Somaliland: Choosing Politics over Violence

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Since breaking away from Somalia in 1991, the people of Somaliland have charted a different path from Somalia away from violent conflict towards constitutional politics. Unrecognised by the international community, political reconstruction in Somaliland has largely been an internal affair. While lack of formal recognition has had its costs, it has also given Somalis the opportunity to craft a system of government rooted in their local culture and values that is appropriate to their needs. For the past decade this has comprised a system of government that fuses traditional forms of social and political organisation with Western-style institutions of government. In December 2002 Somaliland took the first step towards changing this system by holding multi-party elections for district councils. These were followed in April 2003 by presidential elections. This paper describes the process of political transition in Somaliland and the first democratic elections in this region for 33 years.

Somaliland today is building a society founded on peace, justice and the rule of law. In 2003 we will complete a long and difficult transition from a traditional, clan-based political system to a stable multi-party democracy by holding the first general elections to take place on Somaliland’s soil for over 30 years (Somaliland Ministry of Foreign Affairs, 2002).

On 15 December 2002, over 450,000 people in Somaliland (north west Somalia) cast their votes in a multi-party election for district councils. In April 2003 they turned out again vote for a president. The elections, the first in this region since 1969, were a crucial part of the transformation of Somaliland’s post-war system of government, from a clan-based power-sharing system to a constitutional government based on multi-party democracy. Held at a time when the rest of Somalia was engaged in the 14th internationally sponsored Somalia peace conference in Kenya, the successful staging of democratic elections is potentially very significant for the future of Somaliland and the political entity (or entities) that emerge from the remnants of the Somali state. They establish a positive precedent for what is feasible elsewhere in Somalia, should conditions allow. Given the premium that Western governments now place on democratic practices as a standard of ‘good governance’, Somaliland’s achievement in holding what one seasoned election observer described as ‘possibly one of the most peaceful elections in Africa for 20 years’, makes it harder for the international community to ignore the aspiration of people in Somaliland to be taken seriously as an independent state. Furthermore, the election of district councils creates an opportunity to establish an alternative state architecture to that inherited at independence in 1960, by establishing a more decentralised structure of governance.
State Collapse

Of all the civil wars and humanitarian crises in Africa, Eastern Europe and Asia which dented the post-Cold War optimism in the early 1990s, state collapse has no where been more profound than in Somalia. Even before its ‘collapse’ the Somali state had essentially ‘failed’, as the number of people benefiting from state policies diminished and internal security declined (Brons, 2001). However, after the government of General Mohamed Siyad Barre was overthrown in 1991 the Somali state effectively ceased to function as an administrative, ideological, juridical and territorial entity. All state legislative and judicial institutions disintegrated, along with the army, banks and government-run welfare services. The civil war fought between clan-based militia challenged the ideological basis of the Somali state as an ethnically homogenous society (Ali J. Ahmed, 1995). The fragmentation and localisation of political authority challenged the unity and territorial integrity of the Somali Republic.

The social cost of state collapse has been enormous, leading to famine in 1992-1993, widespread displacement and the destruction of public services. As analysts have described, however, the impact of state collapse has varied from one region of Somalia to another. In the absence of central government, Somalis have fashioned ‘a range of governance systems – some effective, some destructive’ (International Crisis Group, 2002:11). These include warlord fiefdoms, long distance trading enterprises, Islamic-based organisations and nascent state-like polities where a degree of consent has been established between rulers and ruled (Brons, 2002:244). The latter includes the ‘Republic of Somaliland’ formed in 1991 in the northwest and ‘Puntland State of Somalia’ formed in 1998 in the northeast. There have also been attempts by the Rahanweyn Resistance Army (RRA) to establish a regional administration in the south-western regions of Bay and Bakool since 1992,1 and a national peace conference held in Arta, Djibouti, led to the establishment of a Transitional National Government (TNG) in Mogadishu in 2000.

The optimism generated among many Somalis and foreign diplomats by the formation of the TNG proved to be short lived. Despite gaining acceptance in the UN, the African Union, the Intergovernmental Authority on Development (IGAD) and the League of Arab States, the TNG has failed to establish any meaningful authority in Somalia (Le Sage, 2002). By October 2002, when IGAD launched the 14th Somali national peace conference in Kenya, fighting in Puntland and in Bay and Bakool meant that conflict in Somalia was more widespread than any time since the mid-1990s.

In contrast, in the twelve years since the Barre regime was overthrown, Somaliland has emerged as the most stable polity within the territory of the former Somali Republic. Indeed, since 1996, it has been one of the most stable regions in the Horn of Africa (Bradbury, 1997). However, for all international political and development policies the de jure borders of the Somali state remain unchanged.

The Creation of Somaliland

The ‘Republic of Somaliland’ was founded on 18 May 1991, when the leaders of the Somali National Movement (SNM) and elders of northern clans, meeting at the ‘Grand Conference of the Northern Peoples’ (Shiriwanyaha Beelaha Waqooyi) in the town of Burco, revoked the 1960 Act of Union that had joined the former colonial territories of Italian Somalia and the British Somaliland Protectorate. The new Somaliland,
which incorporates the five former regions of northwest Somalia,\(^2\) encompasses the territory of the former British Protectorate, whose borders with Djibouti to the north, Ethiopia to the west and Somalia to the east were established by international treaties signed between 1888 and 1897 (Ministry of Foreign Affairs, 2002). Its people are ethnic Somali, sharing with Somalis in Somalia, Ethiopia, Kenya and Djibouti a common language, an adherence to Sunni Islam and a traditional livelihood system based around nomadic pastoralism. The majority of people in Somaliland come from three main 'clan families' – the Isaaq, Dir (Gadabuursi and Ciise), and Harti/Darood (Warsangeli and Dulbahante) – of whom the Isaaq are the largest.

Secession was never a publicly stated objective of the SNM. From its foundation in 1981, its primary objective was to remove the Barre government from power, with a future vision of a united Somalia, albeit with a more devolved form of government. The SNM leadership maintained this policy for several months after Barre was ousted from Mogadishu by the United Somali Congress (USC) in January 1991. However, the war against Barre, the common experience of persecution by the regime and life as refugees had served to forge a political identity among the Isaaq people from whom the SNM mostly drew its support. When the USC declared a government in Mogadishu, Isaaq fears about southern domination were revived. The SNM leadership, therefore, bowed to popular pressure in Burco by declaring that Somaliland was severing its ties with the south. At that time the declaration was supported by elders representing the Dulbahante, Warsangeli and Gadabuursi.

The Somaliland authorities have subsequently developed their legal arguments in support of their independence claim (Ministry of Foreign Affairs, 2002). This has two aspects: the existence of Somaliland as a geopolitical entity from 1897 when the British Protectorate was established; and the recognition of its independent sovereignty between 26 June 1960 when Somaliland was granted independence from Britain and 1 July 1960 when it united with Italian Somalia to form the Somali Republic.\(^3\) The Burco proclamation, it argues, was not an act of secession, but a 'voluntary dissolution between sovereign states' based on the perceived failure of that union' (Ibid. p. 9). The option of reunification in some form at some future date is not totally ruled out. However, successive Somaliland governments have steadfastly made recognition of Somaliland's independence status a precondition for participation in Somalia-wide peace conferences.

After twelve years Somaliland's sovereignty remains unrecognised by Somalis in Somalia or by any foreign government. Internally its territorial integrity is disputed by some of the Warsangeli and Dulbahante people in eastern Sanaag and Sool regions who are divided in their affiliation to Somaliland and Puntland to the east.\(^5\) Some of the Gadabuursi and Ciise in Awdal region in the west also remain ambiguous about Somaliland. At the same time, these clans have been represented in successive Somaliland administrations and at different times have played a key role in the formation of Somaliland.

The relative stability sustained over the past decade has made it possible to restore much of Somaliland's urban infrastructure, municipal services and systems of education and health that were destroyed during the war. International aid organisations, who have been active in Somaliland since 1991, have done much to help restore essential services and infrastructure, clear land mines, reintegrate displaced populations, promote indigenous welfare organisations, and more recently to strengthen government bodies. Somaliland no longer generates refugees. Instead most of those who took refuge in neighbouring countries during the war have
returned to Somaliland. Commercial activity has revived and there has been a progressive development of civil society organisations, including the media, community development and social welfare organisations and human rights groups. As result of the better security, human development indicators in Somaliland are generally better than in other regions of Somalia (Bradbury et al. 2001).

