magacawday:

1. Xog-haye Guddi: Maxamed Xuseen Cismaan, oo ah xoghayaha guud ee Golaha Wakiilada.
 2. La taliye Guddi : Cabdirisaaq Caqli oo ah Cilmi baadhe madax banaan (Independent Researcher).
- Gudida waxaa loo xilsaaray inay soo afjaraan saddex aragtiyood oo guddi hoosaadka arrimaha gudaha ee

Golaha Wakiiladu u soo gudbiyeen Golaha Wakiilada. Waxaa kale oo loo xilsaaray inay soo dhammystiraan xeerka doorashada Golaha Wakiilada.

Waxay gudidu bilowday hawshaasi loo xilsaaray taariikhdu markay ahayd 19/11/2004. Fadhiigoodi ugu horreeyay ee ay ku gudo gashay hawlahaasi loo xilsaaray, ayey soo hadal qaaday qodobkii ugu adkaa ee mudada badan ahaa carqaladda ugu weyn. Kaasoo ah saami qaybsiga kuraasta Golaha Wakiilada. Waxayna gudidu is tusaalaysay sooyaalkii mudada dheer kolba loo kordhinayey Golaha Wakiilada mudadii loo igmaday inay xilka hayaan iyo dareenada kala duwan ee ay arrintaasi ku abuurtay bulshada Somaliland. Waxaa kale oo gudidu is weydiisay sababaha abuuraya in aan xal loo helin mushkiladda saami qaybsiga kuraasta Golaha Wakiilada. Taasi oo laysla gartay inay sababaha ugu weyni yihiin tiro-koob la'aanta iyo aragtiyaha kala duwan ee Goluhu ka kala qabo habka kuraasta xubnaha Golaha la soo dooranayo loogu qaybinayo gobolada. Markii ay gudidu arrimahaasi isla garatay, ayay hoos ugu sii daadegtay inay falanqeyso saddexda aragtiyood ee Goluhu kala qabo. Taasoo ay gudidu isku dayday inay ogaato aragti walba halka ay salka ku hayso iyo meesha ay ka soo unkantay, iyadoo daba galaysa taariikhda aragti walba.

Intaasi ka dib waxay gudidu is tusaalaysay in aanay gudidani xal u heli karin mushkiladani inta uu qof walba oo gudida ka mid ahi rumaysanyahay, laabtana ku haysto, mid ka mid ah saddexda aragtiyood ee gudida horyaalla. Waxaana laysla gartay in saddexda aragtiyoodba meel dhexe layska taago si ay gudidu u kala xaq soori karto. Waxaa kale oo ay is tusaalaysay, in haddii aragti keliya la qaato, ay keenayso taageerayaasha labada aragtiyood oo kale oo ka soo horjeedsada aragtida la qaatay. Taasoo ah mid hore Goluhu u soo arkay. Sidaasi awgeed waxaa gudida la gudboonaatay inay raadiyaan xal saddexda aragtiyood ee laysku hayo dhexdhexaad u noqon kara, si saddexda aragtiyoodba aanu midkoodna uga faramadnaan xalka, ee aragti walba uga hesho sed go'an arrintan laysku hayo.

Waxay gudidu ka doodeen aragtida ugu habboon ee ay tahay inay gudidu doorato. Waxaa kale oo la isla soo hadal qaaday xal dhexe oon aragtiyaha midna u xaglin. Hase ahaatee marki danbe waxay gudidu ku heshiisay in arrinka saami qaybsiga dib loo dhigto oo marka ay hawlaha kale oo idili dhammaadaan la lafaguro.

Qaabka doorasho ee la isticmaali doono doorashada Golaha Wakiilada ayaa isna ahaa arrin aan weli hore meel laysla dhigin. Waxayna gudidu isku hawlisay sidii ay u ogaan lahayd qaabka doorasho ee ugu habboon maanta. Taasoo u baahatay in qaababka doorasho ee adduunka lagu isticmaalo, iyo noocyada uu mid walba ka koobanyahayba laga baaraan dego. Qaabka Aqlabiyadda (Majoritarian) iyo qaabka saami wax ku qaybsiga, (Proportional Representation), iyo noocyadooda kala duwan, ayey gudidu is garab dhigtay faaiidooyinka iyo dhibaatooyinka uu mid walba maanta u yeelan karo doorashada soo socota. Halkaasi oo ay qaadatay kii ay u aragtay inuu yahay ka ugu waxyeello yaraan kara.

Tiiyoo ay gudidu garawsatay in doorasho heer gobol ahi tahay ta maanta innogu fudud, ayey lagama maarmaan noqotay in soohdimaha gobolada xiliga doorashada si cad oo aan mugdi ku jirin loo qeexo.

Waxayna gudidu u hawl gashay sidii ay u kala dooran lahayd shan marxaladood oo soohdimaha gobolada Somaliland soo mareen. Taasoo ay ogaatay in caddaymada ugu sugan loo heli karo soohdimihii kala xadayn jiray 6dii degmo ee Somaliland ka koobnayd 26 kii Juun 1960.

Intaasi ka dib ayey gudidu bilowday sidii loo dhammaystiri lahaa xeerka doorashada Golaha Wakiilada.

Waxayna ka baaraan degtay xeerka doorasho ee L20/2001. Kaasoo hore loogu galay doorashooyinkii deegaanada iyo Madaxweynaha. Waxaana gudida u muuqday inay jiraan qodobbo aan u baahnayn in wax laga bedelo, qodobo kale oon gebi ahaanba doorashadan looga baahnayn, kuna habboon in laga saaro xeerkan iyo qaar u baahan in dib loo eego oo la saxo. Sidoo kale, waxaa lagama maarmaan noqday in qodobbo cusub lagu daro xeerkan kadib markii la arkay qaladaadkii doorashooyinkii hore, tiyoo la tixgelinayo talo bixinadii laga soo bixiyay qaladaadkii doorashooyinkii hore.

Kadib markii ay gudidu qodob qodob u wada eegtay qoraalkii hore ee xeerkan, ayey soo saartay nuqulkii ugu horreeyay ee xeerkan 2dii bisha December. Waxayna gudida ugu muuqatay in talooyinka qoraalka ah ee laga soo bixiyay qaladaadkii hore uga dhacay doorashooyinkii la soo maray ay aad u yaryihiin. Sidaasi awgeed ayey lagama maarmaan u noqotay in lala tashado qaybaha kala duwan ee bulshada Somaliland ka koobantahay. Taasoo ay gudidu kulanno talo bixin ah la yeelatay, Xukuumadda, saddexda xisbi Qaran, Gudida doorashada ee Qaranka, ururada haweenka iyo kuwa rayidka ah. Waxaana kulanadaasi ka soo baxayin loo baahanyahay in qaybahaasi oo idil loo qaybiyo nuqulka hore ee xeerkan doorasho si ay uga soo talo bixiyaan. Talooyin badan oo wax ku ool ah ayaa kulanadaasi iyo talobixinadiiba laga helay. Taasoo keentay in qodobo lagu kordhiyo xeerkan qaarna la tirtiro.

Waxaa kale oo qadarin mudan oo gudidu la yeelatay kulanno talo bixin ah **Ruben Zamora** oo ah Khabiir qaanunada, oo Golaha Wakiiladu ka codsaday Akaadamiyadda Nabadda iyo Horumarka inay u hawlagaan sidii loo heli lahaa khabiir golaha ka taageera si loo sameeyo xeerka doorashada. Waxaana codsiyadii Akadamigu direen lagu guuleystay khabiirkaasi oo kharashka ku baxayana ay ku deeqday dawladda Ingiriisku.

Kadibna Golaha Wakiilada ayaa Khabiirkaasi ku casuumay imaatinka Somaliland si uu ugala taliyo xeerka doorashada. Wuxuuna khabiirkaasi ka geestay xeerkan kaalin weyn isagoo qoraaladii koowaad iyo kii labaad (1st and 2nd draft) ee xeerkan soo maray ka bixiyay talooyin sixitaan iyo toosin qodobada qaarkood, isna waafajiyay xeerkan iyo distoorka.

2. Araar

31 Bishii May ee Sannadkii 2001 ayay dadweynaha Somaliland u codeeyeen distoorka Somaliland.

Codayntaasina waxay u googol xaadhay in doorashooyin uu dadweynuhu ku dooranayo madaxdiisa ka hirgalaan Somaliland. Bishii Diisember ee sannadkii 2002 ayaa la qabtay doorashooyinkii deegaanada degmooyinka Somaliland. Waxaana saddexdii xisbi ee uga codka badnaa loo aqoonsaday xisbiyada qaranka ee ku tartamaya doorashooyinka Madaxweynaha iyo Golaha Wakiilada. Bishii April ee Sanadkii 2003, ayay hirgashay doorashadii Madaxweynahu. Weli se, waxay dadweynaha Somaliland, ee u codeeyay distoorku, ka sugayaan Golaha Wakiilada xeerkaa doorashada ee suurtoogelin lahaa tartan dhex mara saddexda xisbi qaran si ay dadweynuhu ugu kala codeeyaan loona doorto xildhibaano doorahso ku soo baxa.

Distoorka Somaliland ayaa qeexaya in qaab-dhismeedka Siyaasadeed ee Somaliland ka koobnaado Gole Fulineed, Gole Guurti iyo Gole Wakiillo. Labada Gole ee dambe waxay ka wada koobnaanayaan Golaha Baarlamaanka. Waxaana loo qoondeeyay in labada Gole, midkoodna noqodo mid hab-beeleed lagu soo xulo, ka kalena mid la soo doorto oo dadweynuhu u codeeyo iyagoo ka kala socda xisbiyada qaranka. Maantana labada Goleba waxay yihiin qaar hab-beeleed lagu soo xulay. Taasina waxay inoo muujinaysaa in distoorka Somaliland ee dadweynuhu u codeeyeen inuu ka hirgalo dalka, uu weli yahay mid kala dhantaalan oon weli dhamaystirmin, si buuxdana u wada hirgelin.

Waxaa intaasi dheer in 3-da xisbi qaran ee siyaasiga ahi aanay kobci karin. Umana suurtoogelayso inay gutaan kaalintooda siyaasadeed, maadama aanay jirin xubno xisbiga metala oo dadweynuhu u codeeyeen oo uga dhex doodaya Golaha Wakiilada, iyagoo fulinaya barnaamijka siyaasadeed ee xisbiga. Waxaana hubaal ah in xaaladdan aynu ku suganahay sii jirayso inta aanu Goluhu soo saarin sharciga doorashada. Kaasoo suurtoogelinaya tartan doorasho oo xisbiyada dhexmara.

Labadii doorasho ee dalka ka dhacay, waxay aad u bedeleen aragtidi adduunku ka qabay Somaliland.

Waxaana Somaliland loo arkay dal ku hawlan geedi socod dimoqraadiyad gudahooda ka soo biqishay. Taasoo qoraallo badan oo adduunka cidhifyadiisa kala duwan ka soo baxay ay baahiyeen dimoqraadiyadda Somaliland ka socota, kuna baaqeen sidii looga gacan siin lahaa tijaabadaasi ay ku hawlan yihiin.

Maantana haddii Goluhu soo saaro sharciga doorashada oo doorasho xisbiyadu ugu tartamayaan xubnaha Golaha Wakiiladu qabsoonto, waxaan shaki ku jirin in Somaliland loo arki mid dhammaystirtay dimoqraadiyaddii ku qeexnayd distoorka. Waxayna noqon tallaabo muujinaysa in distoorkii taabo galay. Arrinka ugu weyn ee Golaha ka hortaagnaa inuu soo saaro sharciga doorashadu waa saami qaybsiga. Taas oo ah sida 82 xubnood ee la soo dooranayo loogu qaybinayo gobolada. Waana mid Golaha Wakiilada ogsoonyahay in carqaladda ugu weyn ee Goluhu u soo saari la'yahay sharciga doorasho ay tahay xallin la'aanta saami qaybsiga Golaha Wakiilada. Taas oo ah inaan xal loo helin, laguna heshiin, qaabka 82 kursi ee la soo dooranayo loogu qaybin lahaa gobolada.

Waxaana hubaal ah in kala qabsanaanta Golaha ee ay ugu wacantahay aragtiyaha kala duwan ee xubnuhu kala qabaan ay sii raajinayso xilligii doorashada Golaha Wakiiladu qabsoomi lahayd. Waxaana looga baahanyahay xubnaha Golaha inay xilliyaan mushkiladani mudada dheer soo jiidamaysay. Taasina waxaa lagu gaadhi karaa tiyoo xubnuhu la yimaadaan tanaasul iyo grawsiiyo aragtiyaha ka soo horjeeda. Mana habboona in aragtida uu qofku rumaysanyhay uu u arko xaqiiqada dhabta ee qudha, oo uu ku dheganaado xataa tiyoo dalka seejinaysa himiladii la higsanayey.

