

# Somaliland: Presidential Election 2003

Report  
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## **Preface**

NORDEM, The Norwegian Resource Bank for Democracy and Human Rights, was asked by the Norwegian Ministry of Foreign Affairs in March 2003, to identify a team of two experts who could carry out an assessment of the electoral processes in Somaliland in the spring of 2003. The election processes to be assessed would be the Presidential election scheduled for 14 April 2003 and the Parliamentary elections possibly taking place a month later. NORDEM nominated jurist and election expert Ms. Berit Nising Lindeman and political scientist and Somaliland expert Mr. Stig Jarle Hansen for the assignment. As the parliamentary elections were postponed by two years following a decision by the House of Elders,

the election observation covered the Presidential election, only. The team stayed in Somaliland between April 4 and May 2, 2003, a period of time which allowed them to make a limited assessment before, during and after the election day. A limited geographical coverage and the size of the team did not allow for an encompassing evaluation of the elections. The objective of the mission has been to conduct a comprehensive analysis of the electoral process. The team was commissioned to assess the registration of candidates, the election campaign and the administrative preparations for the election day, and the following tabulation of the results, as well as making an assessment of the electoral framework, the democratic and human rights environment and monitoring the media coverage of the campaign. The team has followed the methodology outlined in the OSCE/ODIHR Election Observation Handbook.

The NORDEM team operated fully independently from other international observers. A co-ordinated international election observation mission was not present in Somaliland. However, observers from several countries like South Africa, Ethiopia, Great Britain, Sweden and Canada were observing on Election Day, as well as individuals from the Netherlands, Belgium and France. The conclusions on the Election Day observations overall reflect also the views of other international observers.

The team would like to thank the Somaliland Government, the National Election Commission and electoral officeholders, politicians, NGO and media representatives and all others who willingly shared information and impressions during the course of our stay. Not the least, we would like to express thanks for the overwhelming hospitality of the Somaliland people.

The report is based on the observations made by the Norwegian observers. All opinions expressed in the report are the author's responsibility and do not necessarily reflect the views of the Norwegian Centre for Human Rights.

The Norwegian Centre for Human Rights / NORDEM  
University of Oslo  
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## **Introduction and Executive Summary**

Somaliland, a war-torn nation that has yet to receive international recognition, has, with limited foreign assistance, managed to establish peace and stability over the last ten years. A system of governance has been adopted, and successful District Council elections were conducted in December 2002, the first election in modern Somaliland history. The Presidential election held in April 2003, has been a further test of how far Somaliland has reached in the direction of democracy. In spite of limited resources and experience, a comprehensive legislation has been adopted for the regulation of elections, and an independent electoral administration has been formed. The electoral campaign was peaceful, although allegations against the incumbent government for misuse of government funds and property for

campaign purposes must be taken seriously. Somaliland has a well developed press, that overall covered the electoral campaign in a balanced manner, although government media favoured the coverage of the incumbent's campaign. The election day was conducted peacefully and orderly, but it was marred by lacking voters' registers, insufficient distribution of ballot papers and only limited secrecy of the vote. The irregularities observed during voting can to a large extent be explained by lacking resources or inexperience. The counting process was exceptionally transparent and well conducted. When the preliminary result was declared five days after the election, the difference between the two top candidates was as narrow as possible, as only 80 votes differed. A result like this would under any circumstances be contested. Unfortunately, however transparent the electoral process had been on election day itself, the tabulation process and the activities leading up to the announcement of the final result were significantly less transparent. This led to speculations of rigging by the two parties that were running neck to neck, and among the citizens in general. It was clearly revealed that the tabulation of votes had been following different standards for the assessment of the validity of single results, and that simple miscalculations had been made. These mistakes became ever so much more significant as the election was won by such a narrow margin. Overall, the administration of the elections was fairly successful when the resources and level of experience is taken into account. However, significantly increased transparency must be sought for the period after election day, regulations must be introduced to standardise the tabulation process, and the election administration needs additional training.

## Political Background

If you ask an official from the present day Somaliland Administration, he or she would probably say that independent Somaliland was born on the 26th of June 1960. Indeed, at the time, many countries recognized the former British colony of Somaliland as a sovereign state. However, four days later the state voluntarily merged with the former Italian Somali colony, and the result became the state of Somalia. Many Somaliland politicians felt affronted by the rapid merger and problematic issues concerning the relationship between the two newly merged regions were left open, this in turn led to heavy critique against the practical arrangements of the Union. Nevertheless, such critique was mostly directed against the unfair practices of the constitution, not against the concept of Somalia. After a while the northern politicians became quite integrated in the political life of Somalia.<sup>[1]</sup>

The process that led to the formation of Somaliland seems to have been drastically accelerated by events taking place in Hargeysa in 1988, after a desperate offensive by a northern-based rebel organization, the Somali National Movement (SNM).<sup>[2]</sup> The Somali regime had to conduct military operations to counter this move, but they completely overreacted. Hargeysa was bombed indiscriminately

by the Somali air force. The SNM swelled enormously when relatives of the 50.000 civilians killed during and just after this incident joined it en-mass.<sup>[3]</sup> SNM also changed completely, and a new bitterness towards the south surfaced and contributed to a notion of Somaliland identity. The final push came later in 1991 when the southerner Ali Mahdi, declared himself president of Somalia without consulting the SNM, a move that pushed many of the Northern leaders in the direction of independence. Characteristically, this independence was formalized by a decision made in the first of the large Shir beeleedyo, a type of traditional conferences attended by representatives of all the local clans in Somaliland and thus not only involving the Isaq clan family that had dominated the SNM, but also the other clans in the area. This first big clan gathering, named the Bur'ao Shir Beeleed after the place in which it was held, chose Abdulrahman Ahmed Ali "Tuur" as the first president of Somaliland.<sup>[4]</sup> Later, two other similar grand clan congresses, all named after the respective locations where they took place, were held. The second and more broadly based Borama Shir Beeleed, lasting from January to May 1993, elected Mohamed Ibrahim Egal as President and replaced the old interim administration with a new one. Ibrahim Egal was the last prime minister of the Somali republic before the military coup in 1969, and an experienced politician able to play on patrimonial strings. The third Shir Beeleed in Hargeysa, from October 1996 to February 1997, re-elected President Egal and endorsed an interim constitution. Somaliland experienced two periods of Civil Wars, which occurred in 1991-1992 and 1994-1996, these conflicts were dealt with by using the traditional mechanisms of the clan system, harmonized with strategies of elite accommodation.<sup>[5]</sup>

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<sup>[1]</sup> Even when the rebellion started in the North, the main target was to liberate the whole of Somalia; Interviews with six former leaders of the SNM Conducted in Hargeysa October 1998.

<sup>[2]</sup> According to most sources all Hawiyes left in 1986 after the showdown between Ali Wardigly and Silaaniyo. Nevertheless, one of the observers met and interviewed exiled Hawiye leaders that stayed in the organization until 1989, as Abdi Daher, youth leader of SNM in Calcutta.

<sup>[3]</sup> An additional number of South African mercenary pilots participated in the campaign. Government militia recruited from the Ogadeeni clan "searched" the countryside for rebels and killed randomly in the process. ;The estimate of the casualties is taken from Ahmed, Ismail I and Green, Reginald H.(1999): "Heritage of war and state collapse in Somalia and Somaliland", *Third World Quarterly* 20:1, page 120

<sup>[4]</sup> The singular form of *Shir beeleedyo* is *Shir Beeled*, Abdirahman Ahmed Ali was chosen as the first President of Somaliland because he was at that time the chairman of the SNM.

<sup>[5]</sup> The concept of Somaliland today enjoys considerable support from the local population, as shown by the May 31, 2001 referendum over a constitution that stipulated independence. It was a referendum where 1,148,940 of the 1,188,746 registered voters voted for the constitution. The Initiative and Referendum Institute, a non profit Washington based organisation, monitored the election and found it to be free and fair. The groups homepage is: <http://www.iandrinstute.org>, the report is still available on the internet.

## **The System of Governance of Somaliland**

### **The Constitution**

The Boroma conference (Shir beeleedyo) in 1993 adopted two charters; the National Charter and the Peace Charter. The National Charter outlined what was to become the first system of Government of an independent Somaliland. It was unique in the sense that it managed to acknowledge the traditional system of government through the clans (*beel*) and to combine it with governance after modern western principles. The National Charter established a Governmental system consisting of an *Executive* with a President, a Vice- President and a Council of Ministers, a *Legislature*, comprising a Parliament with an Upper House of Elders and a Lower House of Representatives as well as a *Judiciary*.

New conflicts and civil wars between 1994 and 1996 were ended by the Hargeisa conference in 1997 where a provisional Constitution was drafted. This Constitution was based on the National Charter, but also introduced a party system with a party-based elected Executive and a multi-party elected House of Representatives.

The formula for selecting the representatives in the House of Elders is not established in the Constitution, and has yet to be adopted. The Constitution also provided a decentralised local government of multi-party elected District Councils.

The Constitution with later amendments was approved with an overwhelming majority in a referendum on May 31, 2001.

### **The Executive Power**

The President and the Vice-President should be elected by direct vote every five years. Until the election of a President could take place, the President has been selected by the Boroma and Hargeisa conferences, and later the period was extended by the legislature. The President is Head of the Nation and has the leadership of the general policy of the Government. The main areas of the President's competence are to propose laws and budgets, national security (including the armed forces), and to appoint cabinet ministers and senior officers of the state.

### **The role of the Guurti**

The House of the Elders, the *Guurti*, is a Constitutional formalisation of the traditional Council of Elders. Through Somali clan history, it was the Elders, ad-hoc representatives of the different clans and sub-clans who came together to discuss and agree solutions to important inter-clan relations in the pre-state Somaliland. As a national Guurti in Somaliland, however, the history does not go back further than to the war against Siad Barre and the SNM's policy to integrate traditional and modern systems of governance.

The Boroma conference adopted two charters: the Peace Charter and the National Charter, and the role of the Guurti was reaffirmed in both Charters. The current representatives of the House of Elders (HoE) were selected through negotiations among members of each clan.

Formally, the role of the elders is to ratify, reject or propose amendments to laws passed by the House of Representatives (HoR).

The HoE must approve all laws, except those on financial matters. The HoE will base their assessment in compliance with religion and tradition, bearing the security of the nation and population in mind.

However, apart from the formal role of the Guurti in the legislative process, their role as a non-political mediator of conflict is still respected, although critical voices argue that the Guurti has not been able to maintain their political impartiality. When the President asked the Guurti to have the period of the transitional House of

Representatives extended by 6 months in order to postpone the parliamentary elections, the Guurti decided to postpone the elections by two years. On the basis of the Constitution, the term of the HoE was subsequently extended by three years, as their term is one year longer than that of the House of Representatives. The decision was highly controversial and postponing the elections for such a long period has in fact been opposed by leaders of all political parties as well as by the NEC. Allegations have been made that the real motive behind the significant postponement of elections was an extension of the term of HoE *per se*. According to the HoE themselves, the reason for the decision was two-fold: Firstly, the holding of elections is expensive, and after having carried out two elections within a period of four months, the nation would not financially manage another already the following month. Secondly, a law on parliamentary elections has not yet been adopted although it is under preparation, and important issues are yet to be resolved. In particular, the issues of the borders between regions and districts (district demarcation), the creation of electoral districts and how many representatives should be elected from each electoral district, contain several seeds of controversy. The lack of a proper census makes it difficult to establish in a fair manner how many representatives should be representing each region, because the number of votes behind each seat could not be estimated beforehand. Also, the clan factor must be taken into consideration.<sup>[6]</sup>

## **The House of Representatives**

The 82 members of the current House of Representatives were selected at the Hargeisa conference on the basis of clan

representation, selected through negotiations among members of the clans, like the Guurti. A positive factor is that also minority clans have been secured representation in the House of Representatives. When the current House of Representatives was formed, it constituted a temporary, non-party representative legislature, awaiting the establishment of political parties and nationwide elections. The main area of authority of the House of Representatives is the legislative; it can propose, amend, reject and approve laws that in turn will be passed to the House of Elders. In addition, it can impeach the President or propose a vote of no confidence against the executive branch. The term of the House of Representatives has been extended several times, notably because of a wish to avoid stirring the existing stability by calling the elections too early. Most members of the House of Representatives have since the creation of political parties supported some of them, although they still do not represent any particular party. The support for a party is of a non-official character. According to – still non-official information – 45% to 60% of the members of the House of Representative support the UDUB party, some 20% KULMIYE and there is only very limited support to the UCID party. The rest are non-partisan or undecided.