The lack of formal international recognition has its costs. Without it Somaliland does not qualify for bilateral donor assistance or the support of international financial institutions for reconstruction. It has discouraged foreign investment and constricts trading practices. The meagre international assistance received, however, has meant that reconstruction has largely been achieved from the resources and resourcefulness of Somalilanders themselves (Bradbury, 2003). The main source of finance has been remittances from the Somalis living abroad. Since 1998 these have replaced income from livestock exports as the mainstay of the economy.\(^6\)

Post-war reconstruction has brought many challenges. A ban on imports of Somali livestock by Gulf countries since 2000 on health grounds has deprived the Somaliland government of a major source of revenue. The war has exacerbated a process of urbanisation that was temporarily reversed during the conflict, with many former refugees opting to resettle in centres such as Hargeisa, Burco or Borama rather than returning to a nomadic mode of living. Peace and relative prosperity is also attracting migrants from the south and neighbouring countries. This is placing a strain on the infrastructure and the environment, and is creating tensions over the ownership and management of resources. However, the achievement of re-establishing security and constructing a nascent state has increasingly served to forge a separate Somaliland identity, a feeling of self-reliance and a belief that Somaliland is becoming a reality.

Political Reconstruction

As in any post-war country, building a legitimate and accountable system of government has been a particularly complex challenge in Somaliland. The lack of international recognition means that Somaliland has not had access to forms of governance support that many post-conflict countries receive. Unlike the south, it received minimal external support for peace-building and political reconstruction until the district elections. Political reconstruction has therefore largely been an internal affair. The declaration of a new political entity provided a unique opportunity to break with the corrupt and unrepresentative practices of the past, and international isolation has given Somalilanders the opportunity and the challenge to craft a system suitable for their needs. Although it was the stated aim of the SNM in 1991 to establish an elected government, progress towards this has been slow. For the first twelve years Somaliland has functioned without political parties, instead fusing traditional forms of social and political organisation with Western-style institutions of government.

Today Somaliland has many of the attributes of a state, with a constitution, a functional parliament and government ministries, an army, a police force and judiciary, and many of the symbols of statehood, such as a flag, its own currency, passports and vehicle licence plates. Furthermore, although Somaliland has been unable to secure international recognition, there is a creeping informal and pragmatic acceptance of Somaliland as a political reality. International organisations such as the UN and the European Union work with the administration as responsible authorities. The administration has developed low-key bilateral relations with Djibouti and Ethiopia, with regional bodies such as IGAD and the African Union and with several
European states (UNOCHA, 2001, March; 2002, April). The presence of South African observers at the recent elections also points to a deepening relationship with the South African government. In many respects Somaliland has become what Spears (2001) describes as a 'state within a state'.

The process of constructing political institutions has not been without difficulties. Between 1992 and 1996 Somaliland was twice enmeshed in internal conflicts that threatened its survival. These crises were resolved through numerous clan conferences that were locally financed and managed. Since 1997 Somaliland has experienced a period of peaceful development during which time a general consensus was reached to move towards a democratic system of government. The election of district councils in December 2002 was the first step toward this.

Somalis’ previous experiment with parliamentary democracy lasted only nine years, between 1960 and 1969. For some 21 years democracy was put on hold as the country was governed by a single party headed by General Mohamed Siyad Barre. Consequently, prior to the local council election only a few people in Somaliland had a memory of the last time they voted. The district council and presidential elections, held at a time when other Somalis were engaged in the 14th national peace conference in Kenya, were perceived by many Somalilanders as a test of their ability to govern themselves and the credibility of Somaliland.

The SNM Government, 1991-1993

Following the defeat of government forces in 1991, responsibility for peace-making and reconciliation initially fell to Somaliland’s clan elders. The first important peace conference took place in February 1991 in the port town of Berbera. This proclaimed a formal cease-fire and established the SNM’s policy of peaceful coexistence among the clans in Somaliland.7

Somaliland’s first government was established in May 1991 at the Burco Conference. This administration was based on the SNM’s organisational structure, with its Chairman, Abdulrahman Ali ‘Tuur’ appointed as Somaliland’s first executive President and the SNM Central Committee functioning as its first parliament. Given a two year mandate, the administration was tasked with accommodating non-Isaaq communities into the government, developing a constitution and preparing Somaliland for an elected government. However, the new government had little opportunity to establish its authority. Bereft of a revenue base with which to rebuild an administration, a decimated infrastructure, and with a large number of people displaced from the south or in refugee camps, the government had little capacity to deal with the growing number of freelance militia who were making a living through robbery and extortion. Furthermore, while the Burco conference restored relations between the Isaaq other northern clans, it failed to heal schisms within the SNM and among the Isaaq that had developed during the war (Bradbury, 1997).

The first test for the putative state came in 1991, when wartime rivalries within the SNM erupted into fighting in Burco. This was followed in March 1992 by fighting in Berbera when the government sought to establish control over the port and its revenue. In the absence of a government capable of mediating local conflicts, Somaliland’s elders were increasingly being called upon to deal with them and to take on administrative and security functions (Bradbury, 1994). When the Berbera conflict threatened to push Somaliland into a protracted civil war, Somaliland’s elders stepped in to re-establish peace through two major clan conferences (shir beeleeed)8 in
the towns of Sheekh and Borama. The Sheekh conference was significant for several reasons. First, resolving the conflict over Berbera port and confirming its status as a public asset, ensured that future Somaliland governments had a source of revenue with which to build an administration. Second, the conference established a framework for the participation of clan elders in Somaliland’s post-war system of governance by creating a national council of elders – the guurti. In Somali pastoral society, a guurti is traditionally the highest political council comprising titled and non-titled clan leaders. At Sheekh the guurti of Somaliland’s different clans were constituted as a national guurti and given responsibility for controlling the clan militia, preventing acts of aggression against other communities, and for defending Somaliland (Farah and Lewis, 1993:84-87). This framework for internal security, which was consolidated in the subsequent Borama conference, was important for what Brons (2002:250) has described as a ‘society-rooted process towards state formation’. Third, the intra-Isaak nature of the Berbera conflict required the mediation of non-Isaak elders, in this instance the Gadabuursi guurti. Their participation at Sheekh indicated that the influence of the SNM was declining and that if it was to be sustained, Somaliland needed the buy-in of non-Isaaks.

The Borama Conference

The shir beeleed in Borama, which lasted for five months between January and May 1993, was a defining event in Somaliland’s post-war politics. In this conference, an electoral college of elders who made up the national guurti, oversaw the peaceful transfer of power from the SNM government of Abdulrahman ‘Tuur’ to a civilian government headed by Mohamed Haji Ibrahim Egal, who had been Somalia’s last civilian Prime Minister before the 1969 military coup. Critically, the Borama conference produced an interim Peace Charter and Transitional National Charter. The Peace Charter re-established the basis for law and order by setting out a code of conduct (or xeer, unwritten contracts, laws, agreements or social codes between clans) for the people of Somaliland in accordance with their traditions and the principles of Islam. The National Charter defined the political and institutional structures of government for a transitional three year period, until a constitution could be adopted (Bradbury, 1994; Farah, 1993).

In the post-war context, the Borama conference was important for the way in which issues of representation and power-sharing were dealt with, by institutionalising clans and their leadership into the system of governance. The National Charter established what has become referred to as a beel (clan or community) system of government. Described as a ‘dynamic hybrid of Western form and traditional substance’ (Academy for Peace and Development, 1999), this consisted of an Executive (Golaha Xukuumadda) with a President, Vice President and Council of Ministers, a Legislature, comprising a bicameral parliament with an Upper House of Elders (Golaha Guurttida) and a House of Representatives (Golaha Wakiillada) and an independent Judiciary. The Charter also established state offices such as an Auditor General, as well as regional governors and mayors. The role of elders was formally recognised by giving them responsibility for selecting a president, for ensuring state security by managing internal conflicts and demolishing the militia, and by incorporating the guurti into the Upper House of the new legislature. The purpose of this was to act as a check on the executive and the representatives.

