



Puntland at the polls



April 2014



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SAFERWORLD AND PUNSAA

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Acronyms

CPJ	Committee to Protect Journalists
MAP	Media Association of Puntland
PDRC	Puntland Development Research Centre
PUNSAA	Puntland Non State Actors Association
TPEC	Transitional Puntland Election Commission

Political Associations

Horcad
Horseed
Midnimo
Puntland Democratic Party (PDP)
Puntland People's Party (UDAD)
Wadajir

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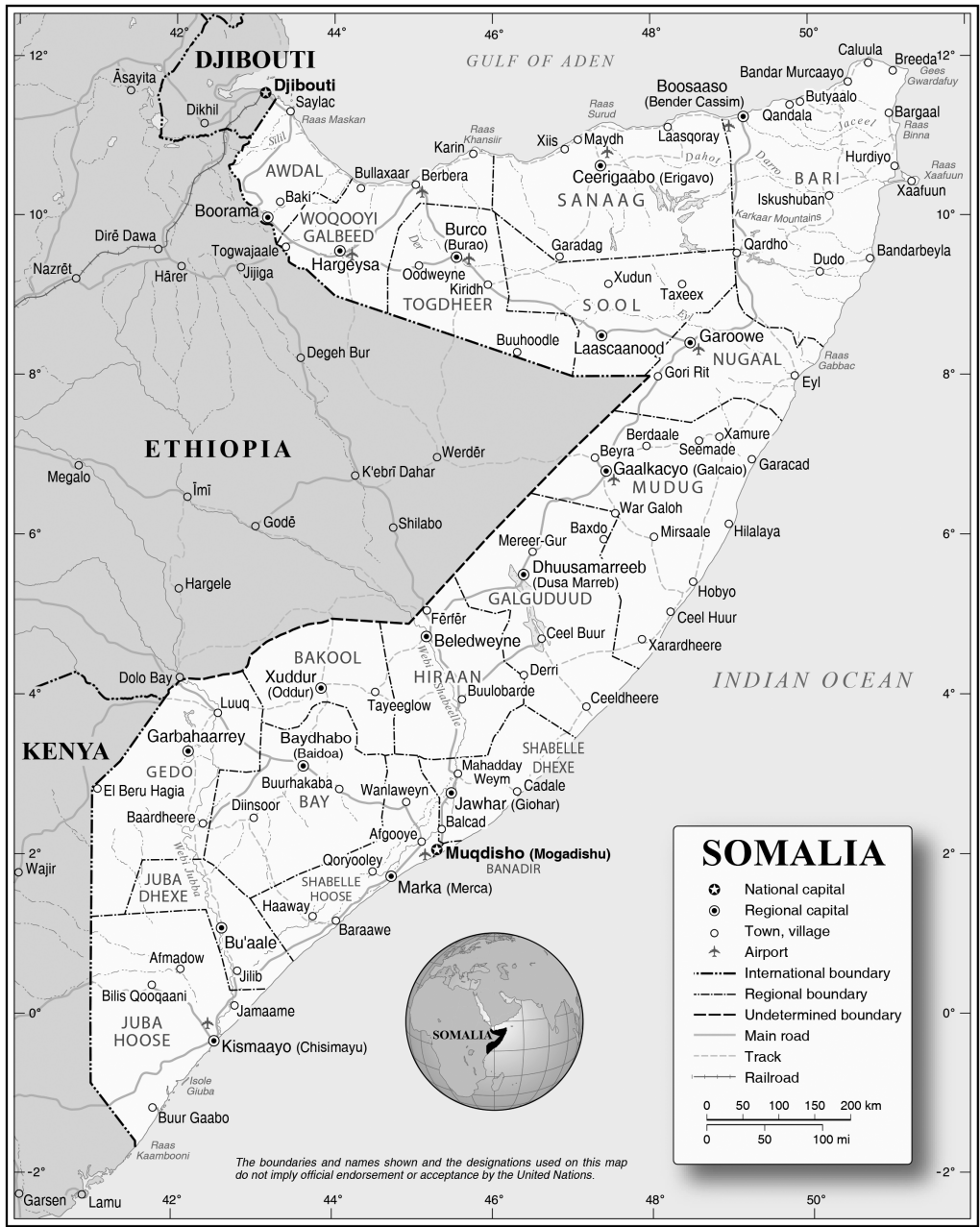


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Somalia



Map No. 3690 Rev. 10 UNITED NATIONS
December 2011

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Introduction

IN JULY 2013, Puntland was due to elect local councillors in its first democratic election since the 1969 elections across Somalia. However, just one day before people went to the polls, the election was indefinitely postponed in the face of violence, protests, and attacks in towns and cities across Puntland, including Qardho and Galkayo, which reportedly resulted in the deaths of at least three people.¹

The local council election would have paved the way for parliamentary and presidential elections later in the year. The three political associations that won the highest number of votes in the local council elections would have been recognised as political parties and then become eligible to contest the parliamentary elections. MPs elected in the parliamentary election would then in turn elect the president.

This report examines the reasons behind the failure of the local council elections. It sets out a number of recommendations to the Puntland authorities and the international community for advancing and supporting inclusive and representative governance processes in Puntland, and in Somalia more generally.