## **The Judiciary**

The Judiciary consists of a district court in each administrative district, a Regional Court in each of the six regions, Court of Appeals and a Supreme Court. The Supreme Court also functions as a Constitutional Court. The legal system of Somaliland is dual, combining the religious laws of Sharia and national laws, and the dual system is reflected in the judiciary: Here, the judges enjoy the same position within the courts, but in reality there are two categories of judges as approximately half of them have legal education, some of them being educated in Somalia before the collapse of the Barre regime, some are educated abroad. The other half are the Sharia judges who are trained in religious laws, whereas the completion of a formal legal education is not required.

The judiciary seems to be the weakest part of Somaliland governance, still considered to lack the necessary competence and experience. The article 23 of the National Charter adopted in Boroma in 1993, stressed the independence of the judiciary, and that its decision could not be subject to review by other than the higher courts. According to the current Constitution, the President appoints the judges of the Supreme Court. However, the appointment should take place on the basis of a consultation with a Judicial Commission<sup>[7]</sup>, and be confirmed by a joint sitting of the Houses of Representatives and Elders. The President also has the authority to dismiss the judges of the Supreme Court, and only a dismissal of the Chairman of the Supreme Court would require approval from the two Chambers of the Parliament. Thus, in principle, the President has in fact the possibility of an unchecked influence over the judiciary. Indeed, the late President was subject to an attempt of impeachment by members of the House of



Representatives in July 2001 partly because of an alleged interference in the judiciary. The basis cited in the House of Representatives motion was a case of overturning a Supreme Court decision and the removal from office of the Supreme Court chairman. The motion was defeated by one vote. <sup>[8]</sup>

Last spring 2002, after the death of President Egal, the new President Dahir Riyale Kahin dismissed all functioning judges at the Somaliland Courts by a presidential decree, allegedly because the judiciary had no confidence and for repeated allegations of corruption. New judges were appointed at all court levels. The move was considered necessary in order to restore confidence in the judiciary by the public, but it has also left the courts in a void as the members are seriously lacking training, experience and resources. The ability of the judiciary to make just and unbiased decisions is still questioned, although less so because of allegations of corruption than because of lacking competence, experience and confusing legislation. <sup>[9]</sup>

## **The Human Rights situation in Somaliland**

The NORDEM team interviewed several representatives of Somaliland Human Rights NGOs, and according to the majority of them, no serious or systematic human rights abuses occur. The right to assembly and organisation are principles generally adhered to. However, the strict limitation of political parties to only three is also a limitation to the freedom of organisation, the NORDEM team recommends that the system should be reviewed. This issue will be commented on more closely below.

According to representatives of the press, both the state and the private, there are in general few restrictions on press freedom. It is not unheard of, however, that journalists get detained after writing articles considered libellous by the government, or simply because the authorities do not like the content of an article. This also happened during the election period, even though after the NORDEM team left the country. This is a regrettable practice that must be stopped. Problems also exist in particular related to the penal system. The police forces and custodial courts are seriously lacking resources as well as being badly equipped for carrying out investigations; shortcomings that in some cases may cause badly founded prosecution, as well as inappropriate detention and conviction of individuals.

Close to 100% of the population <sup>[10]</sup> in Somaliland are Moslems, and the state has a clear Islamic base although it officially claims to be secular. The Islamic base is clearly reflected also in the legislation, although the Constitution, however protective and favourable to Islam, maintains freedom of religion. The NORDEM team is strongly critical towards the fact that only Moslems can hold any elected position, that being Presidency, Member of Parliament or a Local Government councillor, or be a member of an election commission/office in Somaliland. Such limitations run counter to international principles. As long as these limitations continue to exist, the Somaliland elections are

not giving equal conditions to all citizens.

In connection with the announcement of the outcome of the elections, a certain anxiety existed among the nation's security forces. The country has only a few years ago lived through massive violence and civil wars, and the newly gained peace is precious to the population. Thus there existed a fear that the elections might lead to an outbreak of violence amongst defeated party supporters. The security was considerably increased, clearly visible through the presence of armed police forces in the streets of Hargeisa<sup>[11]</sup> and Buroa when points of demonstration took place the first few days after the preliminary results were announced 19 April. Unfortunately, single incidents of unacceptable overreaction from the police forces occurred in connection with the demonstrations. Security measures were also the pretext of the Ministry of Interior for refusing KULMIYE to hold demonstrations to protest the preliminary result announced by the National Election Commission, and to introduce late evening curfew in Hargeisa. Although it is understandable that the population cherish peace in particular, the Somaliland Government and other authorities have the clear responsibility not to use peace and order as a pretext for universal human rights violations, that being freedom of gathering, freedom of expression or other rights and liberties.

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<sup>[6]</sup> The House of Elders' failed attempt at mediation before the preliminary result of the elections was announced by the National Election Commission April 19, 2003, was also widely seen as an unasked for interference into the work of the independent electoral commission, where the HoE did not fully understand their role. However, the Guurti asserted that their only aim was to mediate in a situation that potentially could lead to a post-election conflict.

<sup>[7]</sup> The Judicial Commission is composed by 3 senior representatives of the Supreme Court, the Attorney General, D.G of the Ministry of Justice, the Chairman of the Civil Service Agency, 2 members appointed by the HoE and two appointed by the HoR.

<sup>[8]</sup> Ibrahim Hashi Jama, *Somaliland Forum web-site* "The Somaliland Supreme Court and the Presidential Elections" May 2003

<sup>[9]</sup> Partly because of this lack of confidence, the public still strongly supports the traditional means for conflict solving, where the clans' elders are called to mediate between the parties to the conflict. Outside the cities, as many as 90% of conflicts of both civil and criminal nature are solved outside the formal courts. In towns, the existing hybrids between the traditional and state court systems create a confusion that in the outcome might affect the final outcomes of conflicts. In addition, a semi-recognized religious court system exists, where the religious leaders, the Sheikhs, make decisions particularly in family matters such as marriage, divorce and heritage covered by the

Sharia. The religious courts are in general considered highly skilled and they enjoy a high level of confidence.

<sup>[10]</sup> Before the war, four Christian churches existed in Hargeisa. Currently, no churches are working and only few Christian families remain, although Christians have previously held central positions.

<sup>[11]</sup> The morning of April 20, a group of Kulmiye supporters consisting of women and youngsters gathered in order to protest the result in front of the NEC. The observers' team has a reliable witness report from one of the participants, a woman of 34 who participated in the event. According to her statement, the group had first turned up outside Silaanyo's home to express their support. Silaanyo himself had urged the supporters to be patient and go home, but angered, they continued to the main street close to the NEC. There, they were met by police forces that shot in the air to spread the crowd of approximately 60 people. The woman ran together with the other demonstrators in the opposite direction, and tried to hide in a yard. However, she was caught up by a uniformed member of the police force who soon was accompanied by several of his colleagues. The girl was badly beaten, and brought to the police station together with some 7 – 8 other protesters, a pregnant woman had also been beaten. The woman was let out of prison shortly afterwards having pretended to be a relative of the beaten pregnant woman who needed medical care.

## **Somaliland, Traditions and Demography**

### **Nomadic emigrational patterns**

Many inhabitants of Somaliland still live a traditional nomadic way of life. Such nomadic lifestyle leads to large population movements that make it hard to estimate the population of Somaliland.<sup>[12]</sup> Population movements are often dictated by the season and the weather. Thus when the rainy season starts, the population of certain areas could become more than halved. Such population movements will create many problems for any government: a full registration of voters become almost impossible, planning for the distribution of ballot papers becomes difficult and information to the nomads usually has to pass through the traditional clan structure, and even this channel is somewhat unpredictable.

Traditional nomads probably make up a considerable part, if not a majority of the total population. However, the mobility of the Somalilenders is not only limited to the traditional nomads. When the Ethiopians wanted to tax Somalis in the cities of Ogaadeen, the Somaliland border town of Tog wajaale doubled its population as Somalis fled from the taxation. Somaliland also has a large Diaspora spread out across the world.

Clan and elections

The Somali clan system is a genealogic system dealing with the problems of day-to-day life in a stateless society. The clan will, if no alternative system exists, take care of justice and provide aid to members in need, thus Ahmed Alahzari is right when he describes the clan system as a kind of insurance company.<sup>[13]</sup> There are many different family groupings of different sizes within the clan system, from the relatively small family group “Laf” up to the big clan families, some counting more than one million members; the groups have different types of traditional leaders with different levels of power. The units that have political importance vary from situation to situation and who the “enemy” is, i.e. if the “enemy” is a member of your clan, then your subclan might give support against his. Various types of clan loyalty have had a clear influence on practical politics.<sup>[14]</sup> Clan loyalties still run high and a candidate can still often draw upon the support from his subclan, thus Feisal Ali Farah, from the Ildgale subclan of Garharjis, drew much support from Salaxley, the core area of his clan, both KULMIYE and UDUB could likewise count on much support coming from Burao and Awdal respectively, the areas where their leaders have their clan roots. Somalilanders often claimed that local patriotism was involved and was more important in explain these patterns, however the use of formal clan structures for propaganda purposes, and party loyalties following clan defined geographical borders clearly indicate that clan still play a role in Somaliland party politics.

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<sup>[12]</sup> Estimates of the population vary between 1.02 million and 3.5 million, inn all estimates nomads are said to make up a large proportion of the total.

<sup>[13]</sup> Ahmed Alazhari was the former head of the Horn of Africa Business college in Hargeisa

<sup>[14]</sup> During the early years of Somaliland the different positions in the government were distributed according to a clan based formula, as a way of appeasing the different clans.

## **The Legislative Framework**

### **Overview**

The general legislation in Somaliland is a patchwork of laws adopted by the Somaliland legislature, legislation inherited from former regimes <sup>[15]</sup> and Sharia. The legal system is dual, the basis for legislation being the religious Sharia law that regulates personal and family law and to some extent criminal law, whereas national law dominates the public legislation and fills in the Sharia where the Sharia does not give a solution. In cases where the Sharia and the national law are in conflict, the Sharia law will have priority. The Somaliland courts have both civil and religious judges.

When describing the legal system in Somaliland, also the traditional system must be mentioned. The traditional legal system has no formal written sources, and it is based on oral deliveries. Even though there are many different clans and sub-clans in Somaliland, the traditional laws are in general quite similar<sup>[16]</sup>. The traditional law is practised by the elders of the clans, and represents in practice the most common ground for conflict resolution, even in modern Somaliland.

## **Legislation related to the presidential elections**

The basic principles of the presidential elections are mainly regulated by the Constitution. The elections are further administered by the Presidential and Local Council Elections Law (20:2001, hereafter E.L.), the Law on Citizenship and the Regulation of Political associations and Parties Law (14/2000). The legislation constitutes in main a comprehensive and satisfactory regulatory for managing the elections. It contains regulations on the right to vote, eligibility, electoral administration, registration of candidacy and conduct of elections. Voting shall take place by direct, universal and secret ballot. All paternal<sup>[17]</sup>, (that is; born by a Somaliland citizen father), citizens aged 16 and older can vote, and permanent residence on the territory of Somaliland is not a requirement. Thus, the large Diaspora still has the right to vote. No voters' registers exist, and no identification cards. The President and Vice-President are elected by a simple majority vote elected from one nationwide constituency. Candidates are nominated by the registered political parties<sup>[18]</sup>, and a small non-refundable deposit must be paid.<sup>[19]</sup>

Although the election legislation is comprehensive, some of the deficiencies that have been revealed during the conduct of the Presidential Elections should be addressed in future reviews of the legislation.<sup>[20]</sup>

## **The Regulation of Political associations and Parties Law (14/2000, PPL) and the registration of candidacy**

The right to register a political party is regulated in this law. When the Hargeisa conference decided that a multiparty system should be established in Somaliland, no political party existed in the ordinary sense of the word. Many were also of the opinion that the nation was not ready for the introduction of political parties, fearing that political parties would lead to new fissures in the fragile Somaliland unity. Another concern was that the political parties might end up as a politicised clan-system, leading to one clan ruling over others, leaving other clans, including minority clans, in opposition.