The beel system of government established at Borama recognised kinship as the ‘organising principle’ of Somali society (Lewis, 1969). In essence government became a power-sharing coalition of Somaliland’s main clans. Presidential appointments to
the executive were made to ensure a clan balance. In the Upper and Lower houses of
the legislature seats were proportionally allocated to clans according to a formula that
had been agreed at an SNM Congress in 1990. In this system minority clans were also
allotted seats in parliament. At the same time, however, the patrilineal clan system
meant that women were excluded from representative politics, because it was
ambiguous whether a woman would represent the clan of her husband or that of her
father.

The inclusion of traditional leadership in the state apparatus has its antecedents in
British colonial rule, when clan elders were incorporated into the administration as
salaried chiefs in order to extend control over the rural areas. Under post-
independence nationalist governments, who viewed the ‘problem of tribalism’ as an
impediment to unity and modernisation, the traditional leadership became
marginalised from politics (Lewis, 1988:167). The SNM challenged this by incorporat-
ing a guurti of Isaaq elders into its organisation structure. The purpose was twofold: to
mobilise support for the struggle and to lay the basis for a more participatory form
of democracy in a post-Barre era. Indeed, the National Charter reflected much of what
was proposed in the SNM’s constitution for a post-Barre government. That is, a
government built on Somali cultural values, the elevation of xeer to the national level,
the incorporation of elders in a two-chamber legislature, and combining traditional
Somali egalitarianism with the requirements of good central government (Samatar,
1988:142). The beel system of government established at Borama was intended to be in
place for only three years. It lasted a decade.

The Egal Administration, 1993-1997

During its first 18 months Egal’s new administration made considerable progress in
establishing the institutions of government, demobilising the militia, creating a
revenue system, and providing a secure environment for economic recovery. How-
ever, little progress was made on drafting a new constitution and the state
remained politically vulnerable to shifts in power relationships between the clans. As
the government sought to extend its administrative control dissatisfaction grew
among certain Isaaq clans with the formula for sharing political power adopted at the
Borama conference. This, combined with political opportunism by certain politicians,
pushed Somaliland into civil war. Although the war was largely fought along clan
lines, Somaliland’s independence was threatened when part of the opposition to the
Egal administration declared their support for a federal Somalia.13 The war lasted
from November 1994 to October 1996, displacing over 180,000 people and causing
severe damage to Burco and Hargeisa.

The war was ended through a second national reconciliation conference (shir
garameed), held in Hargeisa between October 1996 and February 1997. At the
conference the electoral college of elders extended the government’s tenure in office
for a further four years, re-selected Egal as president and increased opposition and
minority seats in the house of parliament. An interim constitution was also adopted to
supercede the Borama charters and to provide the basis for a multi-party system of
government.

The Hargeisa conference, like the Sheekh and Borama conferences, was financed and
managed without foreign support. In several respects, however, it differed from
Borama. It was largely financed by the government; the voting delegates were twice
the number at Borama; a number of women were permitted to observe proceedings;
and the leadership of the government did not change. Critics charged the government
with manipulating the conference and thus undermining the viability of using a shir beeleed as a vehicle for political change in the future. However, since 1997 Somaliland has experienced a period of uninterrupted security. During this period the administration has extended eastwards, the economy has grown and foreign assistance has increased, as aid agencies have chosen to invest in peaceful areas of Somalia.

Choosing Politics over Violence
The political economist William Reno (2002) has commented that, contrary to much contemporary conflict, Somaliland illustrates how changes in the global economy does not inevitably produce predatory war economies and the end of political order. There are several explanations why Somaliland has not followed the path of the south into protracted civil war. The political system adopted at Borama which integrated traditional authorities in the state administration guarded against the re-emergence of authoritarian rule (Bradbury, 1994; Brons, 2002). It has been argued that due to the particular experience of British colonialism these are more entrenched and stronger in the pastoralist communities in the north compared to southern Somalia (Reno, 2002). The Sheekh and Borama conferences were only two of 33 clan peace conferences that took place in Somaliland between February 1991 and 1996 (Academy for Peace and Development, 2002).

This explanation, however, overlooks the influence of other factors. These include the different political experience of northwest Somalia within the Somali Republic, the legacy of democratic practices within the SNM, the relatively good relations between the northern clans, a different resource base than the south, and the lack of international intervention in Somaliland in the early 1990s, which in the south had served to strengthen the power of the warlords. The experience of the war in the north was also very different from the south. It was fought mostly within Isaaq territory and the SNM did not try to extend it to other clan areas. Some individuals from non-Isaaq clans fought with the SNM, while some elders worked to maintain social and economic relations between the clans and neutralise the potential for violence. The war served to create a political community among the Isaaq which was reinforced by the experience of self-organisation in the refugee camps in Ethiopia. This consciousness influenced the SNM’s decision to declare independence (Brons, 2002:204-207).

The creation of Somaliland also reflected a broad consensus on the need for some form of government to manage internal conflict and external relations. This consensus is apparent from the financial support given to peace conferences by communities and business people. The SNM’s stated vision of a government which integrated traditional authorities in the state administration was adopted at the Borama conference. This established a political system that guarded against the re-emergence of authoritarian rule. A lack of public revenue and international aid has prevented the state from taking on a more developmental role; communications, transport and banking services, for example, are all organised privately. While this has had costs for those people who fall through the social safety net provided by the kinship system, it has at the same time served to keep the centre of power weak.

The Constitutional Referendum
The interim constitution adopted at the Hargeisa conference set out a schedule for the legalisation of political parties and the holding of democratic elections. It was four years, however, before a referendum was held on the new constitution. In 1999 Egal
linked the transition to multi-party democracy with Somaliland’s desire to gain international recognition, arguing that the international community would not recognise Somaliland’s independent status unless it adopted such a system. However, a major impetus for implementing the constitution was the formation of Puntland in 1998 and the TNG in 2000. Puntland, which claims authority in areas of eastern Somaliland, and the TNG, which claims sovereignty throughout Somalia, directly challenged the legitimacy of Somaliland.

With Article 2 of the constitution affirming Somaliland’s independent status, the constitutional referendum of 31 May 2001 was effectively a vote on the status of Somaliland. The Somaliland government reported that 1.18 million people voted, with 97.9 per cent approving the constitution. The government’s figure for the turn out is questionable, especially in the light of the subsequent elections and only limited voting took place in eastern Sanaag and Sool regions. Nevertheless, international observers concluded that on the whole the conduct of the referendum adhered to internationally accepted standards and it is not disputed that the great majority of the public endorsed the constitution. This reaffirmed people’s aspiration to maintain Somaliland’s independence and legalised the formation of political parties to contest elections to district councils and national government. It also affirmed the right of women to vote and hold political office, although women had not been consulted in drafting the constitution.

On 6 August 2001, the Somaliland parliament legalised the formation of political organisations, and scheduled presidential elections for February 2002. The same month Egal announced the formation of Somaliland’s first political organisation – the Democratic United Peoples’ Movement (UDUB). A further six organisations registered by the end of September 2001.

Despite the endorsement of the constitution there was a great deal of public uncertainty over the move towards the multi-party politics. UDUB was widely perceived to be the ‘government party’, financed by government resources. The demarcation of constituency boundaries, the process of voter registration and citizenship were all contentious. There was concern that under these conditions a free and fair election would not be feasible and that the move to reshape the political system was simply a ruse by Egal to ensure his political survival.

Egal’s opponents accused him of becoming increasingly autocratic and corrupt and lacking commitment to Somaliland independence. In August 2001 Egal narrowly survived a motion in Parliament to impeach him (UNOCHA, 2001). The same month a powerful group of clan sultans with strong backing in the east of the country challenged the president’s authority, calling for UDUB to be dismantled and for a shir beeleed to be held to decide on the future of the country. When several of the sultans were arrested while visiting Hargeisa, Somaliland was taken to the brink of another civil conflict. This was averted through the mediation of political, religious, business and civil society leaders. In January a compromise was reached whereby the Upper House extended the term of the administration for a further year to allow time for more political organisations to register and for elections to be organised.

On 3 May 2002 Egal died unexpectedly during surgery in South Africa. In line with the constitution, his Vice President, Daahir Rayale Kaahin, from the Gadabuursi clan, was immediately named as his successor. Egal’s sudden death generated an outpouring of nationalist sentiment. Respected as an elder statesman and for having steered Somaliland through several difficult years, his funeral in Berbera was
attended by both his supporters and opponents. His death also tested the robustness of Somaliland’s constitution and governmental institutions. The smooth transition of power to his Vice President proved that the state was stronger than one individual. Egal’s death also served to level the political ‘playing field’ and persuaded former opposition groups to rejoin the electoral process by forming political parties.