The commitment to hold democratic elections in Puntland began with the inclusion of multiparty democratic elections in the draft constitution developed by then president Adde Muse's administration in 2008. The constitution was adopted in April 2012 by a constitutional convention which included traditional elders. But even before its adoption, the democratisation project was subject to considerable concern, mistrust and open rejection.

Democracy does not begin and end at the polling booth. The focus on the ballot and preparations for the day itself largely overshadowed the need for long-term public support and participation in the process of democratisation. The timeframe was also clearly too short, limiting civil education, leading to the abandonment of the voter registration exercise, and leaving little time to resolve uncertainty around boundary demarcation. There were no concrete plans for resolving disputes arising from the process, and freedom of expression for the media was increasingly curtailed as the election approached. There was also an increasingly poisonous political environment with the authorities and the Transitional Puntland Election Commission (TPEC), the body charged with preparing for and overseeing the election, failing to consult or engage with the full range of stakeholders, including notably traditional elders, who wield significant formal and informal power, and the political associations contesting the election.

¹ 'Press Release: Puntland Government Suspends Local Council Elections', Wardheer News, 14 July 2014 (www.wardheernews.com/press-release-puntland-government-suspends-local-council-elections/); interviews with civil society activists, November 2013.

The limitations this created sustained and enhanced increasing suspicion about the objectives of the administration in pushing ahead with the election, with many viewing it as a ploy by the authorities to extend its rule.

As a result of the cancellation, a new parliament, speaker, and president were selected in December 2013 and January 2014 by traditional means.² Clan elders selected members of parliament (MPs), who were vetted, and who in turn elected the speaker and president. President Farole was defeated by 33 votes to 32 by Abdiweli Abdi Gas in January 2014.³ The critical question now is whether Puntland will continue with its democratisation process. In his statement cancelling the election, President Farole stated that the authorities were “committed to advancing the Democratization Process and holding elections, when it is appropriate.”⁴

The new authorities have affirmed their commitment to the democratisation process and holding multi-party elections in Puntland.⁵ An informal poll four days before the election found that 56 per cent of people surveyed in Galkayo and Bossaso and 72 per cent in Garowe wanted them to go ahead,⁶ but widespread public consultation is needed to establish a clear and inclusive road map for the way forward.

What is clear is that current methods of governance in Puntland are not broadly inclusive. Female representation in parliament has declined and Puntland’s large youth population is similarly under-represented. For long-term state building and peace, the Puntland authorities must look to increase their inclusivity and ensure that all Puntlanders have the opportunity to input into and direct their own future.

Methodology

The methodology for this report was designed in consultation with the Civil Society Democratisation Forum, a platform of 17 members established by the Puntland Non-State Actors Association (PUNSAA) to support research and take forward civil society dialogue on the future for democracy in Puntland. A literature review examined the constitution, electoral laws, press releases and reports on the electoral process.

Individual and group discussions were carried out from December 2013 to February 2014. 170 individuals, including 68 women, attended focus group discussions carried out in Garowe, Bossaso, Qardho and Galkayo. Individual interviews were carried out with a range of actors, including TPEC officials, civil society activists, NGOs, representatives of political associations, the police, women’s groups, and traditional elders. Interviews with international NGOs and donors were carried out in Nairobi in February and March 2014.

Context

Puntland is located in the north-east of Somalia.⁷ Its administration was established in 1998 during a clan conference in Garowe (now the regional state’s capital) designed to bring an end to conflict in areas under its control following the collapse of the central Somali government in 1991.⁸ Unlike neighbouring Somaliland, Puntland acknowledges its status as a constituent part of the state of Somalia.

Puntland is predominantly inhabited by Harti-Darood clans, including the Majeerteen, the Dhulbahante, the Dashiishe, and the Warsangeli, along with non-Harti Darood

2 Traditionally, Puntland’s Parliament has 66 representatives. Each region is allocated a fixed number of MPs: Sool has 8, Nugaal 9, Mudug 10, Sanaag 11, and Bari 21, while the Ayn district has 7.

3 ‘Somalia Puntland President: Abdiweli Ali Gas beats Farole’, BBC News, 8 January 2014 (www.bbc.com/news/world-africa-25651249).

4 ‘Press Release: Puntland Government Suspends Local Council Elections’, *op cit*.

5 ‘Somalia: President Abdiweli Gaas discusses with UNSOM on democracy in Puntland’, RBC Garowe, 1 April 2014, www.raxanreeb.com/2014/04/president-abdiweli-gaas-discusses-with-unsom-on-democracy-in-puntland/

6 International Crisis Group, ‘Somalia: Puntland’s Punted Polls’, Africa Briefing no 97, 19 December 2013, p 10, fn 39.

7 Puntland claims to have nine regions: Bari, Nugaal, Mudug, Karkaar, Ayn, Gardafui, Haylaan, Sanaag, and Sool. Gardafui was established in July 2013 with parliamentary approval.