Aragtiyahan kala duwan ee Goluhu qabaa waa mid ka dhalatay xaqiiqadii runta ahayd ee lagu kala bixi lahaa oo meesha ka maqan. Taasi oo ah tiyoo dalka uu weli ka maqanyahay tiro koob sugani. Waxaana Golaha la gudboon inay xoogga saaraan sidii loo heli lahaa xaqiiqo dhab ah oo wax lagu qaybiyo, ee maaha in lagu mashquulo aragtiyo kala duwan tiyoo sababtii aragtiyahaasi dhalisay ay meesha taallo .

Guddidu iyagoo ogsoon ahmiyadda ay xal u helidda arrintani u leedahay dalka Somaliland, ayay u hawlgaleen sidii ay xal ugu heli lahaayeen arrinkaasi iyagoo u dersaya si qotodheer oo dheelitiran. Waxaa kale oo ay guddidu soo doortay qaabka doorasho ee maanta innoogu habboon. Sidoo kale waxay guddidu xal u raadisay kala xadaynta gobolada xilliga doorashada. Ugu danbayn xeerkaa doorashada oo dhammaystiran ayey Golaha Wakiilada ugu soo gudbisay muddo afartan cisho ah marka laga bilaabo maalintii guddidu hawl gashay ee la magacaabay. Warbixintanina waxay sharxaysaa xeerka doorashada qodobadii ugu adkaa ee xubnaha Goluhu ku qaybsanaayeen, habkii loo diyaariyay, iyo tallaabooyinkii guddidu qaadeen mudadii ay hawsha ku guda jireen.

3. Saami qaybsiga Kuraasta Golaha Wakiilada

Muddo laba sano ka badan ayuu saami qaybsiga kuraasta Golaha wakiiladu ahaa carqaladda ugu weyn ee hortaagan in xeerka doorashada la soo saaro si doorasho xisbiyadu u tartamayaan ay u dhacdo. Mudadaasina Golaha Wakiiladu waxay ku guuldarraysteen inay xal u helaan mushkiladaasi.

Haddii aynu haddaba isweydiino sababaha muddadaasi dheer ka hortaagnaa Golaha Wakiilada inay xalliyaan mushkiladani, waxa inoo cadaanaya in la isku khilaafsanyahay sida loo qaybinayo 82 xubnood ee Golaha Wakiiladu ka koobanyahay. Waxaana laga sugayaa Golaha Wakiiladu inuu soo saaro sharciga doorashada ka hor inta aan doorasho qabsoomin. Waana in sharciga doorashadu qeexo qaabka doorasho iyo saami-qaysbiga Golaha Wakiilada. Taas oo ah in la qeexo sida 82 xubnood ee Golaha Wakiiladu ka koobanyahay loo soo dooranayo iyo meelaha laga soo kala dooranayo. Waana inay xeerka ku cadahay tirada xubnaha gobol walba laga soo dooranayo. Waxaana muuqata in saami qaybsigu yahay carqaladda ugu weyn ee Golaha Wakiiladu u soo saari la'yahay sharciga doorashada.

Xal u helid la'aantaasi waxay abuurtay in Golaha oo weli ah mid lagu soo dhisay hab beeleed inuu aragtiyo kala duwan ka yeesho qaabka kuraasta la soo dooranayo loogu qaybinayo gobolada. Taasoo abuurtay in xilliga la soo dooranayo Goluhu noqdo mid kolba dib loo dhigo.

Bilowgii khilaafkani wuxuu ka bilaabmay markii ay dawladdii Madaxweyne Maxamed Ibraahim Cigaal soo jeedisay in saamiga kuraasta loogu qaybinayo goboladu uu noqdo habkii sannadkii 1960 loogu qaybiyay. Markii doodaasi la hor keenay Golahana waxay abuurtay in beelaha qaarkood ay diidaan oo ka baxaan u codaynta soo jeedintaasi. Waxay taasi abuurtay in xeerka doorashada ee ay ahayd inuu doorashooyinka deegaanada, ka madaxweynaha iyo ka golahaba khuseeyo lagu koobo uun labada hore, doorashada xubnaha Golaha Wakiiladana dib loo dhigo. Waxaa taasi xigay in mar labaad hadana loo kordhiyay muddo laba sano ah si xal mudadaasi loogu helo khilaafka Golaha. Waxaase muuqata in khilaafkii sii kordhay oo ay abuurmeen aragtiyo kale oo is af garan waagiigii sii kordhiya. Xubnihii goluhuna waxay noqdeen qaar ku kala biira aragtiyahaasi kala duwan tiyoo qof walba doorbidayo ta gobolkiisa u sed kordhinaysa.

Ilaa iyo maantana Goluhu ma keenin xal mushkiladani soo afjara. Waxaana hubaal ah in ay xallin la'aantaasi ay sii kordhinayso in xaaladda lagu suganyahay sii waarto, doorashaduna sii raagto, distoorkuna noqdo mid kala dhiman oon weli dhammaystirmin. Taasoo ah mid ka soo horjeeda yuhuuntii iyo himiladii dadweynaha Somaliland higsanayey.

3.1 Dareenada ka dhashay xallin la'aanta Mushkilada Saami Qaybsiga Golaha Wakiilada iyo muddo korodhsiga

Kordhintu mudadii loo igmaday Xubnaha Golaha Wakiiladu inay xilka hayaan waxaa ka dhashay dareenno kala duwan oo wajiyo badan, oo dadweynaha Somaliland qabo. Waxaana badi dareenadaasi sii xoojinaya, dadweynaha oon si buuxda uga warqabin sababaha dhaliyay korodhsiga mudada xubnaha loo igmaday inay xilka hayaan. Sidoo kale, aragtiyaha kala duwan ee xubnaha Goluhu ka qabaan saami qaybsiga, tanaasul yarida iyo ku dhegsanaanta aragtida uu qofku qabo, ayaa xubnihii Golaha ka qariyay inay raadiyaan xal dhexe oo fikiradaha kala duwan u wada cuntama, iskuna soo dhoweeya aragtidooda. Taasina waxay sii xoojisay, dareenadii ay dadweynuhu qabeen.

Haddii aynu dhowr tusaale ka soo qaadanno dareenadaasi, waxaa aad ugu xooggan dadweynaha, in mudaneyaashu door bidayaan in aan xal loo helin mushkiladda saami qaybsiga, si ay maarmarsiiyo ugu helaan kordhisiga mudadii xilka loo igmaaday. Sidaasi awgeedna ay ogaan u abuurayaan in aanay fikraduhu isku soo dhowaan, kuna guubaabinayaan dadweynaha hadallo dadka sii kala fogaynaya oon isku soo dhawaynayn, oo tilmaamaya in wixii aan aragtidooda ahaynba tahay mid lagaga qaadayo sed uu Gobolkoodu xaq u lahaa, lana siinayo gobollo kale. Hadalladaasi, haddii ay jiraan, ma aha afkii laga filayey qof xildhibaan ah, ooy ahayd inuu dareemo in xilka uu hayaa ka dhigay mudane wakiil u ah dadweynaha Somaliland oo idil.

Weji kale oo dareenkaasi ahi wuxuu tilmaamaya in badi xildhibaanada Golaha ee maantu, ay ogsoonyihiin in aan dadweynuhu soo dooranayn, xisbiyaduna aanay soo sharaxayn, oo ay doorashaduba tahay mid seejinaysa shaqadiisa iyo mushaharkiisa. Dad badan ayaa kulanada ka sheega: "Xaggee ayaad ku aragtay qof ku dhaqaaqa inuu hirgeliyo arrin uu ogyahay in shaqo iyo xil uu jecelyahay ku waayayo". "Waxaad doonaysaan, marka aad leedihiin, doorasho ha dhacdo, inay xildhibaanadu gacantooda ku saxeexan shaqo ka tagis oo ay baagamuundo noqdaan."

Dareen kale wuxuu rumaysan yahay in xildhibaanada qaar ka mid ah uu qaab-beeleedku u sed kordhiyay, oo doorashadu ka dhimayso sedka uu hadda haysto. Taasoo isagoo ilaashanaya dantiisa shakhsiga ah uu iska dhigayo qof dantii beesha u halgamaya. Sidaasi awgeedna uu u hortaagan yahay inuu yimaaddo heshiis u horseedaya doorasho. Golahana ay ka dhex wadaan hawlo liddi ku ah sidii ay doorasho u qabsoomi lahayd.

Waxaa nasiib darro ah, in dadweynuhu ka qabo dareenadaasi oo kale, xildhibaanu u helay fursad sanado badan, inay korodhsadaan waayo aragnimada habka Baarlamaanku u shaqeeyo, kana qayb galay tababaro, shirar aqoon kordhiso iyo xidhiidh shisheey, oo ay ahayd inay facaca soo koraya u gudbiyaan waayo-aragnimadooda, noqdaanna khabiirro la higsado oo tusaale u noqda bulshada Somaliland. Waana mid la ogsoon yahay in xildhibaan cusubi soo bilaabi doono jidkii dheeraa ee ay soo mareen, kuna bixi doono kharash labaad oo la mid ah kii iyaga ku baxay si ay u korodhsadaan aqoonta iyo waayo- aragnimada habka Baarlamaanku u shaqeeyo.

3.2 Sababaha abuuray Xallin la'aanta

Sababta ugu weyn ee abuurtay khiaafkan fikradeed, ee laysku af garan la'yahay, waxaa muuqata inay tahay tiro koob la'aan. Waana mid hubaal ah, inta aanu jirin tiro-koob sugani, in aragtiyaha kala duwan ee laga qabo saami qaybsiga kuraasta Golaha Wakiiladu ay sii waarayaan. Waayo waxaa meesha ka maqan xaqiiqadii dhabta ahayd ee wax kala saari lahayd. Aragti kasta oo maanta lagu doodayaana waa mid kala dhiman oon ku qotomin xaqiiqo dhab ah oo wax kala saarta.

Sida la ogsoonyahay, doorashooyinka hufan ee adduunka oo idili waxay ku qotomaan tirokoob. Dalal badanina waxay soo saaraan sharciyo qasab ka dhigaya in dadka la tiro koobo ka hor inta aan doorasho la gelin, si kuraasta la soo dooranayo loogu qaybiyo gobolada iyo degmooyinka dalkaasi ka koobanyahay. Taasi oo dalal badani sameeyaan tiro koob ka hor inta aan doorasho la gelin, qaar kalena ay muddo go'aan (tobankii sanaba mar) ay ku sameeyaan tirokoob, haddii doorasho soo gashana la isticmaalo tiro-koobkii ugu danbeeyay. Tiro koob la'aantaasina waxay abuurtay in marxaladihii dalku soo maray, mid ka mid ah hababkii la soo isticmaalay qof walba daliishado, isagoo door bidaya ta gobolkiisa u sed kordhinaysa. Taasoo uu mid waliba doonayo, in aragtidiisa la qaato, loona arko ta saxa ah ee maantana ay habboontahay in la isticmaalo. Taasina waxay dhalisay in Goluhu kala qaybsamo, oo uu noqdo mid aan marnaba arrinta saami qaybsiga ku heshiin karin.

Waxayse arrintu ku habboonayd in la abbaaro sababta mushkiladani abuuraysa oo ah tiro koob la'aanta dalka ka jirta. Xubnaha Golahana waxaa la gudboonaa inay isku mushquuliyaan sidii tiro koob u hirgeli lahaa hadii ay doonayaan in mushkiladani xididada loo saaro. Taasi oo aan weli la arag xubno isku mashquulinaya halka ay doodaha aragtiyaha kala duwan in sababtani keentay laysku hawlinayo.

4. Aragtiyaha kala duwan ee Golaha

Gudidan waxaa waajibaadkeeda ka mid ahaa inay ka baaraan degaan saddexda aragtiyood, oo ay soo afjaraan mushkiladdan mudada dheer soo jiidamaysay. Taasoo ah in xubnaha Golaha Wakiiladu kala taageersanyihiin saddex aragtiyood oo kala duwan. Saddexdaasi aragtiyoodna waxay kala yihiin:

1. In saamiga tiradii kuraasta baarlamaanka ee sannadkii 1960 loogu qaybiyey 6 degmo ee dalku ka koobnaa, ay sal u noqoto sida maanta loo qaybinayo kuraasta Golaha ee la soo dooranayo.
2. In tirada maanta gobol waliba ku leeyahay Golaha Wakiilada ay sal u ahaato saamiga laga soo dooranayo Gobol walba.
3. In tirada doorashada codbixisaa u ahaato sal saamiga kuraasta xisbi walba iyo gobol walba ka helayo xubnaha la dooranayo.

Sadexda aragtiyoodba aynu, hoos ugu sii daadegno si ay innoogu muuqato halka ay aragti walba ku qotonto ee ay salka ku hayso. Waxaana lagama maarmaan ah in la daba galo taariikhda mid walba, si loo ogaado inay aragtidu tahay mid ku qotonta xaqiiqo dhab ah oo ay haboon tahay in maanta la isticmaalo iyo in kale.