The PPL aimed at meeting these concerns by imposing strict conditions for registering a contesting political association. Only three political parties would be registered. The law decided that the three political associations gaining 20% of the votes or the highest number of votes during the District Council elections in December 2002, would gain the right to register as political parties. In order to register as a

political association, the association would have to have functional branches with at least 500 members in each of the six regions of the country and pay a non-refundable deposit. A commission, "the Commission on registration of political associations", was established for the registration of political parties. The PPL has no opening for future registration of further parties, and the Commission for registration of political parties will dissolve within six months after the announcement of the final results of the District Council elections. The final outcome of the District Council elections showed that UDUB, KULMIYE and UCID would be the three registered parties. Only those three political parties have the rights to nominate a candidate for Presidency. In the NORDEM teams' opinion the political plurality would gain from a wider access for nomination, that being by allowing more parties to register and nominate a candidate, or allowing nomination of non-party candidates. It is in principle understandable that Somaliland has opted for a strictly limited number of registered political parties at this stage of the Somaliland history of governance, as the limited number of political parties could contribute to preserve the existing stability. However, in the NORDEM teams' opinion, Somaliland should consider establishing future mechanisms for the registration of political parties, and the necessity to limit the number of registered political parties should be revised. A shifting political picture could, in fact, reduce the current number of party alternatives, and create a too centralised focus of power. For instance, the future could bring a merger of two or more of the political parties, formally or more likely informally. The legislation should ensure a possibility for the registration of additional political parties. Opening the access to registration of political parties does not, however, mean that they should automatically gain the right to be represented in the Parliament. The election law regulates the election system, varieties of thresholds etc., but should give equal opportunity to different political directions under shifting political conditions.

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[15] Notably the laws that were in force in 1960, and later Somali laws that are being harmonized within a Somaliland context.

[16] With exception of the Isa clans that have traditional laws differing from other clans' laws on major aspects. In case of a conflict between a member of the Isa clan and other clan – a common solution would be found through negotiations.

[17] This means in fact that naturalized citizens may not have the right to vote. However, this is probably not the intention, and one of the very few naturalized citizens was indeed reported to the observers as allowed to vote.

[18] See more about the registration of political parties under next headline.

[19] The amount is fixed to 1 000 000 Somaliland Shilling, approx. 140

USD.

[\[20\]](#) See Recommendations

## The Electoral Administration

The election administration of Somaliland is outlined in the Presidential and Local Elections Law. Its structure consists of Elections Commissions on four levels: The National Election Commission (NEC), the Regional Electoral Offices (REO), the District Electoral Offices (DEO) and the Polling Station Electoral Offices (PSEO). The political parties have the right to appoint one agent with consultative voting right at all offices and also in the NEC.

### The National Election Commission

The National Election Commission (NEC) is an independent body consisting of seven members. The NEC selects its own Chairman and Deputy Chairman, and the Chairman is supposed to rotate on a six-month basis. Three members were nominated by the President, two by the House of Elders and the remaining two by the registered opposition parties [\[21\]](#). The appointments to the NEC were approved by the House of Representatives on 21 January 2001. The NEC works on a permanent basis, and the term of office is five years.

The duty of the NEC is to organise and conduct all election activities relating to local government, Parliament and President (Vice President), including main issues like voters' registration, selections of lower level electoral office members, setting the dates for elections, district demarcations, setting the number and location of polling stations, conducting and overseeing the elections and the counting of votes. The NEC announces the preliminary result of the elections, whereas the Supreme Court announces the final result. The NEC also has the power to adjudicate electoral complaints forwarded to them from the lower level electoral administration.

The NEC had limited experience, with only one nationwide election behind them, and no electoral traditions to lean on. Also, a budget of 1 mill. USD to manage the election limited NEC's opportunity to offer optimal attention to all the elements that constitute an election process. Despite this, the NEC seemed to be able to manage the elections in an impartial manner. The party agents represented in the Commission were sought for consultation in cases where difficult issues occurred, and solutions were found by consensus. Where the limited election legislation did not provide a solution, it was found through discussions after which an agreement was reached. [\[22\]](#) On several occasions, the NEC warned the Government against the misuse of Government resources. During a conflict concerning district demarcation that had strong clan-connotations [\[23\]](#), the NEC proved capable of making independent decisions by setting aside political and clan interest in opting for the solution that best served the interests of the voters.

During the finalisation and the tabulation in the aftermath of the announcements of a controversial preliminary result five days after Election Day, numerous accusations of inefficiency and bias emerged. Mistakes were indeed made that should be addressed, but it is likely that the mistakes were due to inexperience and an eagerness to accommodate demanding political party interests at all times.

## **The Lower Level Electoral Offices**

All members of the lower level electoral offices are appointed by the NEC. There is one regional electoral office in each of the six administrative regions of the country: Hargeisa, Awdal, Saahil, Togdheen, Sanaag and Sool. The regions coincide with the regions established under the British protectorate before 1960, apart from the Saahil region, that has been established recently. The office has three members. The regional office is responsible for the administration of the elections in its respective region, and for tabulating the results of each of its districts after the Election Day.

There are 23 District Electoral Offices in Somaliland. The District Electoral Office holders are a chairman, two scrutinisers (one of which is acting as a deputy chairman), a secretary and two counting officers, a total of six members. The district electoral office is responsible for conducting the election activities in its respective region.

The Polling Station Electoral Offices (PSEOs) are responsible for the conduct of election activities at the polling station. For this election, 900 polling stations were established. Because of the lack of voters' registration, it was impossible to estimate the number of voters per polling station. The NEC estimated before the elections a turnout of 1 million (based on the number of printed ballot papers), giving an average number of voters per polling station of 1 100, which is manageable. As it turned out, less than half a million voters turned out on Election Day, and the number of voters overall seemed manageable at the polling stations. The PSEO has four members. The office holders cannot be members of the armed forces, be chairmen of local councils or be a candidate. However, unlike the conditions for a NEC membership, membership of a political party is not prohibited by the E.L. The only exception is the chairman of the electoral office, who in this respect is subject to the same restraints as the members of the NEC. This fact may pose a problem in future elections, and some allegations surfaced also during these elections that parts of the electoral administration were biased. As long as Somaliland has opted for a non-partisan electoral administration, the electoral legislation should reflect that no members of a political party can be members of the electoral offices. If members of political parties should be permitted, a political balance must be ensured.

Election administrators at Regional, District and Polling station levels were all trained for two days by the NEC before the elections. All office holders had access to the election law, and to a "Blue-book", a combined manual/protocol on Election Day activities that had been produced for the use of polling station administrators. Regrettably, the



“Blue-book” was not used according to intention on Election Day, most probably because its use was not sufficiently clear for the officeholders. Having said this, the quality of the work of the polling station electoral officeholders held a high standard considering the level of experience and training.

### **The administrative preparation of the elections**

Even though the District Council elections were considered a large success, several shortcomings concerning these elections were identified and addressed by the NEC. The main points were:

The 800 operating polling stations operating in 2002 proved too few, resulting in long queues and hours of waiting for the voters on the voting day. The NEC had estimated that the need for polling stations amounted to approximately 1 400. However, lacking funds only allowed for increasing the number by a 100, to 900.

In some regions the PSEO staff were suspected of increasing the number of votes cast. In an attempt to meet these accusations, the NEC decided to bring in a Chairman and the secretary of the polling stations from other than their native region. In practice, the NEC moved around 1000 staff from one location to another, an admirably resolute operation considering the limited resources they had.

Cases of multiple voting were reported. In order to discourage this practice, the NEC had, in the information campaign conducted the last months ahead of the election, informed the voters of the penalty of one year of prison for those caught in casting their vote more than once. In this connection, women in particular were targeted as voting more than once. The widespread use of henna to colour the hands of the women apparently made it possible to hide or delude the inking of the finger, a practice used to identify voters who had already cast their vote.

The party representatives observing the elections on the polling stations, were too poorly trained to be able to fulfil their duties efficiently. The NEC undertook to administer the training of trainers, who in turn trained party representatives to every polling station throughout the country. By the help of a South-African team and a local NGO, three times 929 observers were trained through this programme. The training project also received foreign funding.

### **Monitoring the campaign**

The NEC also made efforts to monitor that the political parties were following the rules of the campaign. The party UDUB was accused of misusing government resources, notably by using government cars for the conduct of electoral campaigning. The NEC issued regulations that prohibited the use of government cars for campaigning purposes. Logos and symbols of the UDUB party was ordered to be removed from the government cars. In addition, the government Radio Hargeisa was accused of bias favouring of the government party, and the NEC expressed directly to the Radio Hargeisa that all parties should have equal access and coverage by a government media outlet. However,

the NEC complained that they did not have adequate resources for monitoring the campaign in a responsible manner.

## **Security measures**

A curfew on motorised vehicles was decided for the Election Day, in order to increase security. Only persons directly involved in the election administration or its security in addition to observers, were allowed to drive. Public transportation of voters was allowed only with permission from the electoral office.

The security situation in the Eastern Sanaag and Sool regions was not considered good enough to carry out voting in all areas of these regions. The NEC decided to suspend the voting in 37 polling stations in Sanaag (out of a total of 147) and in 87 polling stations in Sool (out of a total of 116).

## **Ballot papers**

Ballot papers were printed in the format of a booklet, numbered on the ballot itself and on the counterfoil, a method that ensures a high level of security. The system of numbering secures an audit trail, and the booklet makes it easier to control the number of ballots at hand. The distribution of ballot papers was fully transparent, as the party agents were present to take note on the batch numbers of all the ballots, and to oversee that they were well locked into the box that would take them to its polling station. Lacking information about the number of voters meant that ballot papers had to be distributed to the polling stations in fixed numbers. The numbers were based on the anticipated turnout at the various polling stations. Additional ballot papers were sent to the DEO for distribution on voting day when needed.

The NEC had a total of 1 000 000 ballot papers printed, 200 000 less than for the District Council elections in December 2002 where the turnout had been less than half a million.

## **The role of Political Party Agents**

The Elections Law gives each party the right to appoint an agent to each polling station, and each electoral office. The role of the political party agents is further described in the procedural articles of the law. In short, the tasks of the agents as described in the Elections Law can be summarised as follows: The agents have the right to be present as observers at all the activities of the electoral offices at all levels. If they have any concerns or requests needing clarification, they shall be submitted to the electoral office, and the concerns and requests shall be recorded.<sup>[24]</sup>

Prior to the election, the NEC signed, together with the three political parties, a *Code of Conduct* that had been developed jointly by the NEC and the political parties. The idea of the Code of Conduct was to create a basis for co-operation, and to ensure an agreement about the terms according to which the election administration should be

managed, ensuring the active participation of the political parties. According to the Code of Conduct, the NEC took on a detailed obligation to co-operate with and inform the political parties, to consult with the political parties before major decisions about procedural issues were made, to monitor the activities of the political parties and the executive branch and more. The idea of a Code of Conduct carries a lot of good intentions as well as taking on a mutual duty to make sure that the elections are carried in accordance with the legislation and democratic principles. However, the Code of Conduct is probably more accommodating to the political parties than serving the purpose of full integrity and independence of the NEC. A solution for future elections could be that the members of the electoral administration sign one Code of Conduct upon appointment, where they assure their adherence to national legislation, to transparency, to neutrality and to impartiality. The political parties could sign a different Code of Conduct upon registration for an electoral contest, where they accept the rules of the game, a level playing field for election campaign as well as the authority of the electoral administration.