8 International Crisis Group, ‘Somalia: The Trouble With Puntland’, Africa Briefing No 64, 12 August 2009, pp 5–6; interviews with civil society members, Garowe, February 2014.

clans including the Leelkase, the Awrtable, and the Arab Salah and non-Darood clans including the Sheekhaal, Dir, Tumallo and Madhibaan.

From the time of inception, Puntland has developed a particular democracy model that largely relies on a consensus negotiated by clan elders. Through this, the elders select 66 members of parliament (MPs) as stipulated in the Federal State Constitution, with each clan and sub-clan allocated a number of seats according to its (perceived) numerical strength. The selected MPs then undergo a vetting process by a committee constituted by the government. Once cleared, the MPs form a parliament that elects one Speaker and two Deputy Speakers, after which a fully constituted parliament elects the President who serves a five year term which is renewable once, should the incumbent be successful. Through this system, Puntland has had four presidential elections. In 1998, the first President Abdullahi Yusuf Ahmed was elected and served until 2004 when he was elected President of Somalia. He was succeeded by President Mohamed Abdi Hashi who concluded President Abdullahi Yusuf Ahmed's second term in office. The second election, held in 2005, brought in Mohamud Muse Hersi (Adde) as president and the third, in 2009, saw Abdirahman Mohamud Farole elected. The fourth presidential election took place on 8 January 2014 with Abdiweli Mohamed Ali being elected.

Puntland in recent years has witnessed increased al-Shabaab activity within its territory, particularly around the Galgala Mountains area. There is a high number of small arms and light weapons and technicals (a type of vehicle modified to be used in combat) in circulation, often in the hands of clan militias, while porous borders mean that Puntland is poorly insulated against the spillover of security issues in neighbouring areas.⁹

The new Puntland administration has inherited a series of challenges from its predecessor. These include the territorial disputes with Somaliland over areas of Sool, Sanag and Ayn and a deteriorated relationship with the Federal Government of Somalia in Mogadishu, and escalating al-Shabaab activities in the Galgala mountains.

The electoral process

The local district elections were due to elect councillors to serve on district councils for five year terms under a closed-list proportional representation system. Councils were to be made up of 27, 21, or 17 councillors depending on the size of the district.¹⁰ Political associations were required to apply to TPEC for registration and meet certain criteria in order to be permitted to contest.¹¹ Associations were required to have members from across all of Puntland's regions and were forbidden from forming along clan or religious lines.

The three political associations with the most votes would become official political parties and would be the only three eligible to contest the subsequent parliamentary election or any other future election. While it is intended to prevent the proliferation of small, clan-based associations or parties, in Somaliland it has raised concerns about the increasing dominance of numerically significant clans while doing little to counter the sense of marginalisation less powerful clans feel.¹² Parliamentary elections were planned for later in 2013 and the newly elected parliament would then elect the president.

The election was organised by TPEC, established in 2011, which was made up of nine commissioners. Five commissioners were appointed by the president and confirmed by parliament, and a further four chosen directly by parliament.

⁹ Interviews with civil society members, Garowe, February 2014.

¹⁰ 'Xeerka doorashooyinka goleyaasha deegaannada ee dawladda Puntland', article 2, copy on file with Saferworld.

¹¹ 'Hannaanka iyo habraaca diiwaangelinta ururrada siyaasadeed ee Puntland', TPEC, 11 September 2012, copy on file with Saferworld.

¹² Philips, S, 'Political Settlements and State Formation: The Case of Somaliland', Research Paper 23, Development Leadership Programme, University of Sydney, December 2013, p 62.

BOX: Chronology of the election process

- July 2011: TPEC established
- 15–18 April 2012: Constitutional Convention approves the constitution and extends President Farole's term by one year (it had been due to expire on 8 January 2013)
- June 2012: Puntland Local Elections Law passed by parliament
- July 2012: Political Associations Act passed
- August 2012: District Electoral Law passed
- September 2012: political association registration starts, extended by three weeks in December (to 31 December)
- September 2012: four Bari region clans issue statement opposing presidential term extension, protests in Qardho, Galkayo, and other major towns
- October 2012: Horseed Radio shut down, accused of false reporting online
- 31 December 2012: political association registration closes, six associations are cleared to contest the election
- March 2013: Midnimo, UDAD, PDP, and Wadajir political associations send a joint letter to TPEC and authorities calling for six reforms to be implemented before the election
- 15 April 2013: TPEC announces election will take place on 30 June
- May 2013: Council of Ministers approves the Constitutional Court law
- 13 July 2013: election materials distributed to all uncontested districts, violent protests in Qardho, Galkayo, and other towns
- 13 July 2013: Puntland president announces elections are postponed

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Key challenges

1. A lack of consultation and consensus building

THE MOVE FROM A CLAN-BASED POLITICAL SYSTEM towards a multiparty democratic system intended to reduce the dominance of clan interests in political life was inevitably going to pose significant challenges in a context with little memory of democratic governance. However, these challenges were compounded in Puntland by a combination of a delayed and then rapidly accelerated process – there was only one year between the passing of the constitution and the scheduled date of elections – and significant mistrust among sections of the population concerning the purpose behind the short timeframe, which in turn raised suspicions about the purpose of the election.