4.1. Aragtida Kowaad

Bal haddaba si aynu u aragno xididada mushkiladani ka soo unkantay aynu dib ugu noqono taariikhda dhabta ah ee bilowgii doorashooyinka Somaliland. Ka dib markii Hawd iyo Reserve area uu ku wareejiyay Ingiriisku Boqortooyadii Itoobiya, ayuu abuurmay dhaqdhaqaaq xooggan oo dadweynaha Somaliland ku doonayaan madaxbannaani. Waxayna dawladdii Ingiriisku bilowday in Somaliland loo sameeyo Gole Sharci dejin (Legislative Council) oo ay xubno Somaliland ahi ku jiraan. Muddo ka badan labo sano ayay maamulkii ingiriiska iyo xafiiska gumaysiga ee London ka doodayeen qaabka loo gudo galayo hawlaha Golahaasi.

Ugu dambayn, sannadkii 1957, ayaa la sameeyay Gole Sharci dejin (Legislative Council) oo ka kooban lix xubnood oo Somaliland ah iyo 8 xubnood oo Ingiriis ah. Lixda xubnood ee Somaliland ahaa waxa magacaabay Badhasaabkii (Governor) ka talinayay Somaliland. Wuxuuna degmo kasta ka soo xulay hal qof. Taasi waxay abuurtay in beelo dhowr ahi ku doodeen in aanay Golaha beeshoodu ku jirin. Xisbiga SNL oo mucaarid ahaana wuxuu ku dooday in Goluhu yahay mid u adeegaya danaha gumaysiga, maadaama aanu dadweynuhu soo dooran xubnaha Golahaasi.

Arrintaasi waxay ku abuurtay Ingiriiskii ka talinayay Somaliland inay wax ka beddelaan qaabka Golaha loo sameeyay. Waxaana la qoondeeyay in la kordhiyo tirada Golaha oo laga dhigo 14 xubnood oo Somaliland ah iyo 17 Ingiriis ah. xubnaha somalilandna ay 12 xubnood noqdaan qaar la soo doorto, labada hadhayna uu badhasaabku magacaabo isagoo ku buuxinaya beelaha doorashada xubno uga soo bixi waayaan, si loo dheelitiro beelaha Somaliland ka koobantahay. Waxaana doorashada loo qoondeeyay bishii march ee sannadkii 1959-kii.

Waxaa la magacaabay guddi doorasho (commission of inquiry), oo ka soo talo bixisa qaabka ay doorashadaasi ku habboontahay, iyo habka 14 xubnood ee Somaliland loogu qaybinayo 6 da degmo ee dalku ka koobnaa, tiyoo la tixgelinayo sida xubnaha beelaha ka soo qayb gelaya layskugu dheelitirayo. Gudidaasi waxay ka koobnayd 3 qof oo Ingiriis ah iyo laba Somaaliland ah oo kala ah Maxamuud Axmed Cali, iyo Michael Mariano. Waxa markaasi la qorsheeyay in la sameeyo diiwaan gelin lagama maarmaan u ah doorashooyinka hufan. Waxaana dhamaystirka hawlaha doorashooyinka loo qoondeeyay saddex marxaladood, oo kala aha sanadaha 1959, 1962, iyo 1965. Waxaana la bilaabay in magaalooyinka marxaladda hore loo qoondeeyay laga bilaabo diiwaangelin. Taas oo marka hore laga bilaabo Magaalooyinka Hargeysa, Burco iyo Berbera. Marxaladaha danbana magaalooyinka kale.

Hase ahaatee, Xisbiga SNL oo ka soo horjeeday doorashada Gole aanay Aqlabiyada laheyn dadka Somaliland, ayaa ku guubaabiyay dadweynihii in la qaadaco diiwaangelinta. Wuxuuna xisbigu faafiyay in qofkii diiwaangeliya ay oordiisu ka furmayso. Taasoo abuurtay in laga shakiyo diiwaan gelinta. Tiro ka yar saddex kun oo qof ayaa marxaladii koowaad is diiwaan gelisay oo doorashadii sanadkii 1959 ka codbixiyay magaalooyinka Hargeysa, Burco iyo Berbera. Dalka intiisa kale waxay doorashadu ku dhacday hab gacan taag ah.

Qorshaha siyaasadeed ee dawladdii Ingiriiska ee ka talinaysay Somaliland waxay ahayd in saddex marxaladood lagu dhammaystiri karo hawlaha la xidhiidha is maamulka oo dadka Somaliland si buuxda u hanan karaan inay dawlad iskood u maamulaan. Saddexdaasi marxaladood oo kala bilabmayey, 1959, 1962, 1yo 1965, waxay noqdeen qaar aan taabbo gelin, oo dhexda ku baaba'a, waayo dadweynaha Somaliland ayaa aad ugu dheganay in xornimada la siiyo sannadka 1960, oo aan dib loo dhigin, si ay ugu darsadaan Somaliya.

Ugu danbayn Ingiriisku inta uu iska laalaabay qorshihiiisii ayuu aqbalay codsigii dadweynaha iyo xisbiyada siyaasiga ah. Wuxuuna magacaabay guddi doorasho kale oo ka kooban 4 Somaliland ah iyo hal qof oo Ingiriis ah, oo ka soo talo bixiya sidii ay doorasho Gole Somalidu aqlabiyada leeyihiin u qabsoomi lahayd. Waxayna kala ahaayeen gudidaasi:

1. Scawin,
2. Maxamed Ibrahim Cigaal,
3. Jirdeh Xuseen,
4. Ibrahim Aden,
5. Hasan Jama.

Guddiddasi doorasho waxay ku soo cago bixiyeen lixda degmo ee dalku ka koobnaa oo idil. Waxayna la kulmeen odoyada degmooyinka, xisbiyada siyaasiga ah iyo ururada bulshada rayidka ah. Markii la weydiiyay tirada Somalida Golaha la soo dooranayo wuxuu xisbiga NUF soo jediyay 33 qof, xisbiga SYL-na wuxuu soo jeediyay 32 qof. Xisbiga SNL wuxuu soo jeediyay 47 qof. Waxayse markii dambe guddidu ku heshiisay 33 qof in laga soo doorto Somaliland. Markii la gudo galay habka doorashadu u dhacayso waxaa dalka laga diiwaan geliyay oo keliya saddexdii magaalo ee marxaladda hore ee diiwaan gelinta u qorshaysnaa.

Habka loogu qaybinayo 6da degmo 33 kursi kumay qotomin mid diiwaan gelin hore ama tiro koob ku salaysnayd, ee waxay ahayd mid ku qotonta qiyaas ay gaadheen shantii xubnood ee Guddiga doorashadu. Taas oo kadibna ay ogolaadeen Golahii sharci dejinta Somaliland, markii la horkeenay 22kii bishii July ee sannadkii 1958-kii. Wuxuuna maamulkii ingiriisku soo saaray sharci doorasho si doorashadu u qabsoomto 17ka bisha Febraury ee sanadkii 1960-kii.

Naatiijadii Doorashadii sannadkii 1960:

(Source: *The Somaliland Protectorate Gazette, Vol XX, No. 11, Hargeisa, 27th February, 1960.*)

Goob doorasho	Tirada codaysay	Tirada xubnaha
1. Degmada Hargeisa		
Dumbuluq	3834	1
Baanka	2892	1
Sheikh Madar	5603	1
Gebiley	6441	1
Faraweyneh	5441	1
Salaxley	2437	1
Cadaadley	1615	1

Wadarta degmada Hargeisa	28263	7
<u>2. Degmada Burco</u>		
Masjid Jaamaca	3842	1
Sheikh Ismaaciil	1989	1
Laas dhuureh	2421	1
Duruqsi	2486	1
Goryaale	6375	1
Oodweyneh	-----	1
Wadarta degmada Burco	17113	6
<u>3. Degmada Berbera</u>		
Port	2538	1
Jaamalaayeh	3137	1
Bulaxaar	2159	1
Mandheera	1214	1
Sheekh	1909	1
Wadarta degmada Berbera	10957	5
<u>4. Degmada Boorama</u>		
Magaalada Boorama	1285	1
Saylac	1228	1
Cabdilqaadir	1677	1
Boon	2892	1
Dila	3479	1
Wadarta degmada Boorama	10567	5
<u>5. Degmada Ceerigaabo</u>		
Magaalada Ceerigaabo	1694	1
Xiis	1909	1
Laas Qorey	1206	1
Ceel Afweyn	3457	1
Jiidali	0937	1
Wadarta degmada Ceerigaabo	9203	5
<u>6. Degmada Laascaanood</u>		
Caynabo	4198	1
Xudin	1074	1
Laascaanood	-----	1
Widhwidh	-----	1
Taleex	-----	1
Wadarta degmada Laascaanood	5272	5

Wadarta Somaliland ka codeysay: 81375

Waxaa doorashadii sannadkii 1960 la codeeyay tiyoo aan weli la dhamaystirin hawalaha diiwaangelinta iyo tirokoobka. Waxaana dalka oo idil ka codeeyay tiro ka yar 82 kun oo qof. Dhawr arrimood ayaa sababay in tirada codeysay aad u yaraato. Ta koowaad oo ah in ragga oo keliyi codeeyeen. Ta labaad oo ah in dalka oo idil laga codeeyay 150 goobood oo keliya. Ta sadexaad oo ah in 4 goob doorasho aan tartan ka dhicin oo aan laga codayn. Ta afraad oo ah in da'da codbixiyuhu ahayd qof ka weyn 18 sano.

Haddii aynu dib u eegno daldalooladii dhacay sannadkii 1960-kii ee aan lagu salayn diiwaangelin iyo tirokoob, waxaa inoo muuqanaya faraqa weyn ee u dhexeeya tirada ka codaysay goob doorashooyinkii hore gudidu u sii qoondaysay in mid walba laga soo doorto hal qof. Waayo, tusaale ahaan haddii aynu soo qaadano 33kii xubnood ee la soo doortay, waxa dalka Somaliland loo qaybiyay 33 goob- doorasho oo mid walba uu ka soo baxayey hal xubin oo la soo doortaa. Waxayna ku haboonaan lahayd in dalka loo qaybiyo 33 goob-doorasho oo is tiro leeg. Waayo tiyoo aanu diiwaangelintii u horseedi lahayd tirokoob aanu dhammystirmin, ayaa la go'aansaday in doorasho la galo. Gudidii doorashada ee la magacaabayna waxay hab qiyaas uun ku saleysan u qaybisay dalkii 33 goob-doorasho.

Marka dib loo eego tirada codbixiyayaasha goob-doorasho kasta waxa si cad u muuqanaya qaladka lagu saleeyay qaybintaasi. Doorashooyinkii ka dambeeyay ee sannadkii 1964-kii, iyo 1969-kii waxa sii socday uun qaladkii hore u dhacay oo aan dib loo sixin.

Dadka badanaa ka soo horjeeda aragtidan 1aad, ee diida in la soo hadal qaado qaybtii Lixdankii, waxay u badan yihiin kuwa u arka in la dulmay gobolka ama degmada ay ka soo jeedaan. Taasoo dad badani rumaysanyihiin in

wixii maanta loo ogolaado si ku meel gaadh ah, aan dib loo sixi doonin ee laga dhigan doono wax rasmi ah, ama muddo dheer jiidanta sidii horeba u soo dhacday. Waxaana suurto gal ah in dadkaasi diidan aragtida kowaad (1960), ay doorbidayaan labada aragtiyood ee kale ee Golaha la hor keenay. Hase ahaate, waa marxalad la soo maray dalkuna ku so dhaqmay, oo dad badani u arki karaan in si ku meel gaadh ah oo xadidan laga sii duulo, si marxaladan kala guurka ah looga gudbo.

4.2. Aragtida Labaad:

Qaabka lagu soo xulay xubnaha Golaha Wakiilada ee maanta jiraa, wuxuu ku salaysnaa hab beeled. Bal hadaba aynu aragtidan labaad ee ku qotonta hab beeled iyana lafa gurno. Wuxuuna habkani soo maray laba shir beeled oo ku kala dhacay Borama iyo Hargeisa.

4.2.1 Shir beeledkii Borama.

Shirkii Borama ee Sannadkii 1993 beelaha Somaliland oo idili ku heshiiyeen, ayaa aasaaka u qotomiyey in Golaha lagu soo xulo hab beeled. Waxaa shirkaasi lagu sameeyay, laguna ansixiyay Axdi Qarameedkii dalka lagu soo xukumayey mudadii u dhaxaysay sanadihii 1993-1997. Wuxuu Axdi Qarameedkaasi qeexay laba Gole, oo sharci dejin ah, oo kala ah Golaha Guurtida iyo Golaha Wakiilada, oo mid walba tiradiisu tahay 75 mudane. Shir gudoonkii shirkaasi ayaa loo xilsaaray inuu maamulo xubnaha beeluhu u soo gudbiyaan. Beelaha shirayaana waxay ku heshiiyeen saamiga beel walba ku yeelanayso 75 kursi ee Goluhu ka koobnaan doono, inkastoo aanu beelaha qaarkood saluug badani ka madhnayn. Xubnihii shirka ka qayb galay, ee lahaa awood codayn ah kana koobnaa 150 qof waxaa dhammaantood loo aqoonsaday xubnihii Baarlamaanka Axdi Qarameedku ogolaaday. Waxaana loo kala qaybiyay labada Gole oo mid walba tiradiisu noqotay 75 qof. Hase ahaatee Beelaha ayaa markii danbe qaar bedelay. Waxaana muuqatay in markii hore aan xiiso weyn oo tartan keena loo hayn xubinimada Golaha.