In connection with the counting and tabulation of the election results, the agents have been given specific rights in accordance with the legislation. During the counting at the polling station, two ballots at the time will be shown to the party agents, a cumbersome procedure that nonetheless secures an extraordinary transparency in the counting process. In addition to this, the party agents sign the four envelopes containing unused, spoiled, invalid/contested ballots and the counted votes. There are no regulations giving the party agents or other observers the right to obtain a signed copy of the protocol. In practice the agents were to sign the protocols of the results of PSEO as well as the tabulations in DEO and REO. The intention of the NEC for introducing this procedure has no doubt been to increase the transparency even further, and to accommodate the interests of the political parties. However, the practice raises several questions. Firstly, not even all the members of the commissions themselves were required to sign all the envelopes and protocols. Secondly, by requiring the party agents to do so, the division of authority between the appointed members of the electoral offices/commission becomes blurred, and the agents appear more as members of the commission with a voting right than partisan observers. Thirdly, the NEC failed to clarify the legal significance of the signatures of the party agents before the elections, which in turn resulted in different practices in different districts and regions. The different practices become only all too significant because of the extremely narrow outcome of the elections published by the NEC.

At the time when the regional results of all the six regions reached the NEC for final tabulation and calculation, the NEC decided that the party agents no longer should have a role in the process, and this procedure was carried out without the presence of the agents. As it turned out, the announcement of the final result was postponed by several hours. Observers present outside the office of the NEC would naturally question what was going on. As members of the House of

Elders, the House of Representatives and candidates or party leaders came and left during the day, the integrity of the work of the NEC could be questioned, simply by the lack of transparency. None of the leading representatives of the political parties interviewed after the announcement of the election result, actually questioned the integrity of the NEC at this stage, but the lack of presence of party agents in the crucial endgame has all the potential for targeting the NEC with bias. In hindsight, the NEC should for future elections reconsider the formal role of the party observers. The border between the authority of the appointed members of the electoral commission and offices, and that of the partisan party agents needs to be clarified. This would make the electoral administration the sole responsible for the decisions concerning the results at each stage of the elections, in accordance with the spirit of the electoral law. In our opinion, the political parties would even benefit from this clarification, because the political parties could not be held hostage to their own signatures in the case of later claims against the outcome of the elections.

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[\[21\]](#) The opposition parties who had the right to nominate candidates for the NEC, consisted at the time of all registered political associations, not only those three who gained the right to be registered as political parties after the Local Council elections in December 2002. Only the UDUB party could not propose candidates for these posts.

[\[22\]](#) See however some related reservations under the headline “Political Party Agents”

[\[23\]](#) See more about this under VII.

[\[24\]](#) E.L. Art.32, 1.,2., 56, 1b), 63

## **Voter and Civic Education**

Voter and Civic education is a massive challenge in a country like Somaliland. Apart from the referendum in 2001 and the District council elections in 2002, no elections have been held on the territory since the late sixties. The previous experience of the voters is as a result small. According to estimates, around half the population is nomadic. In addition to this, a minimum of 60% of the population are illiterate, so even though a limited coverage from newspapers gave some opportunities for a voters' education, the majority of the population could neither access nor read the information. Only 2000 households possess a TV-set, and counting in large families and neighbours having access to the same set, no more than 35 000 have in reality access to Somaliland TV. More households however, have access to the Radio Hargeisa, and some information was indeed given this way. Not every part of the country can, however, receive radiowaves. With the particular oral tradition of Somaliland in mind, the NEC organised travelling troupes of actors with the purpose of informing voters about the elections. Cars with loudspeakers driving around in

cities were also used. On Election Day, each polling station had posters with information concerning the candidates and the procedures of voting. Unfortunately, these posters, however expensive, were written texts unaccompanied by illustrations. For the future, more illustrated voters' information materials should be considered, taking the high level of illiteracy into account. Related to this issue is the fact that the massive training organised for electoral office holders, political party agents and domestic observers<sup>[25]</sup>, surely has had a spin-off effect in terms of public awareness on electoral matters.

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<sup>[25]</sup> A total of approximately 7 500 citizens were trained through these projects.

## **The Role of Women in the Presidential Elections**

The right of women to vote and stand as a candidate for elected office is secured in the Constitution. Women take actively part in voting, and also in electoral campaigns.

Currently, there are no women in the House of Representatives, or in the House of Elders (an Elder can according to tradition only be a man), and only one woman has a place in the Government. In the National Election Commission, one of the seven members is a woman. She became a focal point in the NEC, and was generally acknowledged as very capable in her position. Women were to some extent also included in the lower level electoral offices, and some 6 – 8 women chaired a polling station electoral office.

Women have traditionally had no access to decision-making processes at any level, and in the clan-system of Elders, no women have access. By the introduction of elected bodies, the anticipation of increased influence through the political parties in democratic elections was high. During the run-up to District Council elections, women's organizations like "Women's Political Forum" (WPF) working for increased women activity in politics, and NAGAAD, an umbrella organization for women's rights NGOs worked actively to rally for active participation of women in the electoral processes, and for the inclusion of more women on the party lists. Regrettably, even though promises were made from two of the six registered political associations, HORMOOD and UDUB, women were in general placed too far down on the party lists to actually gain office, and in the end only two women were elected. <sup>[26]</sup>

Following the electoral system, only the three registered parties could nominate candidates for the posts of President and Vice-President, and out of those six nominated for this election, none were women. One woman contested this sole right of the political parties to nominate candidates, and claimed a right to stand as an independent candidate.

The Supreme Court ruled against her in a March 2003 decision with reference to PPL article 7 section 1,b): “No independent person who has not been endorsed in the name of an approved (a registered) party shall stand as a candidate”. Even though no women were nominated to the top elected positions, a woman became Vice-Chairman of KULMIYE. The WPF organisation, as part of a projection, contacted all three parties before the elections asking them about the parties intentions regarding participation of women in higher decision making councils. KULMIYE answered WPF most positively, and in return KULMIYE gained the official support of NAGAAD. Also UCID answered positively<sup>[27]</sup>, but UDUB did not answer at all.<sup>[28]</sup> As a result, WPF suggested in a press-conference that women should vote for KULMIYE or UCID.

One of the issues pointed out by women activists, is that it would be important and timely if the law on parliamentary elections that is under drafting, could include quota systems. Since women are almost completely absent from national decision-making processes, help from the legislation is considered as necessary to secure at least some women’s representation in elected bodies.

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<sup>[26]</sup> HORMOOD placed ultimately 2 women on the list, and UDUB ultimately none. Kulmiye placed two women, UCID one and Sahan one. Asad had none.

<sup>[27]</sup> The promises the parties made were: KULMIYE 10-20% parliamentary seats, a number of Director General positions. UCID: 10% parliamentary seats.

<sup>[28]</sup> See more on this under "Electoral Campaign"

## Civil Society

Considering the short time that has passed since the last violent conflict and the trauma that Somaliland has gone through, the civil society is remarkably vivid, with a wide range of non-governmental organisations in activity. Two organisations, NAGAAD and COSONGO serve as umbrella organisations, the first for women NGOs in particular. Both NAGAAD and COSONGO were actively involved in the electoral processes, in particular as these two organisations were able to organise and train a force of 600 domestic observers for the Election Day.

A NAGAAD-representative announced a few days before the elections that the organisation officially supported the KULMIYE party. Strictly speaking, this undermined the objectivity of the NAGAAD observers. However, the NORDEM team never registered any complaints in this connection, nor did the team register any actual bias in their observations. Ideally, domestic observers, apart from those representing political parties, should be perceived as strictly objective and not express support for any political party.

# The Political Parties of Somaliland

## From Political associations to Political Parties

The 14<sup>th</sup> April elections were the second elections that Somaliland had conducted during a relatively short period. On December 15<sup>th</sup> 2002 Somaliland held a local election. Before this election six contending political associations existed. The Somaliland constitution stipulated a system with only three parties, thus the six had to be narrowed down to three, and the results of the local election were to determine the three that should be allowed to continue as political parties.<sup>[29]</sup> Three of the initial organisation, HORMOOD, ASAD and SAHAN failed to attract the necessary number of voters and had to close down. This could have left a lot of bitterness. Nevertheless, after some initial grudges, the problem was solved in what must be said to be a traditional Somali way, through elite accommodation. Earlier, both during the time of the Somali republic and during the dictatorship of Siad Barre, governmental and party positions were often used as rewards to attract allies. This also happened now, UDUB attracted former members of HORMOOD, ASAD and SAHAN partly by offering them minister posts. In march 2003, UDUB expanded the government drastically by adding 8 new minister posts. The appointments were done in three separate “waves”. During the first “wave” three ministers were appointed, Ismael Umar Ahmed “Boos” (Minister of Defence), Nuuh Sheik Umar Sheik Saad Musse (Minister of State for Finance) and Adan Mirre Mahamed (Minister of State for the Interior), the two former had a background from the ASAD party, the last came from HORMOOD.<sup>[30]</sup> The second “wave” was probably dictated by other causes than the wish to attract members of the disbanded political associations, three of the new ministers were definitively appointed to strengthen Somalilands hold over the contested Sool and Sanag provinces before the election and this was in many ways a very successful strategy, although two of the new ministers had backgrounds from ASAD.<sup>[31]</sup> The last “wave”, consisting only of Ismaan Quasim Qodax (appointed as the minister of public works) seemed to be an additional attempt to please former members of the disbanded political organisations in this case again ASAD. UDUB also offered good positions within their party organisation that managed to attract the leaders of other parties. The former leader of the ASAD party, Saleban Suleiman “Gaal”, was promoted to an executive committee member in UDUB. Although lacking the access to appoint new ministers, the KULMIYE party followed the same strategy as the government, giving important posts to prominent politicians from the other parties, Abdhiraman Aw Ali “Tolwa” from ASAD got the vice president position in KULMIYE and the central committee was expanded by giving seats to members from HORMOOD, ASAD, SAHAN and also from the minority clan GABOOYE, in total increasing from 26 to 58 members. Other prominent members of the former political organisations got regional positions within the KULMIYE party.

<sup>[33]</sup> The third surviving political party, UCID, was small, it only got 49,444 votes during the local elections, approximately 30,000 less than the second largest party in Somaliland, KULMIYE. It had less potential to achieve power and wealth, thus it attracted a lesser number of prominent politicians from the disbanding political organisations.<sup>[34]</sup> Somaliland has many and criss-crossing patterns of loyalty, and bonds created by common experiences and shared background is also an important aspect. One of the groups that found together again was the so called “Red Flag”, or Alanas, a group of officers containing notable and cherished SNM military commanders such as Colonel Mohamed Kahin Ahmed and Abdiraman Aw Ali “Tolwa”, officers that had shared a background from Soviet military colleges.<sup>[35]</sup> During the late eighties “Alanas” became too powerful for SNM’s leader Ahmed Muhammad “Silaanyo”, who imprisoned some of its members. However, the group again became powerful, fighting together with “Silaanyo” and “Gaal” during Somaliland’s first civil war, making up the so-called “Khaak” fraction. Later, when the political organisations were established, they again separated, ending up in different political organisations.<sup>[36]</sup> One notable and very important effect of the December election was that the whole Alanas, became united again in the KULMIYE party. Abiraman Aw Ali “Tolwa”, got the chairmanship in the organisation, other prominent members, such as Muhammed Kahin Ahmed, Ibrahim Muhammed “Deganwheine” and Mussa Bihi became members of the powerful central committee. This was a notable development indeed many veterans of the SNM regarded the Alanas as heroes, however, many Somalilanders also perceived them as militants. Even more notable was that most of the prominent SNM veterans now became gathered in one party, the KULMIYE. The political implications of this development was enhanced by an important article published by the Director of the London based African Rights group, Rakya Omar, highlighting the National Security Service (NSS) background of Dhale Ryhale Kahin, who in theory was fighting the SNM during the late eighties.<sup>[37]</sup> Some individuals, especially within the KULMIYE party, tried to portray the election as a fight between the SNM and the NSS. Although not referred to in public statements, such argumentation became rallying point for the KULMIYE members.<sup>[38]</sup>

It is notable that none of the failed political organisations, SAHAN, ASAD and HORMOOD, managed to join a political party as a whole, the three political organisations split and were almost equally divided between UDUB and KULMIYE, and the former political organisations were integrated successfully into these two. However, some of the fractions within these former political organisations, as the UFO group in HORMOOD, stayed together as groups, existing within their new parties, and have the potential to become political fractions within their new respective parties.