Increasingly, the election was seen by many as a means by which the authorities could extend its time in office rather than as a genuine move towards democratic governance. One of the key reasons behind this was the lack of consultation and consensus building by the authorities and TPEC in the run-up to the constitutional convention and during the process of preparing for the election itself.

In particular, both the authorities and TPEC largely failed to engage with elders, a group who wield significant influence in Puntland. One elder in Galkayo described the lack of engagement with elders as “bizarre”.¹³ While many elders state they were – and remain – in favour of a move towards increasingly democratic governance, they also reiterated that this needed to be a Somali process and take into account the prominent role played by elders.¹⁴ Traditional elders can act as conduits for information sharing with the wider population, including for example in civic education and voter information campaigns. They can also play a role in ensuring security and in dispute resolution (particularly in remoter regions). Some civil society activists saw this gap as a key factor undermining the election, given the ability of elders to mobilise the population in opposition or support of the process. Furthermore, there was little interaction between elders and donors in terms of information sharing and understanding perspectives behind increasing tensions.¹⁵

In addition, civil society organisations were not actively engaged beyond being delegated the responsibility for many of the (limited) civic education initiatives that took place (see section on civic and voter education). Civil society organisations represent a broad range of sectors in Puntland including women, youth, traditional elders, religious leaders and the business community. While bodies representing different sectors of civil society were able to meet with members of the authorities and TPEC (e.g. members of TPEC attended the PUNSAA civil society consultation in November 2012) and found them cooperative on practical issues (such as the deployment of civil society election observers), the perception was that their views were not being listened

¹³ Focus group discussion, Galkayo, December 2013.

¹⁴ Focus group discussions, Galkayo, Bossaso, Garowe, December 2013; interviews with elders, Garowe, February 2014.

¹⁵ Interview with civil society activist, Garowe, February 2014.

to or acted upon.¹⁶ Civil society representatives felt they should also play a watchdog role in holding the authorities to account, particularly important in a context like Puntland given the limitations of a nascent political opposition.¹⁷ This was not possible in the pre-election period because of the lack of a constructive response by the Puntland authorities to recommendations from civil society.

2. A disputed constitution and electoral laws

In 2008, then President Adde Muse first attempted to introduce a specific Puntland constitution to replace the Puntland Charter, the transitional document agreed at the 1998 Garowe Conference which set out the Puntland authorities' structures.¹⁸ Coming towards the end of his term in office, the draft was controversial and prepared without input from key groups including civil society. While it envisaged a move to multiparty democracy, it contained a clause which would increase his term from four to five years and was widely viewed as a tool by which to extend his own mandate.¹⁹

Muse was defeated in the 2009 presidential election by Abdirahman Farole, who committed to continuing the process of reviewing the Puntland Charter and to multiparty democratic elections.²⁰ Several changes were made to the text of the draft constitution, which was discussed and further revised by parliament in May 2009. In June 2009 the new constitution was approved by parliament, but no action was taken to prepare for the envisaged constitutional referendum or elections until the creation of the TPEC in July 2011. Following its creation, planning for the debate and adoption of the constitution began at the end of 2011.²¹

It took until April 2012 for the constitution to be passed by a constitutional convention made up of almost 500 delegates which discussed the provisions in the constitution.²² The convention also approved (by way of an appendix to the constitution) a controversial one-year extension of President Farole's mandate beyond his four-year term, ostensibly to allow him to implement the constitution and oversee the process of transition to democratic elections. This was widely unpopular and served as a catalyst for suspicions that the process was primarily designed to extend the term of the authorities, even where the move towards democratic elections was viewed positively.²³

With key legislation to be passed and boundary demarcation, voter registration, and widespread civic education and community outreach to be established and implemented, there was particular concern about the time available for the process – only one year between the adoption of the constitution and the date of the election.

The legislation governing the elections – the Local Elections Law, the Political Associations Law, and the District Electoral Law – was passed between June and August 2012, but its content was subject to little or no public consultation, outreach, or scrutiny.

Boundary demarcation

The District Electoral Law was passed in August 2012 following considerable debate regarding boundary demarcation. Boundaries for the districts were never demarcated. This was an issue of particular sensitivity because of its impact on relative (perceived) clan numbers in each district and clans' (perceived) ability to dominate district councils depending on where the boundary was drawn.

¹⁶ Interviews with civil society activists, Garowe, February 2013.

¹⁷ Interview with civil society activists, Garowe, February 2013.

¹⁸ Ahmed, A and Zamora, R, 'Puntland Constitutional Review Process', in Bradbury, M, and Healy, S (eds), *Whose Peace is it Anyway? Connecting Somali and International Peacemaking*, Accord Issue 21, Conciliation Resources, 2010, p 91.

¹⁹ International Crisis Group, 'Somalia: The Trouble with Puntland', *op cit*.

²⁰ Puntland State of Somalia, Office of the President, 'The First 100 Days in Office', 26 April 2009 (http://horseedmedia.net/wp-content/uploads/2012/12/farole_100_days.pdf).

²¹ Ahmed, A and Zamora, R, *op cit*, p 92; International Crisis Group, 'Puntland's Punted Polls', *op cit*, p 4.