Shir beeledkaasi Borama ka dhacay wuxuu ahaa mid si habsami ah, oon faragelin dawladeed ku jirin. Madax dhaqameedyada iyo odoyaduna waxay ku lahaayeen kaalin buuxda habka shirka loo qabanqaabiyay iyo qaabka uu u socday shirku. Qaabkii ay beeluhu u qaybsadeen 75 xubnood ee Goluhu ka koobnaana waa sida hoos ku qoran:

Tiradii Beelaha loogu qaybiyay 75 xubnood ee Golaha Wakiilad shirkii Boorama ee sannadkii 1993:

1. Habar jeclo	11
2. Gadabuursi	11
3. Dhulbahante	10
4. Habar Awal	8
5. Arab	7
6. Ciise	5
7. Ciidagale	5
8. Warsangeli	5
9. Habar yoonis	4
10. Cimraan	3
11. Ayuub	3
12. Tol-jecle	3
13. Dadka laga tiro badanyahay	0
Wadarta	75

(Source: Consolidation and Decentralization of Government institutions, APD, Hargeisa, Somaliland, July 2002)

4.2.2 Shir beeledkii Hargeisa

Shir beeledkii sannadkii 1997 ka dhacay Hargeisa wuxuu soo afjaray dagaaladii sokeeye ee dalka ka socday mudadii u dhaxaysay sanadihii 1994-1996. Wuxuuna shirkani sidii kii Boorama oo kale ku salaysnaa hab beeled xubnaha shirka ka qayb galay lagu soo xulay. Waxaana shirkani ka soo qayb galay 350 xubnood oo ay ka mid yihiin 150 kii xubnood ee shirkii Boorama ka qayb galay. Hase ahaatee wuxuu shirkani kaga duwanaa kii ku qabsoomay Borama, in ay dawlada Somaliland ku lahayd faro gelin xooggan.

Waxaa shirkaasi dib loogu eegay cabashada beelo saluugsanaa tiradii loogu qoondeeyay shirkii Borame. Waxaa kale oo shirkani xubno cusub u ogolaaday beelaha laga tirada badanyahay oon hore xubinimo ku lahayn Baarlamaanka. Qaabka cusub ee uu shirkani wax ugu qaybiyay beelaha Somaliland waa sida hoos ku qoran:

Tiradii Beelaha loogu qaybiyay 82 xubnood ee Golaha Wakiilad shirkii Hargeysa ee sannadkii 1997¹

1. Habar jeclo	11
2. Gadabuursi	11
3. Dhulbahante	10 (<i>waxa ku jira tiridam mid Fiqishini ah</i>)
4. Habar Awal	08
5. Habar yoonis	07
6. Arab	07
7. Ciise	05
8. Ciidagale	05
9. Warsangeli	05
10. Cimraan	03
11. Ayuub	03
12. Tol-jecle	03
13. Dadka laga tiro badanyahay	04

Wadarta **82***(Source: Consolidation and Decentralization of Government institutons, APD, Hargeisa, Somaliland, July 2002)*

Qaabka ay beeluhu u soo xuleen xubnaha Golaha way kala geddisnaayeen. Manay jirin dariiqo cad oo la wada raaci karo. Sida la ogsoonyahay, marka hab beeleed wax lagu soo xulayo, dadka ku abtirsada beeshaasi oo idili kama talo bixiyaan, ee waxaa badi hawsha, beerigii hore, loo dayn jiray odayada ugu waayo aragnimada badan. Waxaase shirkii ugu danbeeyay ka muuqday, in odayada dawladdu ogoshahay ee beeshaasi kaalinta ugu xooggan ee xulashada la wareegeen.

Si kasta arrinku ha ahaadee xubnihii Golaha ee hab beeleedka lagu soo xulay waxay ahaayeen kuwo u xilsaaran sharci dejinta dalka. Wuxuuna distoorku siiyay awoodo ay ka mid yihiin inay ansixiyaan wasiirada iyo madaxda laamaha dawladda. Sidoo kale inay ansixiyaan barnaamijyada dawladdu ku shaqaynayso, heshiisyada caalamiga ah ee ku saabsan siyaasadda, dhaqaalaha iyo nabad gelyadaba. Sidoo kale Baarlamaanka oo isku jira ayaa dawladda u oggolaanaya in dalka la geliyo xaalad degdeg ah. Waxayna mudadaasi qabteen hawlo badan oo ay ugu muhimsan yihiin ka qayb qaadashada distoorka, iyo hirgelinta sharciyada xisbiyada, doorashada, dhaqaalaha iwm.

Waxaa xusid mudan, guud ahaan, in ay dadkii ku soo barbaaray barashada aqoonta shisheeyuhu, ay dhowr iyo tobankii sano ee ugu danbeeyay korodhsadeen barashada bulshadooda, dhaqankooda, iyo qaab dhismeedka beelahaba. Kuwaasi oo xilliyadii hore ay aad ugu yarayd aqoonta ay u leeyihiin bulshada, dhaqanka iyo beelaha Somalilandba. Waayo mudadii yaraanta ee ay ku soo barbaari lahaayeen barashada dhaqankooda, waxay ku jireen dugsiyo ay ku baranayaan aqoon shisheeye.

Sida la ogsoonyahay, xubnaha Golaha Wakiilada waxaa laga soo xulay dad ku soo barbaaray barrashada aqoon shisheeye. Taasoo distoorku qeexay in qofka Golaha Wakiilada xubin ka noqon karaa uu haysto ugu yaraan shahaado dugsi sare. Xubnihii Goluhuna waxay fursad u heleen, maadaama lagu soo xulay hab beeleed, inay korodhsadaan aqoonta qaab dhismeedka beelaha Somaliland. Taasoo yeelan karta weji waxtar iyo mid waxyeelaba. Sidoo kale waxaa kobcay aqoontii xubnaha ee dhaqanka iyo bulshada Somaliland.

Aqoon korodhsigaasina waa mid ka dhashay ka qayb galka shirkii nabadaynta beelaha, shirkii aayo ka talinta Somaliland iyo shirar kale oo ku saabsanaa xallinta arrimaha bulshada. Waxaana si joogta ah dalka uga socday doodo kala duwan oo ku saabsan bulshada iyo dalkaba. Taasoo xubnuhu si joogta ah uga qayb qaadanayeen. Sidoo kale doodihii Golaha ka dhex socday ayaa u kordhiyay codkar nimo. Taasoo ay dareemaan dadweynaha Somaliland ee dalalka shisheeyaha ku nooli marka ay soo booqdaan xubno ka tirsan Goluhu oo ay yidhaadaan. 'Waar hebel muxuu af dilaacsaday'.

Waxaa intaasi dheer, in xubinimadii Goluhu awoodsiisay korodhsi aqoonta habka Baarlamaanku u shaqeeyo.

¹ Doorashadii Golaha markii ay dhacday sebtambar 2005kii, natiijadii xagaa beelaha xubnaha la doortay waxay noqotay ceynkan:

1. Habar jeclo	16	6. Arab	05	11. Ayuub	01
2. Gadabuursi	13	7. Ciise	01	12. Tol-jecle	0
3. Dhulbahante	06	8. Ciidagale	02	13. Dadka laga tiro badanyahay	0
4. Habar Awal	16	9. Warsangeli	04	14. Fiqishini	1
5. Habar yoonis	17	10. Cimraan	0	Wadarta	82

(Source: Academy for Peace & Development (I2006) *A Vote for Peace*, Hargeisa, at page 44)

Taasoo qofkii dedaalay ee hawlaha golaha ka socday isku mashquuliyay uu ka helay waayo aragnimo weyn oo la xidhiidha habka Baarlamaanku uga hawl gali karo bulshada Somaliland oo dhaqan ahaan u hawl geli jirtay qaab ka duwan habkan laga soo dheegtay dhaqan kale oo shisheeye ah. Waxaana suurto gal ah in xildhibaanada qaarkood ay ka midho dhaliyeen iswaafajinta labadaasi aqoonood ee ka soo kala jeeda laba dhaqan oo kala duwan, iyagoo dhaqan walba ka soo qaatay arrimaha bulshada Somaliland faaiidada u leh. Marxaladdan kala guurka, ee laga gudbayo habkii beelaha ee Golaha Wakiilada, waxaa muuqata in loo bislaaday in laga gudbo hab beeleedkii xubnaha lagu soo xuli jiray. Aragtidan labaad ee xubno ka tirsan Golaha Wakiiladu soo jeediyeen ee ah in doorashada lagu saleeyo tirada maanta gobol walba ku leeyhay golaha, waa tallaabo hore looga soo qaaday halkii hore la taagnaa ee ahayd in hab beeleed lagu soo xulo xubnaha. Tiiyoo taasi jirto, waxaa hadaba isweydiin mudan in qaabkani uu noqon karo mid ku qotoma xaqiiqo dhab ah oo gobolada wax loogu qaybiyo. Waxaa hubaal ah in xubnaha Goluhu ay ku salaysanyihiin qaab hab beeleed ah. Taasoo beeluhu ku heshiiyeen sidii loo qaybsan lahaa xubnaha Golaha. Hase ahaatee marka ay arrintu noqoto in xubnaha loo qaybiyo gobolada, waxaa inoo caddaanaya in aan xubnaha hore loogu qaybsan gobol gobol ee loo qaybsaday beel beel. Taasoo inoo muujinaysa in gobolka iyo beeshu yihiin laba kala duwan, oo midna ay tahay in hab beeleed lagu soo xulo, ka kalena in gobolka laga soo doorto xubno cayiman oo laysla ogyahay. Doorashaduna waxay u baahan tahay in marka hore la ogyahay tirada gobol walba ka koobanyahay oo ah xaqiiqo lagu heli kara uun tiro koob sugan. Hase ahaatee tiyoo aanu Somaliland ka jirin tiro koob sugan oo gobolada wax loogu qaybin karo ayey aragtidani u muuqataa mid xubnaha qaarkood u arkeen in ay sal u ahaato sida gobolada wax loogu qaybinayo. Waxayna u badantahay in xubnaha Golaha ee aragtidani soo jeediyay ama taagersani ay u arkaan mid gobolka ay ka soo jeedaan uga sed kordhinaysa aragtida kale ee sannadkii lixdankii ku qotonta.

4.3. Aragtida Sadexaad:

Aragtida sadexaad waxay tilaamaamaysaa in tirada codbixiyaasha doorashada Golaha Wakiilada loogu qaybiyo saamiga uu xisbi kasta iyo gobol kastaa ka helo tirada guud ee codka la bixiyay. Taasi waxay inoo muujinaysaa in tiro go'an oo gobolada loo sii cayimayo oo u baahan in marka hore laga sii heshiiyo oo laysla af-garto inaan loo baahnayn. Waxaa se gobolada iyo xisbiyadaba wax loogu qaybinayaa naatiijada soo baxda oo gobol walba ka helayo inta gobolkaasi ka codaysay, sida xisbi walbana wax u helayo kolba inta u codaysay.

Aragtidani waxay u muuqataa mid cadaaladda u dhow oo xisbi kasta iyo gobol kastaa helayo saamigii uu xaq u lahaa marka tirada codadka guud ee Qaranka la xisaabiyo. Qaybinta habkaasi oo kale ahina waa mid aad loo isticmaalo oo dadka wax ugu qaybinaysa hadba inta uu xaq u leeyahay ee uu saamigiisu siiyay. Qaabkanina waa mid aad loo isticmaalo marka wax loo qaybinayo xisbiyada tartamaya. Sidoo kale waa habka tirokoobka iyo diiwaangelintuba ugu qaybiyaan gobolada kuraasta loo tartamayo.

Habka ay aragtidani wax u qaybinayso waa mid u muuqata in aanay cidina ku eedaynayn xaq soor la'aan, cid walbana u qoondaynaysa wixii uu xaq u lahaa. Waxaadna moodaa in habka tirokoobka iyo qaabka doorasho ee saami wax u qaybsiga (PR) laga soo dheegtay aragtidani.

Laakiin haddii aynu muuqaalkaasi guud hoos uga sii daadegno, waxaa inoo muuqanaya dhibaatooyinka ay aragtidani keeni karto. Waxaana inoo cadaanaya meelaha ay aragtidani ka khilaafsantahay hababkii laga soo dheegtay ee qaabkaasi wax u qaybiya.