### **The Parties:**

**The government, The UDUB (United Democratic people's Party)**



The United Democratic People's Party (UDUB) was formed as a new political party by the late president Mohamed Ibrahim Egal, in July 2001. However Egal died on the 3rd of May 2002. His successor, Dahir Riyale Kahin, was by many perceived as weak, reactive and as having a communication problem.<sup>[39]</sup> Contributing to such views was the fact that the new leader had little connection with Somaliland's founding organization, the Somali National Movement (SNM). The two-meter tall Russian-trained intelligence officer was theoretically fighting them during the eighties.<sup>[40]</sup> Egal had made him the Vice President of Somaliland as late as in February 1997.<sup>[41]</sup> When Egal died, Mr. Dahir Riyale Kahin became the first non-Isaq to assume the office of the presidency. He was from the Reer Dudub, Jibriil Yuunis sub-lineage of the Gadabursi clan and thus from a minority clan in Somaliland. UDUB was in many ways built up around Egal and his personal alliances, UDUBs internal strength was somewhat weakened by his death, some chose to leave.

Nevertheless, Kahin was an experienced administrator and he could lean on a highly experienced cabinet. He could thus get the help of superb orators like the Minister of Family affairs and Social Development, Edna Adan Ismael and Abdilahi Mahammed Duale, the Minister of Information. The first held in high esteem by many Somalilanders, Edna Adan was so popular that many had regarded her as a potential presidential candidate in her own right. Although more contested, Abdilahi Mahammed Duale was a well articulated and efficient campaigner, and these two added notable strength to UDUB.<sup>[42]</sup>

UDUB is in many ways a party without any ideology, however as compensation they stressed Somali proverbs focusing on peace and stability. During the campaign UDUB stressed "Naabad iyo Aanuu", peace and milk, this in order to put focus on UDUBs prime values, peace, prosperity, and responsible leadership. This was closely connected with their name and the symbol they used, a Y formed pole that most commonly is used to keep the traditional Somali house standing. UDUB as a party was allegorically dedicated to be a pillar for Somaliland, ensuring stability. Thus, because of a lack of more developed ideology, a focus on stability became an ideological surrogate.

Through the Vice president candidate, Ahmed Yusuf Yassin, the party has a religious aspect. Yassin is deeply religious and has many followers within Somaliland's religious establishment and used religious arguments during the electoral campaigning.<sup>[43]</sup>

### **KULMIYE (The Gathering), the strongest contender**

KULMIYE is a party with many interesting traits; one of them being the relatively strong emphasis on environmental issues in its program, focusing on the preservation of endangered species and on the use of alternative energy sources. Nevertheless, while stressing such soft issues, the party indeed has a hard side to it. Its program stresses the removal of non-Islamic values in the Somaliland Society. Strong

Islamic leaders like KULMIYE deputy secretary Abdi Assi Mohamad Samale and executive member Mohamed Eid Dembil, all of them important in the Somaliland religious life and close to the Wahabit tradition of Islamic revival, clearly show that the party has powerful religious elements within its ranks.<sup>[44]</sup> However, it is important to stress that most of the party leaders were known to be highly secular.

KULMIYE efficiently harnessed financial support from the Somaliland Diaspora, often organized through clan lines.

KULMIYE's leader Ahmed Muhammad "Silaanyo", has been one of the most important politicians and leaders in Somaliland and indeed Somali politics for the last thirty years. He was Minister of Planning and Coordination in Siad Barre's government from 1969 to 1973. Siad Barre then gave him the important position of Minister of Commerce, a post he held from 1973 to 1978 and for a second period from 1980, until he resigned and joined the Somali National Movement in 1982. He rose in the ranks and became SNM's leader in 1984.<sup>[45]</sup> "Silaanyo" actively participated in the politics of the newly established republic of Somaliland after 1991, and he was a major supporter of the first president of Somaliland Abdulrahman Ahmed Ali "Tuur". However, the two fell out and "Silaanyo" became the latter's prime opponent, he became allied with the powerful Alanas group, which consisted of prominent military leaders within the SNM, all with Marxist leanings. In the end the alliance that wanted to remove "Tuur" succeeded.

"Silaanyo" was feared by Tuur's successor Egal, but in a strategically move typical of the latter, Egal made the former Minister of Finance in his government in 1997. In 1999 "Silaanyo" was transferred to the post of Minister of Planning and Coordination. However "Silaanyo", left the government, he travelled around the world to the Somaliland Diaspora and returned home and founded the KULMIYE party in 2002. He chose Mohamoud Saxil "Fagadhe" as first Deputy Chairman. The latter was born in the town of Taleh in 1943 and came from the Duhlbahante clan in the Sool region. "Fagadhe" was a former Somaliland Foreign Affairs Minister. Later "Fagadhe" had to sacrifice his position. In an attempt to draw former elements from the ASAD party, KULMIYE nominated Abdulrahman Aw Ali Farah "Tolwa", from the Gadabursi clan, as KULMIYE's vice president candidate and deputy chairman. Abdulrahman Aw Ali Farah, was indeed very experienced, having previously served as the late president Egal's first vice president, and he was held in high regards because of his participation in SNM's struggle.<sup>[46]</sup> Together with the female deputy chairman, Sirad Ali Yussuf and general secretary Da'ud Mohamed Gelle, he gave considerable popular strength to KULMIYE.

An additional element in the KULMIYE party organisation was the "Alanas", or "red flag", perceived militants, feared by many, respected by all. The presence of this group strengthened the organisations in the sense of adding many efficient leaders to the party, it weakened the KULMIYE in the sense that it aroused fear amongst many Somalilanders. During the months preceding the elections two other notable elements were added to the organisation. By offering a quota system in the Executive and Central committee, KULMIYE succeeded

in drawing some support from the GABOOYE minority clan, and later by the whole of NAGAAD, a gender focused umbrella NGO. KULMIYE also had a large advantage in their exceptionally professional way of handling campaigning and the distribution of information, they had the resources that UCID lacked and the professionalism that UDUB lacked.<sup>[47]</sup>

### **The UCID party (the Justice and Welfare party)**

While all the other parties had relatively well known faces, people with years of experience and years of prominence in both Somaliland, and to a certain extent Somali media, the leader of the UCID had been more active in the Diaspora. His name was Faisal Ali Farah “Warabe”, a member of the Ildagale sub-clan of the Isaq clan, born in Hargeysa.<sup>[48]</sup> Farah was earlier an employee of Siad Barre both as regional director and in the ministry of public works. However, he chose to break with the government, and first moved on to the private sector.<sup>[49]</sup> Faisal Ali Farah fled from Mogadishu in 1990 and reached Helsinki, Finland. In the 1990's he became active within many organizations of the Somali Diaspora and headed the Somali Social-democratic party, both in 1997 and again in 2001. This did not prevent him from being active in the Somaliland Diaspora, and in 2000, he became the leader of the Somaliland association in Finland and in 2001, the European Somaliland Society as well. Then he returned and formed the UCID party. His motto was: “Old politicians out; new blood in”. Indeed, this was a valid argument, as most of the leaders of KULMIYE and UDUB had worked together, being colleagues in various government, Faisal Ali Farah and his party organisation were in many ways outside this powerful class. However, this also had its disadvantages, Farah's lack of contacts and relative lack of fame made it harder for him to gain financial support. Thus UCID became the party that had the most limited campaigning funds. Nevertheless, in spite of the limited financial resources, the party organisation was surprisingly efficient. The party could also draw upon support from a majority of Faisal Ali Farah's own clan, Ildgale, as a solid foundation for his party, as well as drawing votes from other Somalilanders. In spite of such a clannish basis, UCID probably was the party having the most thorough ideological foundations, Faisal Ali Farah's stay in Scandinavia might have formed the party's ideology. UCID wanted to build a Scandinavian type “Welfare system”, stressing the need for social support to the Somalilanders. He pointed to Sweden, and to the Scandinavian Social democratic centre left ideology as an example to follow. Indeed, he actively tried to establish organizational connections with all the Scandinavian Social-Democratic parties.

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<sup>[29]</sup> The six initial contenders were: UDUB (United Democratic People's Party). KULMIYE (the Gathering), ASAD (the Alliance for Salvation and Democracy), The HORMOOD (Champions for Peace and

Prosperity), the UCID party (the Justice and Welfare party) and SAHAN (the Somaliland Alliance for Islamic Democracy), all of them had an eager wish to win in the December 15<sup>th</sup> local election. This local election thus had two purposes, one to elect local councils, the second to limit the amount of parties)

<sup>[30]</sup> This last candidate, Nuuh Sheik Umar Sheik Saad Musse is an excellent example of the confusing reduction of parties in Somaliland . He had been working with logistics in Saudi Arabia, and later established Nicos ( the National company for insurances for vehicles) He was closely politically and familiarly related to Omer Arte Ghalib, the leader of HORMOOD and later became involved in this party.<sup>31</sup> However, after the former's personal defeat in the December elections Omar Arte withdrew from politics and the politicians that were close to him had to decide which of the three parties they wanted to join. Nuuh Sheik Umar Sheik Saad Musse, together with many of his closest allies in HORMOOD, chose to go to UDUB, tempted by the possibility of minister and executive committee positions. The initial founders of HORMOOD, the UFO group, mostly went to the second largest party, KULMIYE.

<sup>[32]</sup> Yasiin Mahamod Heer "Fardoon" (Bent finger) was perhaps the president's strongest card to achieve this goal. He was the only one of the "Ballot box" ministers that lacked a background in any of the political organisations that participated in the December elections. He had however been a member of the first government of Egal, working as a health minister from July 1993 to November 1994. More important, he had been a representative for the Dolbahante clan at the big clan gatherings of the early nineties. In 1996 he also became a member of the parliament. It was widely believed that a Garad, a traditional clan chieftain in the Dolbahante clan, pressured the president to make Yasin minister. The Garad in question, Ismael was the 7th Garad of Dolbahante, from the Yama Siad sub clan, and the eldest one of all the seven, thus enjoying huge respect in Sool. The appointment was thus a strategic move to gather support among the Dolbahantes. Another minister Aniisa Haji Hassan, had a background from UDUB, thus his appointment had nothing to do with any strategy focused on the inclusion of the pre December political organisations. However, he was also from the Warsangeli clan and thus the perfect candidate for the post as minister of Sanag. Again this appointment was mostly due to the wish to strengthen Somalilands control of the eastern regions. Nevertheless, political reasons still influenced the appointments, the second minister for Sool, Foad Adan Ade, also a Dolbahante, had a previous background as deputy chairman of the ASAD party. Amhed Mahmud Farah, another minister of state also had a background from ASAD, thus even the second wave was influenced by electoral considerations.

<sup>[33]</sup> Muhammed Barood, a member of the UFO group, a group that started out as a non-violence oppositional group under the Barre Regime and had formed a vital element in the HORMOOD party,

became KULMIYE Executive officer to the Region of Hargeysa. The UFO group had been started in the early eighties as a self-help group; it soon became regarded as oppositional by the Barre regime. It is a popular joke that they were arrested for cleaning the sewers of Hargeysa hospital.

[34] It did however attract some very notable politicians, such as Mohammed Hajji Elmi, the popular ex major of Hargeysa, however the latter kept a low profile and gave voting support only.

[35] Many of them also shared a background from the Somali Salvation Democratic Front (SSDF).

[36] Abdiraman Aw Ali "Tolwa", joined Suleiman Mohamed Adam "Saleban Gaal" and his party ASAD. Mussa Bihi joined SAHAN, however he later left them, Kahin joined KULMIYE.