²² 'Puntland Approves New Constitution', 19 April 2012 (http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2012/04/19/newsbrief-01).

²³ Interviews with elders and civil society activists, Garowe, December 2013 and February 2014.

TPEC announced that it was intending to hold elections in all districts, including in disputed territory. However, it was forced to concede that it could only hold elections in areas deemed “safe”, though these areas were not explicitly identified. The decision again raised concerns for many, particularly as the compromise included the authorities selecting councillors for those areas where elections could not safely take place.²⁴

3. An electoral body lacking trust and confidence

The Transitional Puntland Electoral Commission was appointed in July 2011 ahead of the constitutional convention. Five commissioners, including the chair, were appointed by the president (and confirmed by parliament) and a further four appointed by parliament.²⁵ Mandated to organise and run the election, its neutrality was subject to considerable suspicion and it was accused of mismanaging key elements of the voting process. This was not helped by the resignations of two commissioners for reasons of neutrality and logistical challenges in hosting genuinely free and fair elections in the months leading to election day.²⁶

For many, particularly opposition political associations, TPEC was compromised from the beginning. While some individual commissioners were perceived to be “good people”, overall the perception of many was that the body was “a servant of the government and Horseed, the political association formed by President Farole”.²⁷ This was both because the president had hand-selected the majority of the commissioners, and the fact that the chairman was widely perceived to be a friend of President Farole.

For others, relative confidence in the ability of TPEC to deliver the election deteriorated in the face of increasingly obvious poor planning, decisions regarding boundary demarcation (or lack thereof), location of polling stations, security planning, and crucially, the decision to cancel the voter registration exercise (see section on voter registration). The decision to cancel the voter registration exercise was repeatedly cited as a reason for many people beginning to mistrust the process, increasing suspicion and mistrust of TPEC as a neutral body.²⁸

TPEC largely failed to meaningfully engage with key groups, including traditional elders, civil society, and the media. While many from these groups did acknowledge that they were able to meet with TPEC, they often complained that their concerns and recommendations were often ignored, that the discussions were often an exercise in “defensiveness”, and that in the case of engagement with elders TPEC seemed only to meet them in order to demonstrate engagement with stakeholders to the international community.²⁹ TPEC also disputed the development of media guidelines for the election by local and international civil society groups (see section on freedom of expression).

TPEC’s relative lack of visibility was also criticised. Many claimed that they were largely confined to Garowe because of security restrictions, further fuelling suspicions regarding their relationship with the authorities. Members of TPEC cited the short timeframe and a lack of capacity as key factors hampering their work.³⁰

4. Restrictions on freedom of expression

Democracy requires freedom of expression and the respect, protection, and fulfilment of the right to receive and impart information. There were some efforts to support conflict-sensitive and effective media coverage of the elections, and some media houses attempted to disseminate information about the elections. However, as elections

²⁴ International Crisis Group, Apomalia: The Trouble with Puntland’ malia: T, p 5.

²⁵ Interview with TPEC official, Garowe, December 2013.

²⁶ Interview with civil society activists, Garowe, February 2014.

²⁷ Interview with elder, Garowe, February 2014.

²⁸ Interviews with elders, civil society, media representatives, Bossaso, Garowe, Galkayo, Qardho, December 2013 and February 2014.

²⁹ Interview with elders, Garowe, February 2014

³⁰ Interviews with elders, civil society, media representatives, TPEC, Bossaso, Garowe, Galkayo, Qardho, November, December 2013 and February 2014.

approached, Puntland saw the increasing narrowing of freedom of expression, particularly for the media.

Some stations were able to broadcast information and messages about the election process and worked with TPEC to disseminate information about their role, including through hosting a question-and-answer session. Some were also able to offer support to voter information and education initiatives. However, once again, the short time given for the electoral process posed challenges to the effectiveness of this outreach work and the ability of the media to meaningfully engage.

At the same time, the authorities made concerted efforts to actively restrict media houses from broadcasting material, particularly messages and campaigning from opposition political associations and their criticism of the process and the challenges they encountered. In October 2012, Horseed Radio (not affiliated to the Horseed political association) was closed and its website reportedly temporarily blocked in Garowe. In March 2013, the minister of information announced that the broadcast or reproduction of materials produced from media outside of Puntland was banned, singling out Radio Ergo, Radio Bar-Kulan and Radio Hiras in particular.³¹ The Committee to Protect Journalists (CPJ) raised concerns that two of the stations were singled out because they had broadcast the views of opposition politicians from associations contesting the election, and that the order was specifically designed to “censor critical reporting in Puntland ahead of the proposed May elections.”³² Radio Daljir also reported attempts to bribe and threaten staff to prevent the publication of a press release from the Wadajir political association announcing their last-minute withdrawal from the election process.

TPEC also disputed the media code of conduct developed by the Media Association of Puntland (MAP) with support from the Puntland Development Research Center (PDRC) and international NGOs, claiming that only TPEC had the authority to develop media regulations.