From Community Politics to Multi-party Politics

The constitution defined a new political system for Somaliland. That is, a democratic, multi-party system, in which the head of state, parliament and district councils will be directly elected by the public through a secret ballot, instead of through electoral colleges of elders. The constitution, however, limits the number of parties able to contest national elections to three. To become an accredited party, political organisations contesting district council elections had to gain 20 per cent of the votes in four of Somaliland’s six regions. This was intended to ensure that the national parties represented a cross section of clans and avoided the emergence of religious or clan-dominated parties as happened in 1969 when over 60 parties contested the election.

The dispute between Egal and the opposition over the political transition can, on one level, be read simply as a power struggle between old political rivals, combined with ongoing fissions within the Isaaq. His most ardent opponents came from what was perceived as the radical wing of the SNM,7 who found support in the east of the country, particularly around Burco, where people felt marginalised from the centre of power in Hargeisa. To some extent this reflected a division between Isaaq clans from around Hargeisa and from the east.18 At the same time the clash also reflected genuine public anxiety about moving from a clan-based political system to a multi-party system of government.

The power-sharing system of government established at Borama has proven critical to the process of reconciliation and recovery in Somaliland, succeeding where numerous efforts in Somalia have to date failed. Some Somalilanders therefore argued that it was unnecessary to change a system which had worked for twelve years – a period longer than Somalia’s previous experience of democratic government. For many people the peace and stability enjoyed during this period had provided the bedrock for reconstruction and was more important than efficient government. Given the lack of civic education, low level of literacy and an undeveloped civil society, some people were uncertain whether Somaliland was ready for multi-party democracy. They were circumspect about the implications of changing from a system based on consensus decision-making to one of hierarchical authority based on majority rule. This seemed to be more of a concern for those on the periphery of Somaliland than those at the centre (Academy for Peace and Development, 2002:28). Furthermore, Somalia’s previous experience with parliamentary democracy in the 1960s had been discredited by increasing levels of patronage. Egal, who was Prime Minister at that time, was held partially responsible for a situation in which the National Assembly, ‘had been turned into a sordid market place where deputies traded their votes for personal rewards with scant regard for the interests of their constituents’ (Lewis, 1972).

Others were more critical of the beel system, believing it to be ‘unequal to the task of modern government’ (Academy for Peace and Development, 2000:35). For the modernisers, the stand taken by the Sultans was perceived as a reactionary attempt to retain authority and power within society. They also argued that the role of elders had
become more complex as they increased in number, and they were less representative as politics became more urban-centric. The beel system was criticised for lack of transparency, nepotism and corruption, with individuals from more powerful lineages favoured in government appointments. The political imperative to maintain a clan balance in government undermined the feasibility of creating a meritocratic system of government appointments. The politics of kinship also stifled issue-based politics.

Furthermore, it was argued that the beel system discriminated against the participation and representation of women in politics. There were no women in the parliament and only two women had held ministerial posts since 1991. Consequently women were forced to express their political views and advocate for their rights through independent women’s organisations (Gardner et al. 2003). In contrast, the principle of universal suffrage enshrined in the constitution gave women the right to vote and hold public office. Establishing a constitutionally based democracy was, therefore, seen as a means of resolving thorny issues of representation, equity and decentralisation.

**District Elections**

The first stage of the electoral process involved the election of 379 Councillors to 23 district and municipal councils in Somaliland’s six regions. The reason for starting with a district election was to determine which three parties would contest the presidential and parliamentary elections. It would also test whether Somaliland was capable of holding presidential and parliamentary elections. The local elections were contested by six organisations: ASAD, HORMOOD, Kulmiye, SAHAN, UCID and UDUB, who were able to demonstrate adequate support in six regions.

In December 2001 an independent Somaliland Electoral Commission (SEC) had been created to oversee the electoral process. Their preparations for the elections revealed a number of problems. The electoral commissioners lacked experience of managing an election. The political organisations had no experience of running an election campaign or resources to mount one. None of them gave consideration to the selection of women candidates. There had been no voter education and the media lacked experience of covering elections.

There was a lack of trust between the parties and between the parties and the SEC. UDUB was criticised for using government resources to support its campaign. A lack of clarity over the demarcation of districts led to accusations against the government of gerrymandering. The participation of Sool and eastern Sanaag represented a particular challenge, due to the ambivalence of people in those regions towards Somaliland. Ten days prior to the elections an attempt was made to assassinate President Kaahin while visiting Sool by forces loyal to the administration in Puntland.

The lack of a census and an electoral register was particularly problematic. Only Somaliland citizens over 16 years of age were eligible to vote. But as citizenship was defined by membership of a clan which was in Somaliland during the British rule, this potentially franchised people in both Ethiopia and Djibouti. Efforts to register voters and issue them with polling cards proved impossible to administer, so the government estimate of 1.18 million voters in the referendum was used as a planning figure (Gers & Valentine-Selsey, 2002). Instead of registration cards it was decided to use indelible ink on election day as proof of voting, with eligibility to be corroborated by a local elder.
The SEC's strategy for dealing with these issues was to involve the political organisations and other stakeholders in defining the process, and to appeal for external support (European Union, 2002a). Each step in the process, such as the use of indelible ink, was debated at length. The political organisation placed observers in every polling station and each vote was counted in front of them. These efforts to ensure transparency hampered the efficiency of the elections, but ensured that nothing was hidden and that the process was a collective effort.

Civil society organisations played an important role in addressing some of the issues. NEGAAD, an umbrella body for women's organisations, undertook civic and voter education and together with the Women's Political Forum lobbied the political organisations to include women among their candidates. Together with COSONGO, an umbrella body for non-governmental organisations (NGOs), they also trained some 400 domestic observers. The Somaliland Academy for Peace and Development (APD) worked with the political organisations and the SEC to produce a Code of Conduct. This recognised the primacy of the law, established acceptable campaigning practices and procedures for resolving disputes, and committed the organisations to accept the decisions of the SEC. Adherence to the code was monitored by a cross-section of community activists, religious leaders and business people who formed an Integrity Watch Committee. Other organisations, including religious groups, campaigned for the election to be conducted peacefully. From its side, the government contributed funding, materials and human resources, including 2,283 police. On election day all government vehicles were put at the disposal of the SEC.

The delegation of the European Commission in Nairobi responded to the SEC's appeal for assistance by assigning technical consultants to work with it, and funding voter education and the training of over 3,000 election workers and domestic observers. The US International Republican Institute provided some capacity building support to the political organisations. This readiness of these international bodies to support the election contrasts sharply with the lack of international support for previous peace conferences in Somaliland or the 2001 referendum. For the European Commission, whose assistance was premised on its support for democracy and good governance in Somalia, the district election was considered an essential step in a transition from a clan-based system towards a 'more democratic' system of governance (EU, 2002b).

**The District Election Results**

Voting took place on 15 December 2002 at 726 out of 800 polling stations. Due to security concerns voting did not occur in two districts in Sool region, in three districts in eastern Sanaag, and in parts of Buuhoodle district in Togdheer region. A total of 440,067 valid votes were counted and 332 District Councillors were elected (Gers & Valentine-Selsey, 2002).

Polling day passed without any major security incidents. Foreign nationals observing the elections concluded that the voting and vote counting was carried out in a transparent manner and, by and large, in line with internationally recognised electoral norms. The observers remarked on the self-discipline among the voters, the political organisations and the electoral officials in dealing with problems that arose on polling day and noted the high participation of women voters. Some procedural problems that were identified were attributed to a lack of experience and capacity among electoral officials and a lack of voter education. The high level of illiteracy, for example, meant that many voters were unable to read the ballot papers and had to
publicly name the organisation they wished to vote for. Therefore, the adherence to a secret ballot was not followed in all cases. Allegations of ballot stuffing in at least one region, if true, would not have substantially affected the outcome. Prior to the election it had been anticipated that UDUB and Kulmiye would emerge as the winners, with any of the other four organisations having an equal chance of coming third. On 23 December the SEC declared that UDUB, Kulmiye and UCID had won the right to form political parties to contest presidential and parliamentary elections.