[37] NSS was former dictator Siad Barres dreaded security apparatus

[38] Some also included Mr. Ahmed Adan Qaybe, the Speaker of the House.

[39] He was by many named the "Sadat" of Somaliland

[40] This point became a hot issue after the first election, sources supporting him claim that he saved many lives when working in Siad Barres National Security Services, this by being lenient. His political enemies, stress that he acted actively to suppress the opposition in Somaliland, applying harsh methods.

[41] The vice presidency was usually given to a member of the Gadabursi clan

[42] The presence of these two in his government also did much to reduce the perception that UDUB governance was NSS governance. Both fought the Barre Regime intensively, Siad Barre had imprisoned Edna Adan and Abdillahi Mahmmmed Duale had been an active member of the SNM. Duale was not the only member of the government that had fought the Barre regime, the new Minister of Defence, Ismael Umar Ahmed "Boos" , also had a SNM background. The Minister of Reconstruction and Reconciliation Abdilahi Hussein liman "Darawel" had also been fighting the Barre regime and worn the uniform of an SNM soldier, however, the later had joined quite late in the struggle.

[43] He is the sponsor and supporter of the Committee to Guide and Inform on Good Behaviour, an organized WAHABI group that tries to prevent westernisation of the Somaliland society by blocking cinemas and theatre.

[44] At least one well known extremist, Ali Warsame, the Al Itahd al Islam, and organisation that had ties to Al Qaeda during the mid nineties, former leader, actively tried to become a member but was refused to join the party, even after he had voiced his support for it.

[45] His leadership was contested. Many Somalilanders, including the late Sheik Ibrahim Sheik Yusuf Sheik Ali Sheik Madar, blamed him for the split between him and his second in command, Ali Wardigly, in

1986. This was a split that led many members of the southern Hawyie clan to walk out of the SNM organization; Madar (1998)

<sup>[46]</sup> Another of his nicknames is "Laba Tole"; He had also tried to recreate SNM as a political party, but chose to merge the new reform SNM organisation into the ASAD party.

<sup>[47]</sup> Despite the proficiency and quality of its party organisation, KULMIYE was actually the youngest of all Somaliland party organizations. It had its first convention on the 11 to the 15th of August 2002. Nevertheless, this was more than made up for by the wide experience and the great oratorical ability of their leaders

<sup>[48]</sup> Many claim that Hargeysa was actually founded by Feisal Ali Farahas fourth grand father Suldan Deria who was a sultan of Isaaq tribes. According to one version of the story he invited Sheikh Madar from Bulahar in Red sea to teach Qoran teachings to Idagaale children.

<sup>[49]</sup> His last position in Mogadishu was as a President in the privately owned construction company "Ayaan".

## The Electoral Campaign

The KULMIYE party's efficient media and orientation committee gave the party a clear advantage during the campaign. KULMIYE had persons and organisational structures with the ability to deliver their messages in an efficient way, its campaign organisation clearly showed its professionalism.

Both UDUB and KULMIYE sent their most notable personalities to the different regions accompanying the regional chairmen. But KULMIYE had some extra strategies; they actively used the drought to their advantage by supplying free water more or less as a part of their campaigning. In an oral society as the one in Somaliland, KULMIYE had another advantage, Ahmed Muhammad "Silaanyo", was a well known oral trademark, there had been songs created about him during the SNM struggle and these songs were now sung again. The campaign of KULMIYE was enhanced by various events. One was UDUBs very clear victory in the December election, a victory that, according to the Minister of Information, Abdilahi Mahammed Duale, gave the party too much confidence and made them take the campaigning less serious. Notably, UDUB chose to campaign less in what they deemed to be areas where their victory was certain, this was fateful in the sense that they lost votes in Awdal, which was estimated to be an area where a UDUB victory was relatively certain, votes that became important to the national result. <sup>[50]</sup>

However, the most important of these events were the problems of designating the borders between Somaliland's six regions. The border between the Hargeysa and the Awdal regions became the most contested, partly because that the area is divided by clan borders. Awdal consists mostly of Gadhabursi, the clan of the President, and Issa, belonging to the same clan family. Members of the Isaaq sub clan,

Saad Musse, inhabit the Hargeysa side. The first oral battles were fought over the coastal localities of Eil- Sheik and Abdi Geedi, which were annexed to Borama in Awdal. This infuriated the Elders of Saad Musse, and 20 Elders and Aqils called on the president to “act as a president of the country and not the governor of Awdal”. This occurrence led to swift action Ismael Adan Osman, the Minister of Interior, who arrested three Elders, letting them out after 13 hours in prison. However, this move alienated the Saad Musses living in the border areas between Awdal and Hargeysa.

There was also a direct interference in the mandate of the national electoral commission and the decision to use the pre 1960 regional borders. This, in combination with the dismissal of two ministers from Gabiley and an additional local conflict in which two factions were fighting to over the UDUB name, allegedly, almost halved the votes for the UDUB in the Awdal/Hargeysa border areas and it was to be a crucial factor in the election. All the problems occurred in the same area and made UDUB lose votes in some of their core districts. The Minister of Interior was heavily criticised for this incident, and other following incidents contributed to put him in a bad light. Osman was accused of meddling in the affairs of the newly elected local councils. He also made new headlines in Jamhurya on April 12<sup>th</sup>, when a police record from Sweden was printed, showing that the Swedish police wanted him for drug related crimes.<sup>[51]</sup> UDUB was to encounter other problems partly because they lacked the ability to communicate properly with the electorate. When the women’s organisation Women Political Forum (WPF) sent a request to all the parties asking for the ratio of females in higher decision making councils KULMIYE responded first, and promised three ministerial posts and 15 to 20% of the parliamentary seats and a number of Director General positions. UCID replied a little later, but promised two positions and 10% of the seats in the parliament. The UDUB party failed to reply. The biggest women organisation in Somaliland “NAGAAD”, then promptly issued a statement saying that they were giving their support to KULMIYE and to UCID as a second alternative. This was unfortunate as the party was toying with the idea of a 20% female quota in the parliament and already had a very powerful female minister, Edna Aden.

Both KULMIYE and UDUB also employed poets, a very efficient measure in the oral based Somali setting. Few newspapers and short range on the local radio and television turned the use of well known poets, clan elders and also party organisation into very important strategies for conducting effective campaigning.<sup>[52]</sup>

Many accusations were put forward during the campaign, mostly by KULMIYE but in some cases backed by UCID. The government were accused of dismissing civil servants with KULMIYE sympathies, of printing money to finance their campaigning, for misusing government funds, and of using the governmental press for their own purposes. With the limited time and mandate for the NORDEM-team there was no possibility to investigate these allegations. All these issues should however, be address within the legal framework applying to the elections, and appropriate bodies of the administration or judiciary

should handle such cases.

In all the cases there were allegations of dismissed civil servants, the individuals in question had the status of civil servants, they were defined so by law and should thus have been treated as such. It is notable that the Civil Service Commission, a commission that should deal with all the firings of civil service personnel, did not deal with some of the cases, most notably the case of Abdi Ali Barakad, thus it was not dealt with in the way the Law on Civil Servants provides for. Other serious accusations against the government were the widespread use of government funds, and the printing of new bank notes to finance UDUBs campaigning, which is illegal according to Somaliland law.

The use of governmental vehicles for campaign purposes had been a major problem during the December election and the National Electoral Commission had special consultations with the police to enforce rules against such practices during the April elections. The police acted and took some governmental cars in custody, the number was however apparently low.

Again, the team did not have the mandate to go into these allegations in detail and we can only refer them to the legal system of Somaliland. These issues should be dealt with in a transparent manner in order to avoid similar allegations in the future.

There are four Somali newspapers in Somaliland, Al Xoriya, Jamhurya, Haatuf and Mandeq, all of them with relatively small numbers of printed issues, usually around 1500. Haatuf and Jamhurya had an oppositional profile. Both Mandeq and the government controlled newspaper Radio Hargeysa, a government-controlled radio located at the site of the Ministry of Information, had a tendency towards being biased in the coverage of the election campaign<sup>[53]</sup>. This would not have been a problem if these sources had been private, but they were governmental and thus, according to law, should have provided equal and unbiased coverage to all three contenders. When it came to the time allocated to information slots made by the parties themselves, all three parties had equal access. However, the editorial style of both Radio Hargeysa and Mandeq was inclined to give more coverage of UDUB rallies and events. The two KULMIYE editorial members of both, Abdirahman Sheik Ahmed Faahiye and Ahmed Sheik Hussein, felt that their working positions were threatened when they wanted to add material on the KULMIYE campaign.<sup>[54]</sup> These accusations were the most serious of the allegations that were raised against the government. It was also the only complaint that was formally raised to the National Electoral Commission during the campaign, and the NEC specifically raised this point in consultations with the President, UDUB and Radio Hargeysa.

The clearest case of governmental misuse was probably the issues of Mandeq and Radio Hargeysa. Apart from that, neither UDUB, nor any other party can be proved to have acted illegally in a nationally coordinated way during the campaign. Nevertheless, the allegations raised against the government are of such a nature that they should be taken serious, the transparency of the government institutions has to



be improved, the government needs to follow its own rules and the issue of editorial bias in the governmental medias must be dealt with in a proper manner. In general, for all the political parties, accusations should be well founded, well documented, and raised through appropriate formal channels before they are expressed in a public setting. While one might claim that the right to make accusations is a vital part of the right to free speech, un-elaborated accusations, creates rumours that might be dangerous in an emerging democracy.

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[\[50\]](#) Refer to Appendix III.

[\[51\]](#) The KULMIYE party's leader, "Silaanyo" ironically claimed that Osman, a staunch UDUB member, was the best campaigner KULMIYE had.

[\[52\]](#) Some of UDUBs younger members showed great spirit on local level, an UDUB youth member drove a long trader all the way from Denmark and used it as a campaign car setting up shows and plays and as a stage for performances with hired singers.

[\[53\]](#) The media was not systematically monitored by any observers or institutions during the electoral campaign. The conclusions are made on the basis of impressions of the NORDEM team's study of newspapers and Radio while present in Somaliland, and other observers impression of the media during the campaign period.

[\[54\]](#) Nevertheless, they both admitted that they had never been threatened by dismissal directly. The threats were said to have been hidden in allegations of breaking the work code and thus indirectly endangering their positions.

## Observation on the Polling Day

The team observed in all 10 polling stations in the Awdal and Hargeysa regions situated west – Southwest of the capital of Hargeysa, towards the border of Ethiopia.

### Opening

The team started the election day observations by attending an opening in the Gabiley district. Even though the election law stipulates the opening of the polls to 7:00 in the morning, the NEC had, based on experiences from the last elections, decided that the polling stations should open one hour earlier in order to limit the pressure on each polling station thus extending the polling by one hour.

The PEC members received the election materials just before six o'clock, not allowing the commission members to make all necessary preparations in time for the opening. However, although delayed by 30 minutes in all, the PEC had received all necessary equipment and followed the procedures for preparing and opening the polling station. There were already long lines of voters outside the polling station.

## **Voting - Overview:**

The voting in all the polling stations was peaceful, and no complaints were addressed to the team from any domestic/party observers, voters or commission members. In most polling stations the voting took place in an orderly manner, where the voters patiently waited in lines outside the polling stations, and the voters were let into the polling premises only a few at the time to preserve order. The procedures for the voting were in general followed: In all polling stations the voter was registered in the voters' register, each received one ballot paper and was marked with ink in order to prevent him/her from voting more than once. The most striking observation the team made during the polling day was the overwhelming sense of consensus and intention of all the participants, stakeholders included, that although there were some difficulties, the will of the people should be served.