This had a significant impact on the quality of information people received. Many individuals said they felt that overall levels of knowledge were low, particularly in rural areas, although they were higher in towns (particularly in Garowe). This had the result of increasing suspicion about the authority’s motivation for holding elections. For many it reinforced the notion that the elections were nothing but a “government project”, and contributed to a significant increase in tension as the date of the election approached.³³

5. Limitations to genuine participation

As the election approached, tensions increased in a number of towns and areas, including Qardho and Galkayo. Continued mistrust and suspicion about the process on the part of a range of actors including elders, political associations, and the broader community, inflamed by the cancelled voter registration exercise and lack of voter education, fuelled underlying tensions and led to violent protests. TPEC had initially insisted that they would hold elections in all areas of Puntland, including disputed territories. As tensions continued to increase, the decision was made to hold elections only in areas deemed to be secure enough (disputed regions would have councillors nominated for them, though there was no clarity about this process). However, even this was the subject of considerable debate and it became clear that the election process risked leading to serious violence. Events culminated in the deaths of at least three people in Qardho after the outbreak of violence and demonstrations against the distribution of election materials.³⁴

³¹ Interviews with media professionals, Garowe and Nairobi; Committee to Protect Journalists (CPJ), ‘Puntland authorities ban three radio stations’, 18 March 2013 (www.cpj.org/2013/03/puntland-authorities-ban-three-radio-stations.php).

³² Committee to Protect Journalists (CPJ), *op cit*.

³³ Interviews with elders, media officials and civil society, Garowe, February 2014.

³⁴ Interview with civil society activists, November 2013.

While the elections were finally cancelled in response to the violence, much of it could have been avoided through addressing concerns which had been frequently articulated throughout the process. The lack of consultation, suspicion and mistrust, and the failure to broadly include the full range of stakeholders (particularly elders, who could have played a critical peacebuilding role) all fuelled tensions. This was compounded by a failure to adequately prepare an effective security plan which addressed the high proliferation of small arms and worked with communities and elders to address and respond appropriately to increasing tensions.

There were continued concerns about how far political associations, women, and the broader public were able to effectively engage in the process. The election represented a vital opportunity to strengthen women's political representation in Puntland. In 2009 the proportion of women in district councils ranged from 5 to 33 per cent depending on the district, and there were only two female MPs in Puntland's parliament.³⁵ In 2007 President Adde Muse issued a presidential decree mandating a 30 per cent quota for women's representation in district councils. However, this decree has never been enshrined into Puntland's laws.

There were a number of efforts to improve women's political representation in the district council elections, including an agreement by political associations to implement a women's quota ranging between 26 and 29 per cent depending on the size of the council.³⁶ However, following the cancellation of the election, women's representation in the parliament selected through the traditional process remained at two MPs. While President Abdiweli did appoint five female cabinet ministers (out of a total of 46 ministers), much work remains to be done to facilitate and support a significant increase in women's political representation.³⁷

Political associations

The Political Associations Act was passed in July 2012, providing for the registration of political associations by TPEC. To register, associations had to pay a \$7,500 registration fee. The period for registration closed on 31 December 2013.³⁸ Nine political associations applied for accreditation by TPEC to contest the elections, and six were approved by TPEC. These were Horseed (the political association of President Farole), Horcad, Midnimo, Wadajir, Puntland People's Party (UDAD) and Puntland Democratic Party (PDP).³⁹

The political associations were seen by many as immature, lacking genuine constituencies and grassroots members. Some saw the associations as largely being based around clans and lacking clear structures and programmes. In focus groups across Puntland, many participants said they believed that most people did not understand the differences between the parties, but did identify with leaders of parties who were members of their clan.⁴⁰ Some interviewees doubted whether any putative political associations, including those who were registered by TPEC, met the legal requirements for registration because of limited participation and outreach.⁴¹ Effective and increasingly mature political associations require time to ensure the entrenchment of a culture of political representation. As a result, the short timeframe in place in Puntland posed a significant obstacle to the effective development of political associations.

35 Ministry of Women's Development and Family Affairs (MOWDAFA), 'Progressive Report 2005–2010', p 18, copy on file with Saferworld.

36 'Somalia: Meeting held over women's participation in Puntland elections', Garowe Online, 22 May 2013 (www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Meeting_held_to_encourage_women_s_participation_in_Puntland_elections_printer.shtml).

37 'Women take record number of cabinet seats in Puntland – but still only one female MP', Radio Ergo, 3 February 2014 (www.radioergo.org/en/read.php?article_id=1312).

38 TPEC, 'Hannaanka iyo habraaca diiwaangelinta ururrada siyaasadeed ee Puntland', 11 September 2012, copy on file with Saferworld.

39 'Somalia: 6 Political Associations Registered in Puntland: Election Commission', Garowe Online, 2 January 2013 (www.garoweonline.com/artman2/publish/Somalia_27/Somalia_6_political_associations_registered_in_Puntland_Election_Commission_printer.shtml). PDP were later disqualified from competing in the election; see International Crisis Group, 'Puntland's Punted Polls', *op cit*, p 6.