UDUB, founded by Egal and headed by his successor Kaahin, was the clear winner receiving 41 per cent of the total votes and exceeding the required threshold by gaining 20 per cent of votes in five regions (see Table 1). Interviews with voters on the election day suggest that UDUB's success was based on concern to maintain the status quo in Somaliland and name recognition. UDUB's greater financial resources and its association with the government also enabled it to attract strong local candidates. In Awdal region, where the incumbent President comes from, UDUB received more than half of all the votes cast.

<table>
<thead>
<tr>
<th>Political Organisations</th>
<th>W/G</th>
<th>Saxil</th>
<th>Togdheer</th>
<th>Awidal</th>
<th>Sanaa</th>
<th>Sool</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDUB</td>
<td>70,989</td>
<td>38</td>
<td>13,502</td>
<td>50</td>
<td>18,330</td>
<td>28</td>
<td>56,929</td>
</tr>
<tr>
<td>KULMIYE</td>
<td>29,923</td>
<td>16</td>
<td>5,309</td>
<td>19</td>
<td>17,476</td>
<td>26</td>
<td>13,679</td>
</tr>
<tr>
<td>UCID</td>
<td>30,676</td>
<td>16</td>
<td>2,900</td>
<td>11</td>
<td>4,821</td>
<td>7</td>
<td>7,422</td>
</tr>
<tr>
<td>SAHAN</td>
<td>14,748</td>
<td>8</td>
<td>2,054</td>
<td>8</td>
<td>15,234</td>
<td>23</td>
<td>4,499</td>
</tr>
<tr>
<td>HORMOOD</td>
<td>29,104</td>
<td>16</td>
<td>1,188</td>
<td>4</td>
<td>1,454</td>
<td>2</td>
<td>7,229</td>
</tr>
<tr>
<td>ASAD</td>
<td>10,943</td>
<td>6</td>
<td>2,281</td>
<td>8</td>
<td>9,283</td>
<td>14</td>
<td>8,727</td>
</tr>
<tr>
<td>Total</td>
<td>186,383</td>
<td>27,234</td>
<td>66,598</td>
<td>100,496</td>
<td>53,096</td>
<td>6,261</td>
<td>440,067</td>
</tr>
</tbody>
</table>

Source: Somaliland Electoral Commission

Kulmiye came second with 19 per cent of the popular vote. Headed by the experienced politician and former SNM chairman, Ahmed Mohamed 'Siilaanyo', Kulmiye gained more than 20 per cent of the vote in both Sanaag and Togdheer regions, the home of Siilaanyo's clan. With a well organised campaign, it also proved capable of winning substantial support in all regions, and attracted considerable support among women voters. The decision to award the third place to UCID (the Party for Justice and Democracy) was contentious as the organisation failed to obtain 20 per cent of the vote in any region and beat SAHAN to third place by a small margin of only 1,500 votes. Some 60 per cent of UCID's votes came from Hargeisa, where the sub-clan of its chairperson Faisal Ali Warabe live.

The Presidential Election

The district elections prepared the ground for presidential and parliamentary elections. According to the constitution this should take place a month prior to the end of the government's term in February 2003. However, the delay in holding the district council elections, the need for additional electoral legislation and the lack of preparedness among the parties meant the timetable was amended. The tenure of the administration was extended for a second time for a further three months, with 14 April set as the date for elections. The original intention had been to hold presidential and parliamentary elections concurrently. However, the electoral bill ran into trouble over the demarcation of parliamentary constituencies when it was presented to

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parliament. Gadabuursi elders and parliamentarians refused the bill on the grounds that it would give them fewer parliamentary seats than they held under the existing arrangement. As a compromise it was agreed to only hold a presidential election until the constituency issue could be resolved. The tenure of parliament was therefore extended for a further two years, and in line with the constitution the House of Guurti was extended for a further three years.27

To organise a presidential election within four months of the district election was no easy task, given the limited experience, technical know-how and human and financial resources available to the SEC. The Somaliland government committed US$1 million to the election (UNOCHA, 2003), but as the European Commission was not prepared to finance the election there was less international assistance available than there had been for the district election. A few donor governments independently supported some of the costs for technical assistance and voter education, but a lack of coordination affected preparation.

Based on the experience gained from the district council election, the number of polling stations was increased from 800 to 900, a one year prison sentence was introduced for people caught double voting, senior polling station staff were moved to stations away from their home areas to reduce possibilities of vote rigging and political party representatives were given additional training. Civil society organisations again provided training for polling station staff, domestic observers and party representatives, while the Integrity Watch Committee worked with the parties to recommit themselves to the Code of Conduct. Efforts were made by the SEC to ensure democratic practices were followed by the parties. It issued guidelines to restrict UDUB’s use of government vehicles for campaign purposes and also admonished the government for appointing regional ministers of state without portfolio – dubbed ‘ballot box ministers’ – to curry votes. The SEC, however, had few powers to control the parties’ campaigns. The appearance of new Somaliland shillings prior to the election led some people to accuse the government of buying votes for UDUB. However, it is estimated that Kulmiye spent more money on its campaign than UDUB, raising money from the business community and the diaspora.

Talk but no Substance

One difficulty faced by voters was in identifying the differences between the parties. Following the district elections, the scramble by politicians for posts in the new national parties and the alliances of convenience that were formed highlighted the opportunistic nature of politics and created a certain cynicism among many voters. In terms of stated policies there was little of substance to choose between the parties. Somaliland’s independence was a central tenet of each party, and they all espoused a liberal economy. In general terms UDUB campaigned on a banner of continuity and stability. Kulmiye promised a cleaner and leaner administration and a greater role for women in government. UCID also committed itself to enhancing the participation of women and promised a more welfarist government with increased investment in health and education, which appealed to youthful voters. For the most part, however, it was the personality of the leaders, their key supporters and clan loyalties which influenced voter choices.

Polling Day

Voting took place on 14 April at 782 out of 900 polling stations. Two districts in eastern Sanaag and three in Sool did not vote.28 Some 488,543 valid votes were cast, an
increase of just over 10 per cent on district elections, which was smaller than had been anticipated by the SEC (IRIN, 2003). As in the district elections, polling was conducted peacefully, with no reported security incidents.

International and domestic observers gave a generally favourable report on the free and transparent manner in which the voting was conducted. Various irregularities were noted, however: the management of different polling stations varied greatly; the ban on the transportation of voters was neglected in some locations, especially Burco; the screening of voters by age was not always enforced; and multiple voting by individuals was common in places. The fact that some polling stations ran out of ballot papers early in the day, also indicated that some stuffing of ballot boxes occurred. Although the SEC was later criticised for lack of preparation and for purchasing ink that could be easily removed, there is evidence that the parties sought to circumvent procedures by transporting supporters from one station to another and by offering incentives and facilities for voters to vote more than once. While technical and procedural problems can be improved with more experience, training and supervision, inculcating internationally accepted democratic practices, such as one-person-one-vote, among politicians and voters will be much harder.

A Close Run Election

In staging the elections, the authorities and public in Somaliland again demonstrated a commitment to the idea of multi-party democratic politics. The outcome, however, presented a harsh test for Somaliland’s aspiring democracy. The preliminary results, announced by the SEC on the afternoon of 19 April, gave UDUB a narrow victory over Kulmiye by a margin of only 80 votes (see Table 2 over). The result caused consternation among Kulmiye supporters and surprise among UDUB supporters, both of whom had anticipated a Kulmiye victory. The announcement triggered small protests in Burco and Gabiley where Kulmiye have strong support, raising concerns in Somaliland and internationally that the situation would turn violent. Further opportunities for public expressions of dissatisfaction were prevented by the government which invoked emergency laws and imposed a ban on peaceful protests and anything that might look like an opposition rally.

Given UDUB’s marginal lead, Kulmiye had every right to question the result. The Kulmiye leadership did contest the results and presented evidence of mathematical errors in the SEC’s final calculations. To his credit the chairman of Kulmiye did not accuse the SEC or the government of malpractice. He resisted intense pressure from within his party to form an alternative government, stating that he had no intention of taking Somaliland down the path of Mogadishu, and committed Kulmiye to a peaceful resolution of the crisis. He also accepted, after some persuasion, to follow the constitutional process and contest the results at the Supreme Court. Kulmiye, however, continued to reject the outcome even after they were reconfirmed by the Supreme Court. It was not until 9 June, three weeks after Kaahin had been sworn as president, and following the mediation by a committee of sultans, that Kulmiye conceded victory to UDUB.