## **Identification of voters**

Since there had been no preliminary registration of voters, all voters were registered in a voters' register as they entered in the polling station. Even though there were persons (Elders) present in some of the polling stations for identifying voters<sup>[55]</sup>, in many if the cases the identification of the city dwelling voters was limited to establishing by the members of the PSEO that the potential voter could be considered as a Somalilander. In the cases where the right to vote was questioned, the age of the voter was in question. In practice, it was in several observed cases impossible to establish if a young voter had reached the age of sixteen or not. In one of the polling stations visited, number 220 in Gabiley, all commission members were new to the district and no Elder was present to identify voters. Even in the polling stations where such a person was present, he was unable to recognise the young voters, and could only establish whether he or she belonged to the district being a Somalilander at all. Only in one case observed, a youngster looking far younger than 16 of age, was sent away without voting, in other cases of doubt, the youngsters were all allowed to vote.

## **Inking**

In all the cases observed, the voters were marked with ink. However, the procedure varied from polling station to polling station. In some polling stations, the ink was applied before registration, allowing some time for the ink to dry somewhat before the voting and the voter left the polling station. In other polling stations, the ink was applied after the voting, allegedly to avoid spoilage of ballot papers with ink-stains. The inking was indeed a messy procedure. The ink was according to the NEC improved compared to last election, being darker, less fluid and more difficult to remove. However, a few examples of double voting were observed as voters having been observed voting in a nearby polling station, were observed repeating the exercise in the

neighbouring polling station (Diila). The observers could not establish exactly how this could happen: either because the ink was removed, or because the ink was applied to different areas of the hand, a system that varied from polling station to polling station (little finger, thumb or inside of wrist), combined with inaccurate checking procedures. According to the election law, the ink should be marked on the little finger of the voter's left hand. Ultraviolet scanners to identify ink on hands were not in use in any of the polling stations observed, even though the NEC had informed that this would be available.

## **Agents and Observers**

In all polling stations visited, agents from UDUB and KULMIYEs were present. UCID was present in all but four of the ten observed. In one of the polling stations, the UDUB agent claimed to have been charged with looking after the interests of UCID. The women's umbrella organisation NAGAAD had observers in seven of the observed polling stations. Interestingly enough, even the NAGAAD observers we met were all men. In general, the observers had been trained and seemed aware of the processes. In none of the polling stations, did any of the agents or observers we met forward complaints or express any negative remarks concerning the procedures.

## **Polling station premises**

Most of the polling stations were placed in adequate premises, considering the availability. However, some had no light, and although there was light in the polling station where the counting of the votes was observed, it is easy to imagine that the lack of light created difficulties. Also, the outline of the polling station was in some of the cases awkward and lacking facilities for a flow of voters, so that even very few voters present in the polling station at a time, could create confusion and lack of control.

## **Secrecy of the vote**

The principle of secrecy of the vote was largely not adhered to. Apparently all polling stations received curtains with which it was possible to shield an area of the voting room, but in three of the observed polling stations the curtains were not in use. Even the polling stations where a shielded corner existed, many of the voters marked the ballots outside the partition, and the voters did not at all appear bothered by the fact that their choice could be viewed by anybody present. A separate problem in this relation was how to assist illiterate voters. Ideally, the voter's education prior to the elections is good enough to allow all voters to recognise the symbols of the parties and mark the ballot him-/herself. However, it is quite clear that the administration has had neither the capacity nor the means for such a massive operation, as many as 50% of the voters are illiterate. A clear procedure should in any case be established for the assistance of

illiterate voters and all other voters needing assistance, without exposing the choice of the voter more than necessary, as well as controlling that the choice of the voter is indeed secured.

## **Security**

For reasons of maintaining security at the polling station, four policemen were present at all polling stations. According to the election law the police shall not enter the polling station unless ordered to do so by the Chairman of the polling station. Although the observers understand the necessity of security measures, the election administration should reconsider the necessity of visible arms in or near all polling stations. Also, in many of the polling stations the police were placed inside the polling station, not outside, as intended. In some cases the police was given the task of scrutinising the hand of the waiting voters for signs of ink. Although nobody complained about this, it should clearly be avoided for its potential intimidating effect.

## **Lack of ballot papers**

The lack of any public registers on population (census), birth certificates and identification cards are creating difficulties in several phases of the election. The planning of the elections became complicated, because the NEC had no clear idea of the population in the different regions and districts of the territory. This lack of information made it difficult to decide where the Polling stations should be placed geographically to best serve the voters, and not the least, how many ballot papers each polling station would need. The NEC based its estimates on the information and experience from the District elections. However, season, climate conditions and drought moved nomadic populations to other areas, reducing the number of voters in some districts, increasing it in others. This was the case in the polling stations visited in the rural areas of Baki, in Jaara-Oroto and Tuli. The drought in these areas had forced nomads north and south in search of water, reducing the number of voters in these polling stations by up to a few hundred. Other external factors had also caused the population to move.

In the border city of Tog Wajaale in the Gabiley district, literally divided by the Ethiopian border, allegedly because of enforced Ethiopian taxation practices, had made Somalilanders move back to Somaliland by the hundreds in the period between the two elections. In addition, there seemed to be an unusually late influx of nomads because of the belated rainy season. During the District elections in December 2002, approximately 2 400 cast a vote in two polling stations in the town. This time, two additional polling stations were installed, and equipped with 900 ballots each, 2 700 ballots in all. Already at midday all four polling stations required extra ballot papers from the DEC, and they received a total of 1 500 additional ballots around 1:p.m. Also this proved insufficient. However, when the PSEOs contacted the DEO in the period between 3:30 p.m. and 4:30 p.m., the DEO was unable to

provide more ballot papers due to lack of vehicles. By 5:00 p.m. none of the PS in the town had more ballots, leaving long lines of voters without the opportunity to participate in the election. It is impossible to estimate the number of voters who were deprived of their right to vote, or to what extent this has influenced the result. According to information from the DEO of the Gabiley, the district as a whole received more than enough ballot papers<sup>[56]</sup>, but they were distributed in equal numbers to all polling stations, irrespective of the size of the village or the estimated population of the city.

## **Closing and counting**

The observers were present at the closing and counting procedures in a polling station in Tog Wajaale. Since the polling station was out of ballot papers, the premises had been closed for voters already around 16:00. However, the counting procedures did not start until 18:00 evening as stipulated by the law. In addition to the international observers and all officeholders, agents representing all the three political parties were present.

All the procedures of the counting outlined in the legislation were meticulously adhered to. During the counting of the votes, two and two ballots were showed to scrutinisers and agents for close inspection. In the cases where there was doubt about validity or for which party the voter had voted, the PSEO first scrutiniser proposed a decision, and all decisions were discussed and agreed upon. The Election Law article 53, 2. a) proved in some cases difficult to apply. The section states that the counted ballot paper shall become invalid if "the ballot paper contains *any writing or signs or skilfully applied impressions, which are not authorised*". The limited voters' education resulted in several imaginative ways of marking the ballot paper. Commonly, the space next to the party symbol was signed by the voter, or the name of the political party was repeated in print. Even though strict interpretation of the law may indicate that these ballots are to be considered invalid (writing), the PSEO and the agents sensibly agreed that since the intention of the voter was clear, they were considered valid.

The counting of 1 300 votes and filling in the protocols took four hours to complete, and admirably, no short-cuts from the cumbersome counting procedure were made.

## **The tabulation process - The procedure**

The election law provides for the tabulation procedure in basic terms: The protocols and ballot papers of the PSEO are transported to the DEO that in turn scrutinises the documents, makes decisions on disputed ballot papers and considers the result of each polling station valid or void. The DEO then tabulates and summarises the results of the whole district.

The REO then repeats this procedure, this time on the basis of the results of all the districts in the region. Both the DEO and the REO can make preliminary decisions on disputes connected to the voting and

counting, but the final decision is made by the NEC.

The NEC has the authority to tabulate the results on the national level, on the basis of the results on the regional level. The NEC also has the authority to decide on complaints that derive from the activities on the lower level commissions. The NEC then announces the preliminary outcome of the elections.

For the elections of President and Vice President, the Supreme Court makes the final decision based on the election results. The political parties have twenty days after the announcement of the preliminary result, to file complaints to be considered by the Supreme Court. The election law does not provide solutions to in which cases a recount of the ballots must take place, or which part of the decision-making bodies has the competence to make this decision. Possibly, interpretation of the current legislation gives both the NEC and the Supreme Court such competence.

### **Lack of publication on local levels**

There are regrettably no procedures stipulated for publication of preliminary results on the polling station, district and regional level. According to the NEC, this is discouraged for security reasons, fearing that publication of preliminary results on local levels would make voters and supporters jump to conclusions that in turn could lead to conflicts and unrest. However, international election theories, that establish a procedure with a maximum level of transparency, encourage transparency concerning preliminary results also on regional and district level. One can argue that where there is full access to results at all levels, the citizens will have less reason for questioning the results and the procedures producing them. This way, there will be less ground for security problems than if the voters are left uninformed and subject to rumours only, and maybe to biased information. In the case of Somaliland, no official statements concerning the outcome of the elections were made before the announcement of the preliminary nationwide result. This happened only five days after Election Day, a period within which the state newspaper *Mandeeq* announced the ruling party as a winner, and KULMIYE prematurely organised celebrations of victory, and a massive amount of related rumours had lingered.

Due to time-consuming tabulation procedures, in particular caused by difficult logistic conditions because of bad roads and lacking communication lines, the announcement of the nationwide preliminary result realistically could take place only several days after the Election Day. Although in general, a speedy announcement of the final results would be preferable, a speedy procedure must also not diminish the accuracy of the result. The NEC might consider for future elections that, each of the electoral offices must announce the preliminary outcome of that particular area. For the polling stations, this could easily be solved by posting a copy of the protocol on the wall outside the polling station at the end of the count. This could also give the citizens a possibility to verify that the figures of a polling station indeed

remain unaltered throughout the different levels of tabulation. A preliminary announcement procedure like this would in turn give the NEC the necessary respite to finalise the results accurately. It would also be an additional improvement if the party agents and other observers were given a signed copy of the PSEO protocols at the end of the counting procedures.

Maximum transparency requires publishing the complete final results of the elections, with a complete breakdown of the results of each level all the way down to polling station levels. These results may again be published by the press for public reference.

The NEC also has a web-site on which this information could be posted. Admittedly, the political parties had access to this information through the party agents, but the NEC should be responsible for making the results available to everybody.

In the capacity of international observers, we were given access to the actual tabulation on District and Regional levels wherever the team wanted, as well as, to copies of the tables of results.

### **Announcement of the national preliminary result**

Apparently, the outcome of the elections in five of the six regions was tabulated by April 18, four days after the elections. Waiting to be tabulated was the Hargeysa region, both because the tabulation of this region started later than the other regions, and because there existed considerable dispute concerning the invalidation of the result from two polling stations in Hargeysa City. By the evening, the UCID and KULMIYE parties were ready to sign the protocol, but UDUB refused to sign. NEC informed the same evening that the result would be announced at 09:00 the day after, Saturday 19 April. However, the discussions had not ended yet, the UDUB party called for assistance from the Guurti, and discussions with the NEC continued until late night. The nationwide results were still not tabulated. In the morning the work of the NEC was considerably interfered with: Notably, representatives of the Guurti, both in person and in writing, urged the NEC to postpone the announcement of the result by 48 hours, until a solution to the controversy could be found. Also the House of Representatives sent a deputy to support this view. Apparently, the Guurti also encouraged the NEC to give in to the demand from UDUB to recount the two disputed ballot boxes that already had been cancelled for procedural deficiencies. According to members of the NEC, they felt a considerable pressure from both the Guurti and the UDUB representatives. Also representatives of the UCID and KULMIYE candidates appeared at different stages of the day. The tensions arose further by the fact that party supporters gathered in high numbers outside the gates of the NEC compound, demanding the outcome of the elections. The NEC rejected the proposals from the Guurti, and decided to announce at 16:00 in the afternoon. As it appeared, the members of the NEC were able to withstand outside pressure and claim their independence from other state organs and any political party.

The overall impression of the observers was that the tabulation of the final outcome of the election process seriously lacked transparency. Hardly any information was made public by the NEC itself, but a lot of information was sifted and leaked by stakeholders in the process. With no preliminary publication of the local results, there was in practice no efficient means of verifying the outcome presented by NEC.