Haddii aynu ku horrayno habka tiro koobka ee ay aragtidani iskaga mid yihiin qaabka wax loo qaybinayo, waxaa hubaal ah in tirokoobka iyo cod bixintu ay aad u kala duwan yihiin. Mid walbana leeyahay duruufo u gaar ah, oo uu ku suurto galo. Tiro koobu wuxuu leeyahay duruufo daraasad, cilmi baadhis, xaqiiqin, dabagal, u fiirsasho iwm, oo muddo dheer qaata si xaqiiqada dhabta ah loo helo. Tirada tiro koobkuna waxay soo baxdaa ka dib markay xannibaadyo badan oo kala duwan soo dhaafto.

Doorashadu se waxay leedahay duruufo aad uga duwan kuwa tiro-koobku leeyaahay. Doorashadu waa tartan dhex maraya xisbiyada siyaasiga oo ay u kala dheeraynayaan sidii ay u kasbi lahaayeen codadka ugu badan ee dadweynaha. Tartankuna wuxuu keenaa xammaasad gooniya oo aad looga shaqaysiiyo caadifadda, tiyoo guubaabo, dacaayad, iyo qiiraba la isticmaalayo. Ujeedada ugu weyn ee tartankani doonayaana waa in uu helo tirada ugu badan ee codadka.

Waxaa laga yaabaa in dadka aragtidani soo jeediyay, ay raadinayaan cadaalad dadka oo idili u sinnaado oo si siman wax loogu qaybiyo. Gobol walba iyo xisbi walbana helo wixii uu xaq u lahaa. Laakiin aragtidani waxay keenaysaa in xisbiyada iyo goboladuba tartan u tafaxaytaan. Doorashadan Golaha Wakiiladana waxaa loogu talo galay tartan dhex mara xisbiyada ee looguma talo gelin tartan dhex mara gobolada. Aragtidani se waxay keenaysaa tartan kale oo goboladu ugu tartamaan kuraasta Golaha. Gobol kastaana wuxuu u tafo xaydan sidii uu kuraasta u badsan lahaa. Tartankaasi oo abbaari doona sidii uu codadka gobolka u badsado, si ay kuraastu ugu badato.

Tartankaasi ma bilabmayo uun marka ay codbixintu bilaabanto, ee xaataa marka waraaqaha codbixinta loo kala dirayo gobolada ayuu gobol walba ku doodi in waraaqaha loo badiyo, tiro isleegna gobolada oo idil loo kala diro, halkii gudida doorashadu ay hore ugu qoondayn jirtay gobol walba tirada codbixiyaasha laga filayey. Doorashooyinka dalka ilaa hadda ka dhacayna kuma qotomaan xanibaadyo kala hufid iyo baadhis ku qotoma. Khadka gacmaha loo mariyo dadka codeeyay ayaa ugu weyn tabaha aynu isticmaalno, ee aynu ugu talo galnay in khiyaamada lagu yareeyo. Waxaana inoo muujinaya in aanay codaynta weli ka madhnayn ku noqnoqosho naatiijooyinkii ka soo baxay doorashooyinkii aynu soo marnay.

Aragtidani waa tii ugu danbaysay ee taageerayaasheedu soo gaadhsiiyaan Golaha. Waxayna u egtahay in aragtidani ay unkantay ka dib markii la arkay natiijooyinkii labadii doorasho ee dhawaan dalku soo maray. Taasoo gobolada qaarkood ay dareemeen farabadnaanta codbixiyaashooda. Lana dareemay gobollo ay aad ugu yaryihiin dadkii ka codbixiyay.

Bal aynu hadaba yara eegno natiijooyinkii labadii doorasho ee dalka dhowaan ka qabsoomay.

Natiijadii Doorashadii Deegaanada 2002

Gobolka	codka la bixiyay	codka xumaaday	codka ansaxay
1. Hargeisa	193109	6726	186383
2. Awdal	103012	2517	100495
3. Togdheer	68083	1485	66598
4. Sanaag	55194	2098	53096
5. Saaxil	28090	856	27234
6. Sool	6420	159	6261

(Source: Gudida doorashooyinka Qaranka, December 2002.)

Natiijadii Doorashadii Madaxweynaha.

Gobolka	codka la bixiyay	codka xumaaday	codka ansaxay
1. Hargeisa	213,956	5,096	208,864
2. Togdheer	116,046	982	115,064
3. Awdal	68,396	2,466	65,930
4. Sanaag	58,781	843	57,938
5. Saaxil	31,128	591	30,537
6. Caynabo	9,785	83	9,702
7. Heer Qaran	547	39	508
Wadar	498,639	10,096	488,543

(Source: Gudida doorashooyinka Qaranka, April 2003.)

Haddii aynu eegno natiijada labadaasi doorasho waxaa inoo muuqanaya isbedel weyn oo u dhexeeya tirada doorasho kasta uga codaysay gobolada qaaarkood. Waxaa kale oo inoo muuqda in gobolka Hargeisa oo ay caasimaddu ku taallo ay ka codeeyeen tiro aad u badan. Waana arrin jirta in dad aad u badani sanadihii danbe u soo guureen Hargeisa iyagoo ka yimid goboladii ay hore u deganaayeen. Taasoo arrimo badani ku kellifayaan. Haddii hadaba aragtidan la qaato oo tartan dhex maro gobolada maxay doorashadu keeni kartaa?

Ilaa iyo maanta qofka waxaa lagu tiriyaa gobolkii uu asal ahaan ka soo jeeday ee beeshiisu degto xataa isagoo tobanaan sano degenaa gobol kale. Musharixiintana waxaynu doorashooyinka oo idil ku qoondaynay musharrax walba halkii ay beeshiisu degto. Tiiyoo aragtida dadkeena taasi tahay, hadaba, natiijada codbixinta aynu wax ku qaybinaynaa ma inoo sheegi karta dadka gobolada kale ka yimid ee ka codeeyay caasimadda oo ah meesha tirada ugu badani u soo guurtay marka gobolada loo eego?. Mise waxaa la gudboon qof walba inuu ka codeeyo gobolkii uu ka soo jeeday si codkiisu ugu tirsanaado gobolkiisa?

Su'aalahaasi waa qaar uu ka jawaabi karo tiro koobku, hase ahaatee aragtidani kama muuqato inay jawaab u heli karto. Guud ahaan, uma muuqato mid toosan in gobolada tartan loo geliyo sidii xisbiyada oo kale. Taasoo ay ka soo bixi karaan arrimo aynaan maanta filayn, laakiinse innagu keeni kara wax khal khal geliya doorashada aynu higsanaynno oo idil.

5. Xal dhex u ah saddexda aragtiyood.

Waxaa inoo muuqan kara in khilaafkan fikradeed, ee abuuray in saami qaybsiga kuraasta Golaha Wakiilada laga kala qabo aragtiyo kala duwan, ay sabab u tahay tiro-koob la'aanta dalka ka jirta. Taasoo aanay jirin tiro sugan oo gobolada wax loogu qaybiyo. Sadexda aragtiyoodna kuma jirto mid keliya oo ka tarjumaysa xaqiiqada dhabta ah ee gobolada wax loogu qaybin karo. Mid waliba oo sadexda aragtiyood ka mid ahina waxay

leedahay, sida ku cad faahfaahinta saddexda aragtiyood ee kor ku xusan, dhaliilo, iyo daldaloollo. Suurto galna maaha in mushkiladani loo helo xal kama danbays ah ilaa tiro koob sugani dalka ka hirgalo. Aragtiyahaasi kala duwanina way jirayaan inta aan tiro koob sugan la helin.

Haddii hadaba aynnu ogaannay halka uu salka ku hayo khilaafkan abuuray aragtiyaha kala duwan ee laga qabo saami qaybsiga kuraasta Golaha Wakiilada, waxaa innala gudboon uun inaynu kala dooranno laba arrimood. Ta hore oo ah inaynu doorashada dib u dhigno oo la sameeyo tiro koob wax lagu qaybiyo. Ta labaad oo ah in immika xal ku meel gaadh ah oo ku eg uun mudada doorashadan oo keliya la raadiyo, doorashadana la qabto waqtigii loo xadiday, tirokoobkana lagu dedaalo sidii uu dhakhso ugu qabsoomi lahaa si doorashada danbe aanu khilaafkan inna hadheeyay u saamayn.

Haddii aynu ta hore ee ah dib u dhigista doorashada ku horrynno, waxaynu bilwogii warbixinta ka soo warrannay sooyaalkii dib u dhigista waqtigii loo igmaday inay Golaha Wakiiladu xilka hayaan. Waxaa kale oo aynnu warbixintan kaga soo warranny dareenadii ka dhashay dib u dhiggaasi. Waana mid la ogsoonyahay in dadweynuhu aad ugu dulqaatay go'aanadii dib u dhigista ahaa. Dadweynaha Somalilandna waxay maanta ka filayaan Golaha inuu soo saaro xeerkaa doorasho ee mudada badan laga sugayay. Waxaa intaasi dheer tiyoo Xukuumadda iyo Gudida doorashaduba xadideen xilliga doorashada oo loo qoondeeyay 29 Bisha March, ee sannadka 2005.

Sidaasi awgeed, waxay ta hore ee ah in dib loo dhigo doorashadu, u muuqataa mid caqliga saliimka ah aad uga fog, kana soo horjeeda yuhuunta dadweynaha Somaliland iyo go'aanadii ay ku dhawaaqeen Madaxweynaha Somaliland iyo Gudida doorashooyinku ee lagu xadiday xilliga doorashadu qabsoomayso.

Waxaa markaasi innala gudboon inaynu raadinno xal ku meel gaadh ah oo ku eg uun doorashadani, loona sii gogol dhigo tilmaamihii lagu samayn lahaa tirokoob. Si hadaba loo helo xal ku meel gaadh ah, waxaa inoo cad in mushkiladani aan xal loo heli karin inta uu qof walba oo Golaha ka mid ahi doonayo in aragtidiisa la qaato. Waxaa kale oo xusid mudan in qaybsanaanta xubnaha goluhuu sii qaybin doonto uun dadweynaha Somaliland. Oday dhaqameedka Somaliland waxay aad ugu xeeldheer yihiin habka mashaakilka loo xaliyo, loogana dhex abuurto nabad beelo hore colaadi uga dhaxaysay. Taasoo ay qoraallo badan ku cadeeyeen aqoonyahanno shisheeya ah oo kala duwani. Hase ahaatee arrintani saami qaybsigu waa mid ku saabsan doorasho, oo laga soo dheegtay dhaqan kale oo odayadu aanay aqoonteeda lahayn. Waxaana la filayey in xildhibaanada Golaha Wakiiladu ka faaiidaystaan waanaagga labada dhaqanba ku dhex jira.

Haddii aynu is weydiinno habka dhaqanka Somaliland wax u xalliyo marka arrin saddex geesood iska soo horjeedaa ku timaaddo, ee dhinac walba uu sheeganayo inuu xaq ku taaganyahay. Jawaabta su'aashaasi, oo laga bartay oday ku caanbaxay dhaqanka Somaliland, waxay inoo sheegaysaa in dhaqanka Somaliland aanu dadka arrin isku haya aanu saddexdaba midkoodna fara madhnaan dirin, ee lagu dedaalo sidii mid walba looga siin lahaa sed uu ku qanco arrinkaasi laysku hayo.

Waxaana halkaasi innoga muuqanaya in Goluhu baalmari jirey xal bulshada Somaliland hore ugu dhaqmi jirtay. Taasoo, markii hore Goluhu isku dayi jirey in aragtiyaha laysku hayo mid uun la qaato, xooggana la saari jiray in dadka aragtida kale rumaysan lagu qanciyo inay aragtidan ay diidanaayihiiin aqbalaan. Waxaana halkaasi ka muuqata in weli xildhibaanada Goluhu u baahanyihin in ay dhaqankooda ka bartaan odayada.

Gudidu, iyagoo ogsoon muhiimada ay xal u raadinta mushkiladani u leedahay dhammaystirka doorashooyinka Somaliland, ayey ku dedaaleen sidii ay u heli lahaayeen xal ku meel gaadh ah oo saddexda aragtiyoodba u cuntami kara, tiyoo saddexda aragtiyood aan midna loo xaglinaynin ee meel dhexe layska taagayo.

Ugu horreyn, aragtida sadexaad ee ahayd in natiijada codaynta ka soo baxda doorashada sal looga dhigo saamiga xisbi walba iyo gobol walba qaaybtiisa ku helayo, kama muuqato tiro go'an oo ay hadda wax ugu qaybinayso gobolada. Labada aragtiyood ee kalana waxay muujinayaan tiro go'an oo gobol walba loo cayimayo. Hase ahaatee aragtidani waxay wax ku qaybinaysaa habka gobolada wax loogu qaybiyo marka tirokoob la haysto. Waxaana muuqata dhibaataada ka iman karta gobolada oo tartan gala, sida xisbiyada oo kale, marka doorashadu dhacayso. Taasoo arrimo badan oo lama filaan ahi ka soo dhex bixi karaan.