Throughout the election the SEC’s approach had been to consult with the parties in order to ensure maximum transparency, and up to the final results they were generally commended for their work (African Rights, 2003a). In the final count and announcement of the results the SEC, however, made some critical errors. By agreeing to meet with parliamentary representatives prior to the announcement, the impression was conveyed that the government through parliament had unduly
Table 2: Interim Results of the Presidential Elections

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Kulmiye</th>
<th>UCID</th>
<th>UDUB</th>
<th>Valid votes</th>
<th>Invalid votes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wagooyi</td>
<td>Hargeisa</td>
<td>50,606</td>
<td>37,892</td>
<td>57,341</td>
<td>145,839</td>
<td>3,333</td>
<td>149,172</td>
</tr>
<tr>
<td>Galbeed</td>
<td>Gabiley</td>
<td>23,684</td>
<td>2,208</td>
<td>15,781</td>
<td>41,673</td>
<td>1,383</td>
<td>43,056</td>
</tr>
<tr>
<td></td>
<td>Balligubadle</td>
<td>3,900</td>
<td>1,471</td>
<td>3,109</td>
<td>8,480</td>
<td>189</td>
<td>8,669</td>
</tr>
<tr>
<td></td>
<td>Sallaxley</td>
<td>3,395</td>
<td>6,380</td>
<td>3,097</td>
<td>12,872</td>
<td>187</td>
<td>13,059</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>81,585</td>
<td>47,951</td>
<td>79,328</td>
<td>208,864</td>
<td>5,092</td>
<td>213,956</td>
</tr>
<tr>
<td>Awdal</td>
<td>Borama</td>
<td>11,664</td>
<td>4,270</td>
<td>29,581</td>
<td>45,515</td>
<td>1,373</td>
<td>46,888</td>
</tr>
<tr>
<td></td>
<td>Saylac</td>
<td>1,700</td>
<td>189</td>
<td>3,221</td>
<td>5,110</td>
<td>588</td>
<td>5,698</td>
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<tr>
<td></td>
<td>Baki</td>
<td>1,703</td>
<td>1,013</td>
<td>8,524</td>
<td>11,240</td>
<td>388</td>
<td>11,628</td>
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<tr>
<td></td>
<td>Lughaya</td>
<td>1,540</td>
<td>504</td>
<td>2,021</td>
<td>4,065</td>
<td>117</td>
<td>4,182</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>16,607</td>
<td>5,976</td>
<td>43,347</td>
<td>65,930</td>
<td>2,466</td>
<td>68,396</td>
</tr>
<tr>
<td>Saxil</td>
<td>Berbera</td>
<td>8,555</td>
<td>2,234</td>
<td>12,836</td>
<td>23,625</td>
<td>425</td>
<td>24,050</td>
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<tr>
<td></td>
<td>Sheekh</td>
<td>1,716</td>
<td>478</td>
<td>4,718</td>
<td>6,912</td>
<td>166</td>
<td>7,078</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>10,271</td>
<td>2,712</td>
<td>17,554</td>
<td>30,537</td>
<td>591</td>
<td>31,128</td>
</tr>
<tr>
<td>Togdheer</td>
<td>Burco</td>
<td>54,213</td>
<td>5,085</td>
<td>21,562</td>
<td>80,860</td>
<td>680</td>
<td>81,540</td>
</tr>
<tr>
<td></td>
<td>Oodweyne</td>
<td>7,554</td>
<td>8,347</td>
<td>13,714</td>
<td>29,615</td>
<td>278</td>
<td>29,893</td>
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<tr>
<td></td>
<td>Buuhoodle</td>
<td>1,739</td>
<td>21</td>
<td>2,829</td>
<td>4,589</td>
<td>24</td>
<td>4,613</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>63,506</td>
<td>13,453</td>
<td>38,105</td>
<td>115,064</td>
<td>982</td>
<td>116,046</td>
</tr>
<tr>
<td>Sool</td>
<td>Laas Canood</td>
<td>5,524</td>
<td>463</td>
<td>3,715</td>
<td>9,702</td>
<td>83</td>
<td>9,785</td>
</tr>
<tr>
<td></td>
<td>Caynabo</td>
<td>5,524</td>
<td>463</td>
<td>3,715</td>
<td>9,702</td>
<td>83</td>
<td>9,785</td>
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<tr>
<td></td>
<td>Xuddun</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
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<tr>
<td></td>
<td>Taleex</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
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</tr>
<tr>
<td></td>
<td>Total</td>
<td>5,524</td>
<td>463</td>
<td>3,715</td>
<td>9,702</td>
<td>83</td>
<td>9,785</td>
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<tr>
<td>Sanaag</td>
<td>Ceerigaabo</td>
<td>18,286</td>
<td>3,779</td>
<td>16,059</td>
<td>38,124</td>
<td>579</td>
<td>38,703</td>
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<tr>
<td></td>
<td>Garadag</td>
<td>3,912</td>
<td>1,779</td>
<td>2,999</td>
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<td>8,744</td>
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<td></td>
<td>Ceel Afweyn</td>
<td>5,632</td>
<td>1,196</td>
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<td>11,129</td>
<td>205</td>
<td>11,334</td>
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<td>Badhan</td>
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<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
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<td>no votes</td>
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<tr>
<td></td>
<td>Dahar</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
<td>no votes</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>27,830</td>
<td>6,749</td>
<td>23,359</td>
<td>57,938</td>
<td>843</td>
<td>58,781</td>
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<td></td>
<td>National level</td>
<td>192</td>
<td>129</td>
<td>187</td>
<td>508</td>
<td>39</td>
<td>547</td>
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<td></td>
<td>Party Total</td>
<td>205,515</td>
<td>77,433</td>
<td>205,595</td>
<td>488,543</td>
<td>10,996</td>
<td>499,539</td>
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<tr>
<td></td>
<td>Percentage</td>
<td>42.07</td>
<td>15.85</td>
<td>42.08</td>
<td>100.00</td>
<td>2.02</td>
<td></td>
</tr>
</tbody>
</table>

Source: Somaliland Electoral Commission

influenced the outcome. The SEC’s insistence that they did not have the authority to amend the result in the light of arithmetical errors appeared as intransigence, although the option of a recount was also not seriously considered by the parties.32

The SEC, however, had no choice but to follow the Electoral Law (Articles 64 and 65) which states that it was for the Supreme Court to deliver a final verdict. To have done otherwise would have led to an unending dispute between the parties.

The Supreme Court

The task of the Supreme Court, as set out in Article 65 of the Somaliland Election Laws, was to review whether the elections were conducted in accordance with the law, that calculations were correctly made and to consider any complaints. As Jama (2003) has noted, the conduct of the Supreme Court in producing a verdict on the elections was crucially important for democracy in Somaliland and the legitimacy of the government. It needed to demonstrate that its decision was well reasoned and in a way that would add to constitutional law and practice.
On 11 May, after three days of listening to submissions by all the parties and the SEC, the Supreme Court pronounced its verdict in favour of UDUB, increasing their victory to a margin of 214 votes. Kulmiye immediately questioned the decision, raising concerns about the competence of the court, whose verdict, based on a new set of figures, did nothing to clarify matters (African Rights, 2003b). Kulmiye’s questioning of the court’s competence was not without foundation. Somaliland’s weak judicial system and its political manipulation have become an increasing concern among Somalilanders. The English language weekly The Somaliland Times has described the system as:

_Chronically corrupt and grossly under-qualified Judges, coupled with frequent interventions by the Executive Branch in the Judiciary process, have effectively reduced Somaliland courts to an open market where Justice is sold to the highest bidder (The Somaliland Times, Issue 25, June 2002)._

One of Kaahin’s decisive acts during his interim premiership was to make extensive changes to the Supreme Court and these were generally welcomed by the public. However, his appointment of the chair of the Supreme Court and all six new judges gave the impression that it was not independent of the Executive. Furthermore, the judges had little or no experience in constitutional matters. However, given that all the parties had fought the elections with the institution in place, Kulmiye’s had few grounds on which to question the court’s competence at this stage. On 16 May Kaahin was formerly sworn as the first directly elected President of Somaliland, with a five year term of office.