40 Focus group discussions, Galkayo, Qardho, Bossaso, November 2014.

41 Interview with INGO, Nairobi, March 2014.

There were concerns and suspicion about the conduct of Horseed in particular. President Farole reportedly announced that all members of the authorities were members of Horseed, and this was a concern cited by many people during focus group discussions across Puntland. Concerns were also cited that Horseed was using official resources to undertake campaigning, feeding into suspicions about the president's and authority's intentions in holding the election.⁴²

Several of the registered opposition political associations attempted to engage on issues of concern, particularly with regard to voter registration, the establishment of the constitutional court and provisions for a transition should the election be cancelled (see below). They were able to meet with the authorities and the international community to discuss particular issues, largely around the electoral process. However, some reported that they did not feel their concerns were genuinely listened to, or that they were valued as participants in the process.⁴³ Increasingly frustrated, several political associations threatened to withdraw from the process unless demands were met, in particular with regard to transitional arrangements should the election fail and the establishment of a constitutional court. Midnimo political association decided to boycott even after the authorities announced they would establish the constitutional court.

Civic and voter education

Civic and voter education and information – that is, dissemination of information about the system of governance, rights, and responsibilities, and information about the voting process in a specific election – are crucial so that voters are sufficiently informed to participate meaningfully in the process. These processes are particularly important where people are voting for the first time, such as in the case of Puntland.

In order to have impact, civic education should predate election planning processes and be followed and complemented by specific voter education and information initiatives on the process itself. These processes require long-term investment and engagement from the authorities.

In Puntland these crucially important processes were largely left to civil society, with some work carried out by TPEC.⁴⁴ In such a short timeframe, much of the work emphasised voter education and information rather than broader civic education (though this was also included in some programmes), meaning that large swathes of the population were not able to access basic information about the broader move towards democratic governance, in itself a challenge to voter education.

For reasons of capacity and security, many organisations were not able to reach rural areas of Puntland. In some towns, such as Bayla, education activities were not able to take place because relatively widespread or influential opposition to the election process itself posed security risks to organisations. For example, ahead of the constitutional convention efforts to organise forums on the content of the constitution by one organisation were not possible or were otherwise explicitly blocked in Qardho, Bayla, and parts of Galkayo.⁴⁵

These challenges were made worse by the limited engagement of TPEC and the authorities on the democratisation process with elders, who wield significant influence, and with the media. Both of these are important conduits of information and outreach which were simply not effectively used by authorities, though civil society organisations and groups were able to carry out voter education initiatives in some areas.⁴⁶

⁴² Focus group discussions, Galkayo, Qardho, Bossaso, and Garowe, November and December 2013; interviews with civil society, February 2014.

⁴³ Interviews with political association members, Garowe, December 2013 and February 2014.

⁴⁴ Interviews with civil society organisations, Garowe, February 2014; interview with TPEC representative, Garowe, December 2013; focus group discussions in Qardho, Bossaso, Galkayo, and Garowe, December 2013.

⁴⁵ Interview with civil society organisation, Garowe, February 2014.

⁴⁶ Interviews with civil society organisations, Garowe, February 2014; interview with TPEC representative, Garowe, December 2013; focus group discussions in Qardho, Bossaso, Galkayo, and Garowe, December 2013.

This resulted in significant misinformation circulating about the election. In some areas, such as parts of Bari, there were rumours that civil society organisations working on voter education were working with the authorities, creating opposition to their legitimate activities. In other areas, some individuals reported that communities lacked understanding of the political associations and believed that all associations belonged to the authorities.⁴⁷

6. The failure to carry out voter registration

Under the election laws passed in 2012, voter registration was required to take place and identification cards to be distributed to all eligible voters. However, the long delay before the start of planning for elections and the short timeframe for them to take place meant that at the beginning of 2013, with elections mere months away, the voter registration exercise had still not yet begun.

Citing the timeframe, requirements for voter registration were cancelled. TPEC determined that people would be registered at the polling station before voting and two people with “good knowledge of the people in that area” would be stationed in each polling centre to ensure only eligible citizens voted.⁴⁸

The decision was widely unpopular. Many, including political associations, traditional elders, and civil society organisations, saw the decision as a clear example of election manipulation on the part of the authorities, with TPEC complicity. Four opposition political associations wrote to TPEC, the authorities, and donors in March 2013 refusing to contest the election unless voter registration took place (among several other demands including the creation of a constitutional court – see below).⁴⁹

The lack of voter registration for the 2012 elections in Somaliland led to multiple counts of multiple and underage voting. This was a key factor in the decision by the international observer mission to declare the election free but not fair.⁵⁰

In April 2013, UDAD and Midnimo political associations wrote again raising concerns about the diminishing trust they had in TPEC and the authorities because of the “insistence of the government to run elections with no ID and voter registration requirements”, though they did go on to accept that this decision had been made.⁵¹ For many, the voter registration process was essential in ensuring that the elections were – and were seen to be – free and fair,⁵² and it was simply not possible that elections could go ahead without it.

7. A lack of dispute resolution mechanisms

Another issue of contention was dispute resolution and the failure to establish the constitutional court provided for under the constitution. Transparent and trusted dispute resolution methods are crucial in instilling trust and confidence in the electoral process and assist in preventing violence by providing aggrieved parties with options to seek redress and restitution. The March 2013 letter from four opposition associations called for the creation of a constitutional court to arbitrate disputes arising from the election.⁵³ Unlike the other demands contained in the letter, the authorities agreed to the creation of the court. The Council of Ministers passed the law in May 2013, which provided for a court comprised of the five existing judges of the Supreme Court and

⁴⁷ Focus group discussion, Qardho, November/December 2013.