### **The slimmest possible victory and the quest for the small numbers**

The result, a slim victory of 80 votes in favour of the incumbent, was not accepted by KULMIYE. A few demonstration outbreaks by KULMIYE supporters occurred, but there was no significant violence in this connection<sup>[57]</sup>, and all three party leaders urged their supporters to stay calm and support a peaceful process. UDUB and UCID immediately declared that they accepted the preliminary result. During a press conference on Wednesday 23 April, KULMIYE was able to point to mistakes in the calculation of the Buroa and Garadag Districts, miscalculations that gave the KULMIYE an additional 133 votes, and reduced the UDUB vote by 23. Silaaniyo, the presidential candidate, also announced that other claims would be made. It is quite apparent that miscalculations were made, demonstrating a lack of control of the quality of the important and sensitive work that the election commission and offices are responsible for. Moreover, as it turned out, the control with which protocols were the official ones was insufficient: The figures presented by KULMIYE at the press conference on 23 April were provided and certified by the NEC after the announcement of the preliminary result, but later, the NEC claimed this tabulation to be erroneous and not the official one. The NEC admitted to having given KULMIYE the wrong protocol. Apparently, what had happened was that in the quest for publishing the result as early as possible, the NEC had called in protocols directly from the DEO, temporarily surpassing the REO control and tabulation. According to information provided by the NEC, the REO discovered mistakes in the DEO protocol, and corrected them.<sup>[58]</sup> After the announcement of the result, both versions of the DEO protocol remained in the NEC. The events reveal several deficiencies in the internal control that must be addressed in future elections: In the cases where errors in the outcome of elections at any level are discovered in an official protocol, corrections must be made under a strict procedural regulatory, securing written documentation on why the corrections were made. The new protocol, and the acts showing the reasons for alterations, must be signed all that are required to sign the protocol. If the corrections are made on a higher level electoral office, the documents should be signed also by the Chairman of the higher level electoral office (commission). Protocols that are cancelled following the above-mentioned procedure must immediately be marked as void in order to avoid future confusion. The "Paper Trail" from the polling station protocols and from tabulated protocols from the District and Regional offices, is the only means of



tracing correct results, both during the tabulation and for later control. Following correct procedures, there should at all times only exist one version (in the number of copies prescribed by the law) of the official results, and the reasons for any alterations must be documented by accompanying acts. Skipping a level, the way NEC initiated in order to speed up the result, can only create confusion, as indeed it did. Sadly, the "Paper Trail" of the Somaliland Presidential elections was broken, although it is impossible for the observers to establish to what extent. On the other hand, nothing points in the direction of believing that this was done in order to reach a particular result or in other ways trying to influence the outcome of the elections.

Clearly, the calling in of protocols from the DEO did not contribute to an earlier publication of the nationwide results.

Another problem that appeared during the tabulation of the results was the fact that regulations for identifying the results of a polling station as valid or void, were lacking:

In the Hargeysa City District, the members of the electoral office together with the party agents had agreed on principles for the scrutiny of signatures by party-agents in Polling station protocols. Following these principles, the result of several polling stations was declared void because of lacking party-agent signatures. It is not clear why the protocols were not signed, but it appears that in some cases party agents refused to sign the protocols because of alleged irregularities, in some cases they were simply not present.

In the Buroa District, a different practice was applied, and similar deficiencies to those of Hargeysa City did not lead to invalidation. What made matters even worse, was the fact that the area in which the greater part of the polling station results were considered void in Hargeysa, was an acknowledged UDUB stronghold. On the other hand, similarly disputed polling stations in Buroa, where the result was accounted for, were KULMIYE strongholds. This practice is a factor that clearly could have influenced the outcome of the elections.

In order to secure a uniform application nationwide, the tabulation procedures should have been formalised by the NEC before the day of election and included in the training of both officeholders and party agents. The absence of uniformity in the decision-making process does not improve the confidence in the electoral administration.

## **The NEC in the Regional Electoral Offices**

The NEC decided that one member of the NEC should be present in each of the regions on Election Day. Furthermore, they would be present at the regional level during the tabulation period and only return to the capital when the regional result was finalised. The intention was to offer support to the REO, and to supervise the process, but they had no formal role.

Formally, this may be seen as problematic, as a member of the NEC then becomes part of the decision making process on the regional level. Bearing in mind that the role of the NEC is both to adjudicate complaints and to scrutinise and approve the results brought from the

regional level, a member of the NEC would find himself in a double role. There is also a possibility that the members of the NEC that were not present in one particular region will find it difficult to review decisions where a fellow commission member has been involved. In the team's opinion, it would be better for the NEC to rely on the capacity of the Regional officeholder, or at least clearly to avoid any involvement in decisions made at this level. In this way the integrity of the NEC will be better assured.

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<sup>[55]</sup> According to the NEC, village/clan elders would be present to identify voters in the polling stations. However, according to the NORDEM team observations, only exceptional polling stations had such persons present.

<sup>[56]</sup> The Gabeley District received 62 200 ballot papers. A total of 43 056 votes were cast.

<sup>[57]</sup> See however under the headline "Human Rights situation in Somaliland"

<sup>[58]</sup> The result of the polling station Guriga cuqaasha (484), contained an error, as Kulmiye was initially given 771 votes, instead of 741 votes, resulting in a total number of ballot cast to exceed those received by 30. Likewise, the result of Ina Jebiye (497) originally gave Kulmiye 1 132 votes, instead of 1 032, resulting in a total number of ballots cast to exceed those cast by 100.

## **The Review Process – The Supreme Court**

According the Election Law article 65, the Supreme Court has the jurisdiction to announce the final results of the elections. The Court has the responsibility to check that the elections have taken place in a lawful manner and that the calculations made by the electoral administration have been correct. According to the election law, the checking will be carried out on the basis of the records transferred by the electoral administration. Decisions made by the commissions should also be examined. The law itself is limited on details concerning the nature of the checking procedures. However, it must be considered as quite clear that the Supreme Court members have the authority and duty to demand from the election administration all the information they consider necessary to check "that the elections have been conducted properly in law and in the way calculations were done". In addition, the Court has the sole jurisdiction to decide on any claims concerning the elections of President and Vice-President. Any plaintiffs must file complaints to the Court within 20 days after the preliminary outcome of the elections has been announced.

Only the UDUB and KULMIYE parties made claims to the Supreme Court. UDUB claimed that KULMIYE had received 144 excessive votes in the Sanaag region. In addition, they claimed irregularities in some 10 additional polling stations<sup>[59]</sup>. KULMIYE claimed the miscalculations in Buroa and Garadag, and Boroma (27 excessive

votes to UDUB). In addition, they claimed that an uncounted ballot box from the polling station Balli-Alanle should be counted. The polling station in question had been closed for security reasons around 4 p.m. after an otherwise smooth voting had been disrupted by UDUB supporters, and the ballots<sup>[60]</sup>, allegedly in a KULMIYE stronghold, had never been counted. The information concerning the claims of the parties only reached the public at the will of the political parties themselves. The NEC apparently responded to the Supreme Court's request for clarification on some of the complaints submitted by KULMIYE and UDUB, and refuted UDUB's claims as baseless<sup>[61]</sup>. The NEC also dismissed KULMIYE's claims in Buroa, but conceded that UDUB by mistake had received 7 votes in Garadag and 27 in Boroma. The NEC also admitted that the ballot box in Balli-Alanle had never been counted. Apparently, the NEC had been informed about this case on April 20, the day after the announcement of the preliminary result, but left to the Supreme Court to decide whether the this particular ballot box should be counted or not.

The Supreme Court opened the hearings on May 8, twenty days after the announcement of the preliminary result. Representatives of mass media, political leaders as well as Parliament and religious leaders were present at the hearings, in addition to NEC members. The Supreme Court announced the final result on May 11, 2003, and declared Dahir Rayale Kahin and Vice-President Ahmed Yusuf Yassin winners of the presidential elections. The Court ruled that UDUB received 205 590 votes and KULMIYE 205 373 votes, 217 less than UDUB. UDUB lost 5 votes, and KULMIYE 142 compared to the preliminary result. Regrettably, the Supreme Court did not publish the reasoning behind their judgement. However, the figures can be recognised from the claims made. Because the results of the elections were contested, the general confidence among the citizens of Somaliland would most likely have increased significantly if the narrow result had been properly explained a by the Supreme Court. This is another aspect that should be reviewed for future elections. According to international recommendations for election dispute resolution, plaintiffs should have the right to have a reasoned decision on each of the claims made.

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<sup>[59]</sup> Polling stations numbers 466, 467, 491,494, 495, 496, 498, 562, 563 and 565.

<sup>[60]</sup> Around 700 ballots were cast.

<sup>[61]</sup> NEC claimed that the figure of 144 excessive votes to KULMIYE were in fact 142, but that also these had been corrected by the NEC before the announcement of the preliminary result.

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## Conclusion

In search of a Western-inspired democracy, with democratically elected political representatives, the sensitivity to and respect for the traditional decision-making fora and the ability to give those a formal role, might have been instrumental in the success of the Somaliland quest for stability during the first few years after the declaration of the Republic of Somaliland. By the Presidential elections conducted in April 2003, Somaliland has made one more important step in direction of establishing the democratically elected institutions. The electoral administration proved ability to improve procedures where problems had been exposed during the District Council elections in December 2002, and acted overall with responsibility and professionalism. During the electoral campaign, contenders for the election was in main secured a level playing field, but it appears that the government had some advantages, mainly in terms of positive media coverage and to some extent by using government property for campaign purposes. The election day was conducted in an overall satisfactory manner, but problems such as lacking voters' registration, insufficient distribution of ballot papers and limited secrecy of the vote must be addressed in future elections.

Regrettably, the tabulation process was marred by several shortcomings that must have influenced the final result, and neither the NEC nor the Supreme Court were able to demonstrate the transparency that could have ensured the necessary confidence in the accuracy of this process. Considering the fact that both miscalculations and tabulation following different standards took place, re-count of the ballots in selected polling stations, districts or regions could have been considered in order to ensure the correct final result.

## **Recommendations**

The NORDEM-team would like to make the following recommendations for future elections, a closer explanation of which can be found in the above report:

A census would help to facilitate the administration of the elections, providing a basis for voters' registration and an overview over the electorate. This would demand large resources and a simpler alternative could be to start a voter registration by creating a database on the basis of the voters registered as participating in the presidential elections.

A form of identity cards for citizens of Somaliland should be introduced, in order to have some means for identifying voters. 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.

The limitation in number of political parties to be registered should be abolished. Also, all registered political parties should have the right to nominate candidates. For the future parliamentary elections, the number of political parties to be represented in Parliament should rather be limited by a threshold and this must be regulated by the relevant legislation.

The resources of the NEC to control the electoral campaign should be increased. The responsibility of the NEC on this matter should be clarified in the election legislation.

The obligation of the governing party to avoid spending state resources for campaigning needs to be clearly stated in the relevant legislation. This point should also be specified in the election legislation, and appropriate measures for reinforcement must be given. A professional subcommittee for monitoring the media during the electoral campaign could be established.

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.

Preliminary results of the elections should be published as soon as they are prepared at each level, and the publication should be the responsibility of each level of the electoral offices.

The final results of all levels of the elections should be published, and the NEC should be responsible for the publication. Both this point and the point above is required to improve the transparency of the process, and the two points must should clearly be included in the election legislation.

The electoral administration at all levels needs more training, particularly focusing on the tabulation of results.

Clear standards concerning the validity of results on polling station, district and regional level must be introduced by the NEC, to avoid different practices.

The judiciary needs particular training to enable them to handle complaints in a professional manner and to make an accurate assessment of all sides of the electoral processes.

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.

## **Appendices**

(Not published in the web edition)

1. Results announced on the 19<sup>th</sup> April by the NEC
2. Voter distribution
3. Developments since the December elections
4. Results December election 2002
5. The clan composition of the six regions of Somaliland