**Implications of the Elections**

In January 2003, the UN news information service noted that the year ahead held ‘opportunities and dangers’ for Somaliland, predicting that the presidential elections could ‘either demonstrate Somaliland’s political maturity, or lead to fighting’ (UNOCHA, 2003). In Somaliland it was also anticipated that the presidential elections would prove more difficult to manage than the district elections. Nevertheless, Somaliland has demonstrated over the years a remarkable ability to deal with challenges that threaten its stability. Fears that Somaliland would go the way of Puntland, whose constitutional crisis led to two years of conflict from 2001-2003, have so far proven unfounded. From the day that the election results were announced the public made clear its opposition to a return to violence as a way of dealing with political process. Civil society through forums such as the Integrity Watch Committee stepped in to mediate and advise the parties to settle the matter peacefully. There was little support for mass protests and a preference to acquiesce in favour of sustaining the peace. The government’s actions in invoking emergency laws, controlling the media, harassing opposition sympathisers and allegedly expanding its internal security forces are of concern (African Rights, 2003b). However, the lack of public protest also reflects the limited power of political entrepreneurs to mobilise the public. In a country where the government, of whatever hue, can offer little in terms of public services, the public perhaps have little reason to support politicians. And, given the marginal difference in the vote, neither party could claim an overwhelming mandate or moral victory. Both the district and presidential elections highlighted a number of issues that will be pertinent to the new elected administration in Somaliland.
Voting Patterns

The absence of a census, voter registration or a post-election voter survey makes it difficult to analyse voting patterns. However, several aspects are worth noting. First, the regional distribution of votes illustrates a demographic and socio-political division between western and eastern Somaliland. The non-participation of eastern Sanaag and Sool regions in the elections accounts for the significantly lower turn out of voters in the east. However, the fact that the western regions of Woqooyi Galbeed (Hargeisa region), Awdal and Saxil accounted for over 60 per cent of all votes cast in both elections, reflects the concentration of Somaliland’s population in the west (see Chart 1). Furthermore, the fact that over 40 per cent of all votes counted were in Woqooyi Galbeed dramatically illustrates the urban drift towards Hargeisa and its growing dominance as the capital. In the district elections, for example, UCID gained third place almost entirely as a result of the votes it polled in Hargeisa. Better transport and infrastructure, shorter distances for voters to travel, better media coverage, more intense campaigning and voter education also facilitated a higher turn out in the west.

The regional differentiation was less pronounced in the presidential elections, with Kulmiye polling strongly in Woqooyi Galbeed, but it is still apparent with UDUB polling better in the west and Kulmiye polling better in the east (see Chart 2). The regional pattern of voting to an extent reflects historic socio-economic disparities between Somaliland’s regions. The higher turn out in the west is indicative of the fact that the elections were largely urban events, with limited campaigning and voting taking place in rural areas. This has tended to be the case with elections since the first political parties were formed in the Somaliland Protectorate (Academy for Peace and Development, 2002). If, as is commonly assumed, a significant proportion of the population is nomadic, then a large part of the population was effectively disenfranchised. To an extent this also accounts for the lower voter turn out in eastern Somaliland where the population is more nomadic than in the west. The new government will face an important challenge to rectify this apparent regional disparity, by ensuring a more equitable distribution of development investment between the regions.

Second not unexpectedly, the regional voting patterns also reflect clan preferences among voters. In the district elections UDUB won nearly 60 per cent of the votes in Awdal where Kaahin’s clan comes from, while Kulmiye gained 20 per cent of the vote in Togdheer, Sanaag and Sool regions where Sillanyo’s clan comes from. The preference is clearest during the district elections, with voting for ASAD, HORMOOD, SAHAN and UCID all reflecting local clan support. With little to choose between the organisations in terms of policies, it would appear that people were either voting for the personality and leadership skills of the party chairperson and candidates, or their clan.

Representation

Through democratic elections responsibility for selecting a government was moved from an electoral college of elders to individual voters. Given the relatively small
of invalid votes (2 per cent) in the both elections, the results can be considered a fair representation of voter opinion. The district election results, however, suggest that the introduction of a multi-party system has not necessarily solved the problem of representation. In the district elections UDUB gained the largest number (32 per cent) of district council seats, with Kulmiye coming second (21 per cent). Following the elections candidates from the three losing parties were expected to join one of the accredited national parties. By June, the SEC had still not been able to compile a complete list of party members on the district councils. Information available from 15 out of the 32 councils, however, indicates that the majority of councillors from the losing parties joined UDUB. Based on these councils UDUB increased its share of council seats to 55 per cent, with Kulmiye 29 per cent and UCID 16 per cent. In these 15 councils UDUB has a majority in 11 councils, and shares an equal number of seats with Kulmiye in two others, while Kulmiye and UCID enjoy majorities in only two councils. Furthermore, the majority of mayors selected by the councils are members of UDUB. The district and presidential elections have therefore given UDUB sweeping authority over Somaliland’s political institutions.

A feature of the power-sharing beel system has been its inclusiveness in terms of clan representation. Since 1991 non-Isaak clans have been represented in both the executive and legislative wings of government, and after the 1997 Hargeisa conference minority groups also gained representation in the legislature. The three party system may encourage the emergence of multi-clan alliances, but at a local level people appear to have voted along clan lines. As a consequence, the clan composition of local councils reflects the representation of the clans in these towns. It would appear, however, that one consequence of the majoritarian voting system is that minorities have no representation on any of the new councils.

One criticism levelled at the beel system has been the way that it has excluded women from representative politics – an anachronism in a modern state. During the elections women in large numbers exercised their right to vote. However, while votes continue to be cast along clan lines, the chances for women to be elected remain slim. Very few women were put forward by the political organisations as candidates and those who were stood little chance of being elected as they were put low in the candidate list. Consequently, one of the most striking outcomes of the district elections is that only two women from over 2,000 candidates were elected onto municipal councils. Accordingly, women who constitute a majority of the adult population and the voting public, and who contribute significantly to local government revenues through small businesses will have no voice in these councils.

Despite these setbacks, there is a growing recognition among the parties that women represented a very sizeable vote that cannot be ignored. As a consequence it is likely that parliamentary seats will be allotted for women in the future. Significantly also, following his electoral success Kaahin appointed a woman, Edna Adan, to the post of Foreign Minister, the most senior post held by a woman in any Somali government.
Finally, while the three party system is intended to prevent each sub-clan forming its own party, this arrangement is considered by some to be an infringement of their democratic rights. Although 30 per cent of the electorate voted for SAHAN, HORMOOD and ASAD in the district elections, legally they were unable to contest the national elections. While the constitution safeguards the right of political association, it at the same time denies individuals who do not wish to vote for one of the three parties the right to express their preference. When a woman candidate sought to challenged this by running as an independent presidential candidate, the Supreme Court barred her from the election.

**Sool & Eastern Sanaag**

The biggest challenged to the legitimacy of the Somaliland elections arises from the non-participation of the Warsangeli in eastern Sanaag and the Duhbahante in Sool. During the elections, threats from the authorities in Puntland and supporters of Puntland left the SEC with no option but to ‘postpone’ elections in those regions.\(^{36}\)

This has important implications for Somaliland. First, the potential size of the vote in these areas could have affected the outcome of the elections. Kulmiye could reasonably have expected to do better than UDUB in Sool, while UDUB could have expected to do better in eastern Sanaag.

Second, the positive image projected by having a non-Isaaq president in Somaliland, is undermined by the lack of participation by most Warsangeli and Duhbahante. While the holding of elections were seen by many voters as strengthening Somaliland’s independence claim, in terms of participatory democracy the elections effectively served to shrink the Somaliland polity and to make Somaliland politics more exclusive. The Warsangeli and Duhbahante are represented in parliament and individual politicians have held senior positions within Somaliland’s administrations, including the Foreign Ministry, Speaker of Parliament, Chair of the Electoral Commission, and Chief Justice of the Supreme Court. The non-participation of the populations in these regions will be compensated by appointing Warsangeli and Duhbahante to positions of authority. However, the lack of political structures in those regions weakens the Somaliland government’s claim to represent those regions.