⁴⁸ TPEC, District Council Elections Fact Sheet, April 2013, p 8 (www.puntlandelectoralcommission.org/images/Fact_Sheets/Fact_Sheet_Part1_Final_Website.pdf).

⁴⁹ “A Joint Statement by Puntland Political Associations about the Current Democratization Process”, 5 March 2013, p 2 (http://d383x9er2dcb4o.cloudfront.net/wp-content/uploads/2013_Puntland.pdf). Other demands included: arrangements to be made for a transitional authority to govern in an interim period in the event the elections were cancelled.

⁵⁰ Kibble, S and Walls, M, “Swerves on the Road: Report by International Election Observers on the 2012 local elections in Somaliland”, *Progressio*, June 2013, p 32.

⁵¹ “A Joint Letter from UDAD and Midnimo Political Associations in Puntland” 23 April 2013 (<http://horseedmedia.net/2013/04/23/puntland-a-joint-letter-from-udad-and-midnimo-political-associations-in-puntland/>).

⁵² Interviews with civil society organisations, Garowe, February 2014; interview with TPEC representative, Garowe, December 2013; focus group discussions with elders, civil society in Qardho, Bossaso, Galkayo, and Garowe, December 2013.

⁵³ ‘A Joint Statement by Puntland Political Associations about the Current Democratization Process’, *op cit*, p 2.

four new judges to be appointed within 30 days of the law being passed by parliament. This, however, never took place. Neither were there any efforts to engage elders in alternative dispute models.

The result was that there was no system in place to address disputes arising over the election process. This was particularly important given that there was a lack of clarity over some of the election laws, for example regarding the process to transfer ballots to counting stations.

3

Conclusion

IF THE NEW PUNTLAND ADMINISTRATION is committed to the implementation of the constitutional move towards multiparty democratic elections, there is much work to be done to revisit and learn from the lessons of 2012–13. More broadly, they and the Federal Government of Somalia need to look carefully at how to create and sustain inclusive processes of governance and provide means for traditionally marginalised groups to be included, whether this takes the form of multiparty democratic elections or not.

Trust and confidence in a process which articulates this in Puntland, and looking to the end of the Federal Government's term, in Somalia as a whole, takes time to build. But, based on the recommendations of the more than 170 individuals interviewed for this report, this is of vital importance in ensuring that any processes of transition or democratisation positively reinforce peace and stability. The international community has a role in supporting what must be locally-owned processes. Together with national and regional authorities, it must recognise that time limitations can have a significant impact on peace and stability in the short term. While Puntland had a peaceful transition, this should not be taken for granted. Ultimately, Puntland's process failed not because democracy was rejected but because the accelerated timeframe was a major obstacle to processes of consultation, inclusion, and institution building which require time, resources, and goodwill. Ultimately, all Puntlanders must have the opportunity to direct their own future and support processes which increase peace and stability in their communities.

4

Recommendations

To the Puntland Authorities

- Recognising that democratisation is a long-term process, set out a clear road map for consultation processes on inclusive governance engaging Puntlanders, with specific strategies for engaging with traditional elders and with women's associations and other organised societal groups.
- Review the constitution, including through genuine, two-way public consultations, dialogue and debate which openly acknowledge the shortcomings of previous attempts and contribute to the development of the road map.
- End arbitrary restrictions on political reporting by media in Puntland, and allow for the peaceful expression of political dissent.
- Begin planning for any election well in advance of anticipated election days, setting a realistic timeframe, and including systematic and widespread civic education programmes.
- Support and facilitate the development and implementation of genuinely participatory, bottom-up reconciliation processes to address historical tensions between clans in Puntland and reduce incidents of clan conflict, which are accepted by those who will use and engage with them.
- Undertake a civic registration process, which could form the basis of a later electoral register.
- Ensure that a future electoral commission is appointed in a transparent manner and include input from civil society and other groups.
- Set out plans for the consultative demarcation of boundaries between districts in Puntland.
- Work with elders and civil society to establish conflict-sensitive disarmament campaigns.
- Establish an independent constitutional court.

To the International Community

- Support the Puntland authorities to carry out consultations and dialogue with civil society, communities, elders, and other interest groups, including women and youth associations, to establish a road map for the way forward for inclusive governance processes in Puntland.
- Provide technical assistance for the authorities in developing conflict-sensitive and voluntary disarmament.
- Establish regular dialogue channels with non-state actors in Puntland to allow for the free flow of information.

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

The Puntland Non State Actors Association (PUNSAA) promotes a coordinated approach to non-state actor participation in local, state, national and international cooperation and development processes. PUNSAA provides non-state actors across Puntland with a platform for dialogue and consensus building with public institutions and policy makers.

COVER PHOTO: A group of women walk beneath a rainbow in Galkayo town, in the self-declared autonomous state of Puntland. ©FREDERIC COURBET/PANOS



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