Waxay gudida ugu muuqatay in aragtidani tahay mid aan maanta si cad wax ugu qaybinayn gobolada ee habkeedu ku xidhanyahay tirada gobol walba ka codaysa. Taasoo gobol walba xaqiisa ku heli karo. Hase ahaatee, dhibaatooyinka ka iman kara haddii aragtidani la qaato, oo aynu kor ku soo sheegnay, ayaan maanta lagu talin karin in aragtidaani la qaato. Waxaa se sed u noqon kara aragtidani, in habkeedaa wax lagu qaybiyo wixii doorashadan ka danbeeya marka tiro koob suurto galo. Mudadaasina la sii diyaariyo habkii tiro koob hufani u dhici lahaa, loona hawl geli lahaa sidii uu u suurto geli lahaa. Taaso loo baahanyahay in gudidu ku cadeeyo xeerkan doorashada tilmaamihii u gundhigi lahaa tirokoob dhakso ah.

Markaasi ka dib, waxaa gudida la gudboonaatay inay guda gasho habkii labada aragtiyood ee kale loo dhexdhexaadin lahaa loona kala xaqsoori lahaa. Waxayna gudidu isla af garatay in labada aragtiyoodba meel dhexe layska taago. Taas oo ah in tirada xubnaha labada aragtiyood siinayaan gobol walba laysku geeyo, ka

dibna laba loo qaybiyo si loo helo tirada dhex dhexaadka ah.

Si arrintaasi u suurtagasho, waxaa marka hore lagama maarmaan noqday in la ogaado tirada xubnaha ee aragti walba u qoondaysay gobol walba. Markii la soo qaaday aragtida koowaad ee ku salaysnayd habkii sannadkii lixdankii, waxaa muuqday in tirada kuraastii lixdankii ahayd 33 kursi, kuwa maantuna 82 kursi. Sidaasi awgeed waxaa lagama maarmaan noqday in kuraasta gobol walba lahaa sannadkii lixdankii lagu dhufto 2.5. Taasoo markii la xisaabiyay jajab aan xubin noqon karini ka soo hadhay gobolada qaarkood.

Gobolka Tirada xubnaha 1960 Tirada xubnaha X2.5

Hargeisa	7	17.5
Togdheer	6	15
Awdal	5	12.5
Sanaag	5	12.5
Sool	5	12.5
Saaxil	5	12.5
Wadar	33	82

Sidoo kale markii aragtida labaad ee hab beeleedka ku qotontayna la goboleeyay waxaa muuqatay in shanta xubnood ee gudida ahi qof walba u arkay si gooniya tirada gobolada aragtidani u qoondaysay. Taasoo ay ugu wacan tahay beelaha qaarkood oo gobollo dhawar ah dega, qofkiina loo arki karo mid ka soo jeeda gobollo kala duwan.

Gobolka Tirada xubnaha oo gobolysan

Hargeisa	24
Togdheer	14-16
Awdal	16
Sanaag	11-12
Sool	10-11
Saaxil	6
Wadar	82

Sidaasi awgeed, ayey lagama maarmaan u noqotay in shanta xubnood ee gudida ahi mid waliba gooni ahaantii u xisaabiyo tirada xubnaha ee gobol walba ka helayo tirada isugeynta dhex dhexaadka ah. Markaasi ka dib ayaa laysku geeyey tiradii xubin kasta oo gudida ahi u aragtay in gobol walba heli karo. Halkaasi oo ay ka soo baxday tiro dhex dhexaad ah oo isugeyntii ka soo baxday. Waxayna tiradaasi gobol walba helay noqotay sida soo socota:

Gobolka Tirada xubnaha aragtida dhexe

Hargeisa	20
Togdheer	15
Awdal	14
Sanaag	12
Sool	11
Saaxil	10
Wadar	82

6. Qaabka Doorasho

Waxay gudidu guda gashay inay kala doorto qaababka doorashada ka ugu habboon maanta, tiyoo la tixgelinayo duruufaha gaarka ah ee maanta ka jira Somaliland. Si arrinkaasu u suurtagalo, waxaa lagama maarmaan noqday in qaab walba la ogaado faaiidooyinka iyo khasaaraha uu leeyahay, lana ogaado saamaynta uu mid walba ku yeelan karo Bulshada Somaliland.

Qaababka doorashooyinka ee dalalka adduunku ku dhaqmaan guud ahaan waa laba qaybood oo kala ah:

- (a) Qaabka Aqlabiyadda (Majoritarian),
- (b) Qaabka saami wax ku qaybsiga (proportional Representation).

Mid walba oo qaababkaasi ka mid ahi wuxuu u sii kala qaybsamaa noocyo badan oo kala duwan, oo dal waliba ku qoondeey duruufihiisa gaarka u ah bulshadiisa. Waxa kale oo jira in labada qaab ee aynu kor ku soo xusnay mararka qaarkood laysku dhafo, taasoo lagu tilmaamo Qabka doorashada isku jirka ah (Mixed). Labada qaab doorashaba dalku hore ayuu u soo arkay.

Gudidu waxay hoos ugu daadagtay labada Qaab doorashaba, tiyoo noocyada kala duwan ee uu qaab walba ka koobanyaahay la sii guda galay. Bal aynnu ku horraynno waxyaabihii ka soo baxay Qaabka Aqlabiyadda (Majoritarian).

6.1 Qaabka Aqlabiyadda:

Waxaa badi habkani ku dhaqma dalalka xidhiidh taariikheed la lahaa dalka Ingiriiska. Waxayna xisbiyadu ugu tartamaan habkani si toos ah oo midkood uun ku guulaysanayo goob walba. Taasoo xisbiga tiro bataa uu qaato kursiga loo tartamayo. Waana habkii doorasho ee Somaliland ku dhaqantay labaddii doorasho ee sannadihii 1959, 1960 dalka ka dhacay.

Waxaana lagu tilmaamaa in uu yahay qaabka ugu sahlan uguna fudud in ay dadweynaha codaynaya fahmaan. Hase ahaatee hawl aan yarayn ayaa dusha ka fuusha masuuliyiinta u xil saran hawlaha doorashooyinka, ha ahaato xukuumadda dhexe, Golaha wakiilada iyo guddida doorashooyinka. Taasoo u baahan muddo dheer in la sii qorsheeyo hawlihii lagama maarmaan u ahaa si uu qaabkani u hirgalo.

Waxaana badi lagu tilmaamaa in uu qaabkani suurtagelinayo awood ay dadweynaha codbixinayaa si cad oo aan mugdi lahayn ku kala doortaan qofka ay iyagu doonayaan. Taasoo kelifta in xisbigu doondoonto qof dadweynaha goobtaasi raali ka yahay. Waana mid keenta in dadweynuhu la xisaabtami karaan qofkii ay doorteen, suurtagelinaysana in qofka ku guulaysta doorashadu uu ku dedaalo sidii halkii laga soo doortay wax ugu qaban lahaa inta uu xilka hayo.

Khasaaraha uu qaabkani leeyahay waxaa gudida uga soo baxay tiyoo dad badan oo cod bixiyay uu codkoodu khasaarayo, waayo xisbiga ugu codbata ayaa qaadanaya kuraasta goobtaasi lagu tartamayey. Waxaa kale oo muuqatay in aanu xisbina helayn kuraas u dhiganta saamiga dadkii u codeeyay. Taaso, dalku hore u soo arkay sannadkii 1960, markii xisbigii NUF uu helay hal kursi oo keliya, tiyoo hadana uu xisbi keliyi ka tiro badnaa marka lays garab dhigo tirada afartii xisbi ee tartamayey uga codaysay dalka Somaliland oo idil.

Intaasi ka dib ayey gudidu hoos ugu daadegtay noocyada kala duwan ee uu Qaabkani ka koobanyahay. Waxaana muuqatay in badi qaabkani laba nooc loo kala isticmaalo. Labadaasi nooc oo kala ah:

Goob doorasho qof keliya ah (Single member constituency).

Degmo doorasho dhowr qof ah (Multi member constituency).

Mid walba oo labadaasi nooc ah, waxay gudidu u lafa gurtay gooni ahaan. Waxaana uga soo baxay:

6.1.1 Goob Doorasho Qof keliya ah:

Goob-Doorasho qof keliya ahi waa noocii dadka Somaliland u codbixiyeen sannadihii 1959, iyo 1960. Taasoo ah in Xisbi kasta oo tartamayaa uu Goob- doorasho kasta soo dhigayo Musharrax keliya. Halkaasina loo kala codaynayo musharaxiintii uu xisbi kastaa soo sharraxay. Hadaba, ka hor inta aan doorashadu dhicin, ayuu qaabkani u baahan yahay in dalka loo qaybiyo inta ay kolba yihiin kuraasta la soo dooranayo. Tusaale ahaan, haddii aynu Somaliland iyo Golaha Wakiiladda tusaale u soo qaadanno, waa in Somaliland loo qaybiyo 82 Goob-doorasho oo is tiro le'eg. Taasina waxaa lagama maarmaan u ah, in ka hor intaan doorasho dhichin la sameeyo tiro-koob. Sidoo kale, in la sameeyo soohdimo kala xadeeya 82 Goob-doorasho. Taasoo abuuraysa soohdimo doorashada uun loogu talo galay oo ka duwan soohdimaha maamulka ee jira. Waxaa taasi ka daran in mar kasta oo doorasho la gelayaba loo baahanayo tiro koob hor leh iyo soohdimo cusub. Wuxuuna isbedelkan joogtada ahi aburayaa soohdimo aan joogto ahayn oo doorasho kasta laga yaabo inay isbeddelaan, kadib marka tiro-koobka la helo.

Waxaana loo gudbay in sidoo kale la lafa guro, nooca labaad ee qaabkan Aqlabiyaddu leeyahay.

6.1.2 Degmo Doorasho dhawr qof ah:

Noocan labaad ee ah degmo doorasho dhowr qof ahi (multi-member constituency), wuxuu tartanka xisbiyadu si toos ah uga dhacayaa degmooyinka, tiyoo uu xisbi waliba ka soo sharraxayo degmo kasta dadkii tartanka uga qayb geli lahaa. Soohdimaha degmooyinka tartanku ka dhacayaana waxay la mid noqonayaan soohdimaha degmooyinka. Noocani uma baahna isbeddel joogto ah oo lagu sameeyo soohdimaha degmo doorashooyinka. Waxayna badi soohdimaha noocani la mid noqdaan soohdimaha degmooyinka ee maamulka. Tartanka xisbiyaduna waxay ka dhacayaan degmooyinka oo xisbiga ugu tiro bata marka la tiriyo codbixinta uu wada yeelanayo kuraasta degmadaasi oo idil.

Noocan waxaa lagama maarmaan u ah in tiro koob la sameeyo, ka hor inta aanay doorashadu qabsoomin, si loo ogaado musharixiinta degmo kastaa xaq u yeelanayso tiyoo lagu salaynayo tiro koobka degmo kasta. Tirada degmada oo isbeddeshana ma keenayso in isbeddel lagu sameeyo soohdinta degmada. Hase ahaatee, waxaa suurtagal ah haddii tirada degmaddu badato ama yaraato in isbeddel ku dhaco xubnaha laga soo dooran karo.

Faa'iidooyinka ugu waaweyn ee noocani leeyahay waxa lagu tilmaamaa tiyoo dadweynaha codeeyey ee degmadaasi ay helayaan qof degmadaasi laga soo doortay oo ay la xisaabtami karaan. Waxayna xisbiyada ku qasabtaa in ay doortaan qof degmadaasi magac ku leh. Sidoo kale noocani wuxuu faaiido u leeyahay dadka

laga tirada badan yahay. Waxaa intaasi dheer, dalalka dhiirigelinaya in ay haweenku ka mid noqdaan xubnaha la soo dooranayo ayuu noocani u sahli karaa hab lagu soo doorto.

Markii gudidu hoos ugu daadegtay dhaliilaha qaabkani leeyahy, waxaa si cad ugu muuqatay, inuu saamayn ku yeelan karo tirada la soo doortay oo aad uga duwanaan karta tirada xisbiyada u kala codaysay. Waayo, degmo kasta waxaa kuraastii wada qaadanaya xisbiga ugu cod bata xataa haddii uu hal qof oo keliya dheeraado xisbiga ku xiga. Waxaynaa xisbiyadii kale noqonayaan qaar ka faramadhan degmadaasi xataa haddi tiro aad u badani u codaysay. Qaran ahaan, wuxuu nocani ku xun yahay, tirada xisbi kasta uga codaysay dalka oo idil, iyo kuraasta mushariixiinta uu ku guulaystay ayaad u kala duwanaan karta.

Waxaa intaasi dheer, in Somaliland oo xisbiyada Qaranku yihiin saddex xisbi oo keliya, uu habkani suurto galin karo in laba xisbi u heshiiyaan xisbiga kale oo ay isku daystaan degmooyinka ay labadaasi xisbi ee heshiiyay iska sharraxayaan si looga cod badato xisbiga loo tashaday.