**Decentralisation**

The elections also drew attention to the issue of the decentralisation of government and political power. After decades of centralised authoritarian rule, war and state collapse in Somalia resulted in a radical decentralisation and localisation of authority. The 1993 Borama Charters and the subsequent Somaliland constitution sought to institutionalise a decentralised system of government, as a way of preventing a return to authoritarian rule and strengthening popular participation in government. Prior to the district elections, however, state power and resources were largely concentrated in central government, although the practical writ of the government outside Hargeisa and the west was fragile. It was only after 1997 that Egal was able to extend his administration to Sanaag region, while its authority in eastern Sanaag and Sool remained weak.

The election of district and municipal councils that are accountable to the local electorate holds great potential for creating a form of government that is responsive to local needs and one that will prevent the recentralisation of political power. However, the development of functional councils will depend on the ability of the new
councillors to implement their responsibilities and on a commitment by central
government to support them in this task through legislation and resources.

Conclusion

International observers of the Somaliland elections were fairly unanimous in their
views that they were, on the whole, among the freest and most transparent democratic
exercises ever staged in the Horn of Africa (Bryden, 2003:8). In a region more
commonly associated by the international community with civil war, the holding of
multi-party elections creates an opportunity for progressive change in the politics of
the Somali region. The direct election of local councils has the potential to change
the architecture of governance, by establishing a more decentralised form of government.
The popular election of a non-Isaak president also settled the debate about whether a
non-Isaak president would be accepted in Somaliland. Although the outcome of the
presidential election initially threatened to destabilise Somaliland, the constitutional
process was seen to have been adhered to. The election served to reinforce the internal
legitimacy of Somaliland’s political leaders and their credibility as spokespersons for
Somaliland.

At the same time many problems and institutional weaknesses were highlighted
during the elections. Clearly the parties and public have difficulty abiding to the
standard ‘democratic rules’. While the SEC has come under criticism, it is the parties
and the public who must ultimately take responsibility for the conduct of the poll. The
efforts by the parties to influence the results and their failure to offer genuinely
alternative policies do not set a good precedent for the future of multi-party politics.
UDUB’s success in the presidential elections, despite the narrowness of its victory,
together with its control over district councils, gives the party a virtual monopoly of
power in Somaliland. Indications that the government may be curbing civil liberties
as a way of asserting its authority and consolidating its power is worrying (African
Rights, 2003b), although the governments actions to manage the post-election
tensions should not be exaggerated. For the multi-party system to survive and to
prevent a slide into one party rule, it will be important that a strong opposition parties
exist. The holding of parliamentary elections will provide a test for the strength of the
opposition and Somaliland’s multi-party democracy.

After more than a decade of civil war, the Somali state survives as a juridical entity
because the international community deems it so, not because it is recognised as such
by all Somalis. In Somaliland in the northwest people are seeking to create a new and
separate political entity. The lack of recognition and support for reconstruction, while
detrimental in many ways, has given people a certain freedom to craft an indigenous
model of modern African government that fuses indigenous forms of social and
political organisations within a democratic framework. Given the minimalist role of
government in people’s affairs, the notion of a Somaliland state appears to be rooted
in the popular consciousness, rather than imposed from above. The incorporation of
non-state social institutions into Somaliland’s political institutions means that politics
has been more representative than in the past and it has given the Somaliland
administration a popular legitimacy that Somalia’s previous governments lacked.

While the integrity of Somaliland is contested externally and internally, for most
people in Somaliland the desire to be treated separately from Somalia is very real. The
elections were a further expression of peoples’ desire and ability to manage their own
affairs. Whether Somaliland will ever receive international recognition is ultimately
beyond the control of people in Somaliland. However, in the prevailing international
political climate, where ‘collapsed’ and ‘rogue’ states are considered threats to international (i.e. Western) security, the case of Somaliland offers a positive alternative, with a rich experience and lessons that may be of benefit others.

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Endnotes

1. The Rahawe, a grouping of agro-pastoral clans, are the main inhabitants of these regions. The RRA ‘liberated’ the region from the forces of Hussein Aided in 1999 with the assistance of Ethiopia.

2. A sixth region, Saxil, was created in 1996.

3. During these five days several states recognised Somaliland’s independence.

4. The legality of the Act of Union is also disputed by some (Academy for Peace and Development, 2000:15).

5. The Warsangeli and Dulbahante form part of the Harti/Darood federation of clans together with the Majeerseen in Puntland. The unity of the Harti/Darood provides the basis for Puntland’s clan-based approach to federalism in Somalia and Puntland therefore incorporates Sool and eastern Sanaag within its borders.

6. Since 1997, international assistance to Somaliland has grown relative to the south, but remains extremely small. In 2000 the international assistance to the whole of Somalia was estimated to be around US$115 million. This compares to estimates of up to US$500 million in remittances to Somaliland alone (Bradbury, et al. 2001).

7. That is, the Isaaq, Gadabuursi, Ciise, Dulbahante, Warsangeli and their numerous sub-clans.

8. Shire are councils of clan elders. Beel refers to a temporary settlement of nomadic pastoralists, a community or ‘clan family’, and is used to describe the clan or community-based system of government created at Borama. Shire bee leed is a clan or community conference.

9. The failure to resolve ownership of the port in Mogadishu has been a major stumbling block for reconciliation in the south.

10. Somali pastoral society has no political or administrative officers. Several clans, however, do have titled leaders, known as suldaan (sultan) among the Isaaq, or garaad among the Darood. A guurti includes elders selected for their knowledge and wisdom.

11. See note 8.

12. In 1988 the SNM was weakened by the government’s response to its attacks on Hargeisa and Burco. The SNM responded by creating a guurti of elders to mobilise support from the Isaaq.

13. In 1995 Somaliland’s first president Abdulrahman ‘Tuur’ joined General Mohamed Farah Aided in Mogadishu as a Vice President.

14. Observers came from the Initiative and Referendum Institute of South Africa.

15. In Somali, udub is the forked central post of the nomadic hut.

16. After the Borama conference the first two vice presidents of Somaliland came from the Gadabuursi.

17. Commonly referred to as the ‘Red Flag’, this group opposed the first government of Abdulrahman ‘Tuur’ and had participated in Egal’s first government before losing ground after the Hargeisa conference.
18. That is, the Habr Awal, Egal’s clan, from Hargeisa and the west and the Habr Jelco from around Burco.

19. There has been a significant increase in aqil and sultans over the past decade.

20. Eight organisations were initially registered, but two chose to amalgamate with others.

21. The seven Commissioners were nominated by the President, the Upper House and opposition parties for five years. Two of the Commissioners were prominent members of civil society and included one woman.

22. Since 1991 the government had created one new region (Saxil) and twenty new districts.

23. The governments of Denmark, Finland, the Netherlands, Switzerland and Britain contributed to the EC project, while the United Nations kept its distance from the process.

24. One person was injured in Awdal region when police fired over the heads of a crowd of youths who were trying to force their entry into a polling station.

25. See www.cirr.org. Foreign observers were present from the EC, the British Embassy in Ethiopia, the Royal Danish Embassy in Kenya, Sweden, South Africa and Britain.

26. The literacy rate in Somalia is amongst the lowest in the world, with only 22% of men and 17% of women able to read and write (Bradbury et al. 2001).

27. The purpose of this is to prevent a power vacuum emerging.

28. One polling station in Awdal region also did not open.

29. The largest delegation came from South Africa, with others from Ethiopia, Sweden, Norway, Holland, Canada, and Britain. The presence of foreign correspondents also gave the election wider coverage in the international media.

30. This problem is not new. Elders report that double voting was widespread in the 1969 election.

31. The emergency laws were introduced without parliamentary approval by former president Egal at a time when several of the Kulmiye supporters held positions in the government.

32. The number of disputed votes by Kulmiye and UDUB were very small; on 22 April after recalculating the votes, Kulmiye claimed to be ahead by 76 votes.

33. It is commonly estimated that over 50% of the population of Somalia and Somaliland are nomadic pastoralists (Bradbury et al, 2001).

34. Interestingly the turn out in both elections was less than half the 1.18 million people that the government claimed to have voted in the constitutional referendum. Assuming that 488,543 represented a 50% turn out of eligible voters (taking into account that 87 polling stations did not open) and assuming that eligible voters (those 16 and above) make up 50% of the population, this would suggest a population for Somaliland of about 1.9m. If, as some observers believe, the voter turn out was as high as 70 per cent, then this would put Somaliland’s population closer to 1.4 million.

35. SEC, personal communication.

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