Dhaliisha ugu weyn ee meesha ka soo baxday waxay noqotay tiyoo aanu dalka ka jirin tiro-koob sugan oo degmooyinka wax loogu qaybiyo. Taasina waxay keeni karta muran hor leh oo ka daran kii hore laysku hayay ee ahaa sida loogu heshiinayo inta uu gobol walba kuraasta ka helayo. Waxaa intaasi sii dheer tiyoo degmooyin badani ay weli ku muransanyihiin soohdimaha, iyo xilliga yar ee ka hadhay mudadii loo xadiday doorashada, ayaa hadana murankii uu ku soo siyaadayaa muran kale oo lagu murmo tirada kuraasta degmo kasta loo cayimay.

6.1.3 Gobol Doorasho:

Waxaa talooyinkii loo soo jeediyay gudida ka mid ahaa in qaabka doorasho ee Aqlbiyadda lagu isticmaalo heer gobol. Taasoo ah in xisbi kasta liiska mushariixiinta uu ka soo sharraxayo gobol kasta loo codeeyo, oo xisbigii ugu tiro bataa uu qaato kuraasta oo idil. Taasina waxay ugu muuqatay gudida mid siiba kordhisay dhaliilii qaabkani lahaa ee aynu kor ku soo sheegnay.

6.2 Qaabka Saami wax ku qaybsiga (Proportional Representation)

Gudidu markii ay ka faro xalatay qaabkii doorasho ee Aqlbiyadda ayay u soo jeedsatay gudagalkii qaabka kale ee Saami wax ku qaybsiga. Waxaana u fiirsashadii qaabkani uga soo baxay arrimaha soo socda.

Qaabka doorasho ee saami wax ku qaybsiga (PR), waxa lagu tilmaama inuu yahay ka isticmaalkiisu ugu badanyahay dalalka reer galbeedka ee ku caan baxay doorashooyinka. Wuxuuna habkani doorasho ugu qaybiyaa kuraasta xisbiyada dorashada ku tartamaya, hadba saamiga uu xisbigaasi ka helo tirada codadka. Taas oo ah, in xisbi kasta loo xisaabiyo tirada codaynta uu ka helay degmo dorashadaasi, ka dibna la xisaabiyo saamiga kuraasta ee u dhiganta codayntii uu xisbigu helay. Waxayna arrintaasi inoo muujinaysaa in tirada kuraasta degmo/gobol doorasho kasta ka badantahay hal kursi.

Soohdimaha kala xadeeya degmo/gobol doorashooyinkuna waxay badanaa la mid noqdaan soohdimaha maamul ee jira. Taasina waa mid u sahlaya qaabkani in si fudud uu uga hirgeli karo Somaliland.

Habkani doorasho wuxuu abuuraa xisbiyo farobadan oo tartanka ka soo qaybgala. Taas oo keenta inay adkaato xisbi keli ahaantii aqlabiyad uu dawlad ku soo dhiso hela. Sidaasi awgeed ayaa qaabkani loo arkaa mid dhiirigelinaya isbahaysiga laba ama dhowr xisbi. Taas oo dalalka qaarkood ku keenta xasilooni daro dawladeed oo si dhakhso ah loo bedbedelo. Hase ahaatee waxaad moodaa in mushkiladaasi uu soo koobay distoorka Somaliland, inkastoo aan la wada tirtirin, markii lagu qeexay in xisbiyada qaranku aanay ka badnaan karin saddex xisbi.

Guud ahaan, qaabka doorasho ee saami wax ku qaybsigu wuxuu u fiican yahay xisbiyada badan ee higsanaya inay doorashada ka qayb galaan, xubnaha ku yeeshaan dadka la soo dooranayo. Haddii aynu eegno sida uu qaabkani u saamayn karo bulshadda Somaliland, waxa inoo muuqan kara in la kala garan waayo xubnihii ay u codeeyeen dadweynuhu. Taasoo lagu tilmaamo in dadweynuhu u codeynayaan xisbiga ee aanay u codaynayn mushariixiinta Tiyoo liiska ay dad badaan oo kala duwani ku jiraan, dadweynaha codeeyayna uma suurto gelayso inay helaan musharrax go'an oo ay la xisaabtamaan.

Dhinacca kale, waxaa gudida si cad ugu muuqataqy in uu qaabkani doorasho siinayo xaqsoor fiican saddexda xisbi ee tartamaya. Taasoo xisbi waliba helayo saami leeg dadweynihii u codeeyay. Waxayna xisbiyada kuraastoodu ku xidhantahay hadba inta qof ee u codaysay.

Waxay sharaxaasi guud ka dib, gudidu sii dhex maquuratay noocyada kala duwan ee uu qaabkani u qaybsamo, waxaan ka soo baxay arimaha hoos ku qoran. Noocyada kala duwan ee uu qaabkani u kala baxo, guud ahaan, waxay gudidu aad u gudo gashay inay kala doorto labada nooc ee ugu dhawaan kara in laga hirgalin karo bulshada Somaliland. labadaasi nooc oo kala ah:

Liis xisbi (Party list)

Lis xisbi qofka la calaamadinayo

6.2.1 Liis xisbi (Party list system)

Taariikh ahaan wuxuu noocani ka bilaabmay dalka Somaliland doorashadii sannadkii 1964. Taas oo qaabkii doorasho ee Somaliland ku soo dhaqantay sannadihii 1959, 1960, la bedelay lana qaatay qaabkii doorasho ee soomaaliya hore uga dhaxashay Talyaaniga. Sidoo kale, waxa qaabkani doorasho lagu soo dhaqmay doorashooyinkii baarlamaanka ee sannadkii 1969, iyo dhawaan doorashadii deegaanada ee la qabtay bishii Disambar ee sannadkii 2002. Sidaasi awgeed ayaa qaabkani lagu tilmaami karaa inuu yahay ka isticmaalkiisu ugu badanyahay dalka Somaliland, markii dib loo eego mudadii doorashaba ka dhacdo dalka.

Sida la ogsoonyahay wuxuu xisbi kastaa degmo/gobol doorasho walba dhigayaa liis caddaynaya xubnaha u sharaxan xilkaasi la dooranayo. Dadweynaha codbixiyayaana waxay kala doortaan liisaska xisbiyadu soo qadimeen. Taas oo uu cod bixiyuhu calaamadiyo xisbiga uu door bidayo. Waxaana suurto gal ah inuu qaarna garanayo qaarna aanu garanayn. Waxa taasi kaga sii daran in liiska laga yaabo inay ku wada jiraan qof uu rabo inuu doorto iyo qof aanu rabin inuu codkiisa siiyo. laakiin noocani wuxuu qasab kaga dhigayaa inuu liisaska xisbiyada mid uun qaato. Taas oo lagu tilmaamo in awoodii xoriyada doorashadu kala dhantaalantahay. Waxaana codbixiyaasha ku dhaca jahowareer marka natiijada doorashadu cadaato ee uu qofku ogaado, sida marar badan dhacday, in codkiisii uu ku soo baxay qof kale oo aanu isagu u codeeyeen.

Waxaa kale oo noocani liis xisbi lagu tilmaamaa inuu awood dheeraada siinayo madaxda xisbiyada siyaasiga ah ee tartamay. Waayo hoggaamiyayaasha xisbiga ayaa go'aaminaya sida ay murashixiintu liiska ugu kala horeeyaan. Taas oo suurto gelinaysa qofka u dhow guusha iyo ka aad uga fog. Waayo musharixiinta liiska ugu horreeya ayaa uga dhow guusha musharixiinta ugu danbeeya. Waxayna taasi muujinaysaa inay hoggaamiyayaasha xisbigu awooddii kala doorashada ka qaadeen dadweynaha oo ay iyagu la codeeyeen cidda soo baxaysa.

Haddii aynu dhinaca kale ka eegno, wuxuu qaabkani kobciyaa dhismaha xisbiyada. Waxaana abuurma kala danbeyn xisbiga loo hogaansamo. Musharixiinta guulaystaana waxay noqonayaan qaar maqla talada xisbiga ka dib marka la doorto haddi ay rajo ka qabaan in xisbigu doorashada danbe soo sharraxo. Awood xooggan ayuu xisbigu ku yeelanayaa doorashada, maadaama ay guusha musharixu ku xidhantahay halka uu liiska xisbiga kaga jiro.

Noocani wuxuu yahay ka dadweynaha Somaliland ugu isticmaalka badnaa, marka la eego inta doorasho ee laga qayb galay. Waana nooc ay ka muuqatay in xammaasadda xisbigu ka kor marto xamaasadda beelaha. Waayo dad badan oo kala beel ah ayaa liis keliya oo xisbiga ku wada jira. Taasina waxay xoojinaysaa dhismihii iyo kobcii xisbiyada siyaasiga ah. Marka loo eego dadweynaha Somaliland, waa nooc u fudud oo aan dhibaatooyin wax kala garan waa ah ku abuurayn marka la codaynayo.

6.2.2 Liis xisbi qof la calaamadinayo:

Markii ay qaada dhigtay gudidu nooca liis xisbi ee qaabkan doorasho ee aynu ku jirno, ayay hoos ugu daadegtay noocii kale ee liis xisbi qof la calaamadinayo. Waxaana gudida u muuqatay:

Dalalka qaarkood ayay dhibaataada liiska xisbigu taabatay oo ku fekiray hab wax looga bedelo qaabkani. Taas oo loo bedelay in qofka codaynayaa uu liiska xisbigu soo qoray uu qofka uu doono ka calaamadiyo. Waxayna arrintani siinaysaa dadweynaha awood ay wax ku kala doortaan. Waxaa kale oo ay arrintani xisbiga ku qasbaysaa in uu liiska ku soo daro dad magac ku leh goobta lagu tartamayo. Taasina waxay kor u qaadaa tayada dadka xisbigu soo sharaxayo.

Habkani wuxuu abuuraa tartan xisbiga dhexdiisa ka dhaca. Waayo musharixiinta xisbigu soo qadimay ayey qaarna tiro badan oo dad u codeeyay ah helayaan, qaarna dad yari u codaynayaan. Taasina waxay kala saaraysaa laba qof oo isku xisbi ahaa, in doorashadu kala saarto.

Waxaa kale oo musharixiinta xisbiyada oo idil uu qaabkani ku kala saarayaa tirada codka uu helay musharix kastaa, xisbiga uu doono ha ku jiree. Halkaasina waxaa ka soo caddaanaya inta musharix ee xisbi kastaa ku guulaystay.

Dhibaataada ugu weyn, ee gudidu isla aragtay in hirgelinta noocani ku adkaan karto Somaliland, waxay noqotay tiyoo dad badan oo reer Somaliland ahi aanay waxna akhriyi karin waxna qori karin. Sidaasi awgeedna aanu qofku calaamadin karin musharixu uu doonayo. Markii gudidu isla eegtay hadii ay jiraan dhincyo kale oo mushkiladani looga wareegi karo, waxaa la soo jeediyay laba tusaale:

Ta hore oo ah in musharixiinta xisbigaasi sawiradooda lagu dhejiyo warqadda codaynta, markaasina uu qofka wax dooranayaa ka calaamadiyo qofka uu doonayo. Taasi waxay u muuqatay in ay kharash badan iyo muddo dheer oo dadka laga dhaadhiciyo u baahan doonto. Waxaa intaasi ku kordhay, marka ay saddexda xisbiiba keenaan liis dheer oo sawiro ah, waxaa gudida u muuqatay in ay dad badani kala garan waayaan sawiradani badan.

Tusaalaha labaad wuxuu soo jeediyay in qofka loo calaamadiyo. Taasina waxay gudidu u aragtay in doorashadii qarsoodiga ahayd meesha ka baxayso. Weliba waxa suurto gal ah in dad badan uu qofka uu codbixiyuhu u doortay inuu u calaamadiyo, in uu khiyaameeyo oo isagu ra'yi ka duwan aaminsan yahay.

6.3 Goa'anka gudida ee qaabka doorasho ee la qaadanayo

Kadib markii ay gudidu aad uga baaraan degtay labada qaab doorasho ee badanaa adduunku isticmaalo, noocyadooda kala duwannaa ay hoos ugu sii fiirsatay, waxaa gudida si cad ugu muuqday in labbada nooc ee qaabka doorasho ee Aqlabiyaddu, aanay ka suurto geli karin maanta dalka Somaliland. Sababta ugu weyn ee aan qaabkani loo qaadan karina waa tiyoo aanu dalku lahayn tiro-koob sugan oo goobaha doorashada ama degmooyinka doorashada wax loogu qaybiyo. Tiyo muddo dheer Golaha Wakiiladu ku heshiin waayeen habka loogu qaybinayo, haddii aynu ku soo kordhinno mushkilad kale oo dhex marta degmooyinka ama goobaha doorashada waxaa dalka oo idili ku mushquuli muran joogto aha oo doorashadaba dib u dhigi karta.

Waxaa intaasi sii dheer, tiyoo uu weli muran ka taaganyahy Soohdimaha Gobolada iyo degmooyinka, haddii hadana lagu soo kordhiyo soohdimimo cusub oo kala xadeeya goob doorashooyinka amd degmo doorashooyinka, oo aan weliba ta goob doorashadu joogto ahayn ee marka doorasho dhacaysaba bedelmi karta, waxay taasi u horseedi kartaa muran hor leh. Waxaana suurto gal ah in ay rabshado iyo dagaallo abuurto. Sidaasi awgeed, waxay si wada jir ah u go'aansadeen, iskuna wada raaceen in qaabka doorasho ee aqlabiyaddu suurto gal ahayn, marka la eego mudada yar ee ka hadhay doorashada.

Dhinaaca kale, markii ay gudidu aragtay nooca la baad ee qaabka wax ku qaybsiga ee ahaa liis xisbi qof la calaamadinayo, waxay gudidu isla aragtay in hirgelinta noocani ku adkaan karto Somaliland, waxaana sababaya tiyoo dad badan oo reer Somaliland ahi aanay waxna akhriyi karin waxna qori karin. Sidaasi awgeedna aanu qofku calaamadin karin musharraxa uu doonayo. Haddii laysku dayo in sawiradooda lagu dhejiyo warqadda codaynta, markaasina uu qofka wax dooranayaa ka calaamadiyo qofka uu doonayo, taasi laf ahaanteed dad badan ayaa isku khaldi kara kalana garanwaayi doona sawirada badan ee hal warqad ku wada sawiran. Haddii laysku dayi lahaa in qofka loo calaamadiyo waxay gudidu u aragtay in doorashadii qarsoodiga ahayd meesha ka baxayso. Weliba waxa suurto gal ah in dad badan uu qofka uu codbixiyuhu u doortay inuu u calaamadiyo, in uu khiyaameeyo oo isagu ra'yi ka duwan aaminsan yahay. Sidaasi awgeed waxaa gudida ugu muuqatay innoocani aanu maanta ku habboonayn bulshada Somaliland.

Gudidu markii ay is garab dhigtaay qaababka doorashooyinka iyo noocyadooda kala duwan, waxay isla garatay in qaabka doorasho ee saami wax ku qaybsiga noociisa lagu magacaabo liis xisbi uu maanta yahay ka ugu habboon.

7. Kala xadaynta soohdimaha gobolada

Soohdimaha kala xadeeya gobolada Somaliland waxay soo mareen marxalado dhowr ah oo kala duwan. Taasina waxay abuurtay in qof walba si gooniya u arko halka soohdimaha goboladu marayaan. Si hadaba sawirka dhabta ahi inoogu cadaado, waxaa lagama maarmaan ah in aynu dib u yara jaleecno taariikhdiisii marxaladahaasi kala duwan.

1. Marxaladda koowaad waxay ahayd xilligii dalka Somaliland uu ka talinayey Ingiriisku. Waxayna dawladdii Ingiriiska ee ka talinaysay maxmiyadda Somaliland dalka u qaybisay lix maamul degmo. Soohdimaha degmooyinkuna waxay ahaayeen qaar maamul. Soohdimahaasi may ahayn kuwo beeleed ee waxay ahaayeen kuwo maamulka loogu talo galay. Waxaana muujinta soohdimahaasi lagu cadeeyay khariidado hab fiican sheegaya halka ay soohdintaasi marayso. Wuxuuna dalka Somaliland qaatay xornimadiisii 26 June ee sannadkii 1960 iyadoo dalka Somaliland leeyahay lix degmo oo soohdimahoodu ku qeexan yihiin khariidado la sameeyay sanadihii 1956, 1958. Kuwaasi oo ay si cadaan ah oo aan muran ku u muujinaya meelaha ay soohdimahaasi marayaan.

2. Marxaladda labaad waxay ahayd markii Somaliland ku darsatay Somalia 1dii July ee sannadkii 1960. Waxaana markaasi labadii dal ee isku darsaday abuurteen dal keliya oo lagu magacaabo Jamhuuriyadda Somaalida. Markaasina dalkii hore loo odhan jiray Somaliland waxaa laga sameeyay laba gobol, laguna kala magacaabay Waqooyi Galbeed iyo Waqooyi Bari. Soohdimaha labadaasi gobol way ka duwanaayeen soohdimihii 6da degmo. Waxaana degmooyinkii hore u jiray, oo leh soohdimimo cusub, la kala raaciyay labadaasi gobol ee cusub.

3. Marxaladda Sadexaad waxay bilaabantay sannadkii 1972 xilligii xukunkii Siyaad Barre. Waxaana la sameeyay gobolka cusub ee Sanaag oo soohdin cusub oo ka duwan xuduudii degmadii Ceerigaabo lahaan jirtay loo sameeyay. Waxaa kale oo isla markaasi la sameeyay gobolka Nugaal oo magaalo madaxdiisu tahay Garowe, degmadii Laascaanood inteeda badanina ka tirsantahay gobolkaasi Nugaal.

4. Marxaladda Afraad waxay ahayd sannadkii 1986, xilligii xukunkii Siyaad Barre, oo la sameeyay laba gobol oo

kale. Kuwaasi oo kala ah gobolka Awdal iyo gobolka Sool. Mid walba oo labadaasi gobol ahi wuxuu yeeshay soohdimoo hor leh oo ka duwan kuwii hore u lahaayeen degmooyinkii Boorama iyo Laascaanood..

5. Marxaladda ugu danbeysayna waxay ahayd sannadkii 1995, xilligii uu dalka Somaliland ka talinayey Madexweyne Mohamed Ibrahim Cigaal. Waxaana la sameeyay gobolka cusub ee Saaxil, oo leh soohdimoo cusub oo ay xuduudihisu ka wada duwanyihiin kuwii hore degmada Berberi u soo martay oo idil.

7.1 *Go'aanka gudida ee kala xadaynta gobolada xilliga doorashada.*

Gudidu waxay garowsatay in marxaladahaasi kala duwani jahowareer, ismaandhaaf, iyo shaki badan ku abuuri karto bulshada Somaliland. Waxaana xilliga doorashada loo baahanyahay in aragti midaysan laga yeesho goobaha soohdimahaasi marayaan. Waxaana lagama maarmaan in marxalad keliya, oo marxaladahaasi dalku soo maray ka mid ah, la doorto.

Ilaa iyo mudadii Somaliland ku dhawaaqday la soo noqoshada madaxbanaanideeda, waxaa jiray g'aanno badan oo sheegaya in soohdimaha gobalada maanta kala xadeeyaa ay noqdaan soohdimihii kala xadaynayay degmooyinkii Somaliland 26 June ee sannadkii 1960.

Gudiduna markii ay marxalad walba goonideeda u eegtay, waxay ugu muuqatay in marxaladda koowaad ee xilligii Ingiriisku ka talinayey tahay, ta ugu haboon in xilliga doorashada la isticmaalo. Waayo waxaa loo heli karaa khariidado aan cidina ka been sheegi karin oo lagu ilaaliyo goobo lagu hayo khariidadaha adduunka oo idil. Sidaasi awgeed ayay gudidu gabi ahaantood isla waafaqeen oo ay go'aansadeen in soohdimaha kala xadaynaya gobolada xilliga doorashadu, ay noqdaan soohdimihii kala xadaynayay degmooyinkii Somaliland, 26 Juun ee sannadkii 1960.

Gudidu iyagoo adeegsanaya hawl fududaynta teknoolojiga casriga iyo adeegyada cilmi baadhisayada waxay daba gashay wixii khariidado ah ee xilligii Ingiriisku ka talinayey laga hayo Somaliland. Waxayna ka sii dooratay kuwa muujinaya soohdimihii kala xadaynayay 6dii degmo ee Somaliland ka koobnayd. Khariidadahaasi xilliyadii ugu danbeeyay la sameeyay, ee muujinaya soohdimaha maamulka lixdii degmo ee Somaliland ka koobnayd, waxaa la sameeyay sannadihii 1956, 1959. Faahfaainta khariidadahaasi iyo cinwaanka meesha laga helayo, waa kuwa hoos ku qoran si komishanka doorashada iyo ciddii kale ee u baahataaba u raadsato:

<p>1. Subject: British Somaliland, Maps Document type: Map; Government Publication Main Author: Great Britain, Directorate of Colonial Surveys Title Details: Somaliland Protectorate Series: D.C.S. 983 (Great Britain, Directorate of Overseas Surveys) Edition: 1st edition Scale: 1: 2,500,000 Publisher: (Tolwerth, England) Directorate of Colonial Surveys, 1956 Physical description: 1 Map : col; 19 x 37 cm Note: Shows: International and administrative boundaries, railways, roads (2 categories) Location: London, British Library, St Pancras, Map library; Maps 177.b.2.(39.)</p>	<p>2. Subject: British Somaliland, Maps Document Type: Map Main Author: Great Britain. Directorate of Overseas Surveys Title Details Somaliland Protectorate Series: D.O.S. ; 339 (Y823) Scale: 1:25,000 Publisher: { Tolworth} Directorate of Overseas Surveys, 1959 Physical description: Maps; sizes vary Note: Shows: grid, Roads,(3 categories), administrative and International boundaries. Location: British Library, St Pancras, Map library.</p>
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8. **Sixitaanka qaladaadkii ka soo baxay doorashooyinkii hore**

Si loo saxo qaladaadkii laga soo arkay doorashooyinkii hore, waxaa lagama maarmaan noqday in la fiiriyo wixii talo bixin ah ee laga soo jeediyay arrinkaasi. Taloooyinkii qoraalka ahaa ee laga soo jeediyay waxay u qaybsamaan laba nooc. Ta hore oo ah qoraallo warbixin ah oo ururro caalamiya oo shisheeya ahi ka soo talo bixiyeen, iyo talooyin laga soo jeediyay dalka Somaliland gudihisa oo loo soo diray Golaha Wakiilada.

Taloooyinka laga soo jeediyay dalka gudihisa aad ayey u tiro yaraayeen. Waxaa ka mid ahaa talooyin qoraal ah oo Golaha wakiiladu hore uga helay Gudida doorashooyinka qaranka, Xisbiyada siyaasiga ah, Akadamiyadda Nabadda iyo hoomarka iwm. Hase ahaatee talooyinka xeerkan doorashadu aad uga faaiidaystay waxay ka kala yimaadeen Gudida doorashada ee Qaranka iyo Akadamiyadda Nabadda iyo hoomarka.

Sidoo kale, waxay gudidu deristay wixii warbixin ahaa ee laga qoray doorashooyinkii hore dalka uga qabsoomay. Warbixinadaasi ay gudidu tixgelisay waxaa ka mid ahaa warbixinadii ka soo baxay International Crisis Group, UNHCR, Norwegian Centre for Human Rights, InterAfrica Group, National Electoral Commission,

NAGAAD & COSONGO.

Gudidu iyagoo isu dhan ayey soo jeedinadii qoraalka ahaa ee ka soo taalo bixinayey xeerka doorashada, u eegeen qodob qodob. Qodobadii gudidu isla wada garatay in la qaato waa lagu kordhiyey xeerka. Waxaa kale oo jira qodobbo aad u tiro yar oo gudidu aanay isku wada raacin, oo markaasi la qaatay dhinaca gudida shanta ka koobnayd u badatay. Waxaana jiray talooyin la soo qoray oo ay gudidu u aragtay in aanay haboonayn maanta in lagu daro xeerkan.

9. Xeerka doorashada Golaha Wakiilada

Xeerka doorashada Golaha Wakiiladu wuxuu ka kooban yahay:

- a) Qodobbo aan u baahnayn in wax laga bedelo oo la mid ah qodobada xeerkaa doorashada ee deegaanada iyo madaxtooyada Lr. 20 /2001
- b) Qodobbo cusub oo ku saabsan arrimo muran ka taagnaa, gudidani goa'aan ka gaadhay, sida saami qaybsiga kuraasta golaha wakiilada oo ah kuraasta uu ka heli karo gobol kastaa 82 kursi ee goluhu ka koobanyahay, iyo kala xadaynta gobolada.
- c) Qodobbo cusub oo loo baahday in lagu soo kordhiyo xeerka doorashada, kadib markii la arkay qaladaadkii ka soo baxay doorashooyinkii hore uga qabsoomay Somaliland.
- d) Qodobbo u baahday in wax laga bedelo kadib markii laga faaiidaystay waayo-argnimadii laga helay doorashooyinkii hore.

Xeerku wuxuu u qaybsamaa 8 qaybood oo kala ah:

- 1) Mabaadiida guud
- 2) Hanaanka doorashada
- 3) Musharixiinta
- 4) Ololaha doorashada
- 5) Diyaar garowga iyo maamulka doorashada
- 6) Sharcileynta Natiijada doorashada.
- 7) Ku xadgudubka xeerka iyo nidaamka doorashada
- 8) Qodobbo qubane ah

Guud ahaan wuxuu xeerkan doorasho ka koobanyahay 70 qodob.

DHAMAAD END.