

# Somaliland Elections: Successes and Flaws

Abdihakim Osman Ali

Email: [abdihakimosman09\[at\]gmail.com](mailto:abdihakimosman09[at]gmail.com)

**Abstract:** Somaliland, a British protectorate, united with Somalia Italia on July 1<sup>st</sup> 1960 to form a greater Somalia nation. Somaliland reclaimed its independence from Somalia on May 18<sup>th</sup> 1991 after 30 years of Siyad Bare Regime oppression, genocide and atrocities. In 30 years, Somaliland <sup>1</sup>one of the most stable countries and the <sup>2</sup>second-best democracy in the Horn after Kenya. Without any external assistance, Somaliland introduced homegrown solutions to build a modern state from ashes and created a nation that stands on its own feet in search of international recognition. A series of grand reconciliation conferences and a national charter were created to remedy the social contract and enable a smooth, consensual transition from the rebel-led administration to a civil government representing all clans. In 2001, Somaliland's first Constitution was ratified by <sup>3</sup>97% of voters and this was the first step toward liberal democracy and multiparty system. Eight free, fair, and credible local council elections have been held since December 2002 when the first election happen. The most recent was the May 31, 2021 combined House of Representatives and local council election. Amazing election outcomes. Amongst others, the current President's ruling party was defeated in a broad daylight and the barrier to minority clan was breached with record. Likewise, Elections in Somaliland are imperfect. An unelected body of pure clan representatives known as the Guurti, House of Elders, holds Somaliland's electoral democracy hostage. Being the only House that is mandated to extend elected institutions' term, it afforded to make <sup>4</sup>32 extensions including the most recent when it extended its tenure by five years ending 2027 and to that of President by two years ending 2024. In fact, by the time their current term ends, the Guurti will become the only unelected House serving for almost 30 years. Somaliland's miraculous democracy relies on this House. House's actions on elections are often disastrous and pose the fragile post conflict country to political, security and socioeconomic disarray. In practice, term extensions undermine unity, social cohesion, political stability, and security in every election, particularly presidential elections. The aftermath of extensions was witnessed later this 2022 when Guurti extended President's term to almost two years. Going forward, the government must reinstate the Guurti election bill and organize for Guurti elections before their term ends in 2027. This may avert delays, restore Guurti's credibility and keep elections on track. This is only the preview; the chapter will go into greater detail later.

**Keywords:** Somaliland, elections, guurti, democracy

## 1. Background of Somaliland Elections

### 1.1. Understanding “hybridity” in Somaliland political governance system

Political governance of Africa during the 1990s saw increasing westernization of African politics. Due to their (often unconscious or deliberately pushed by Westerners) incapacity to contextualize western political government, many African political parties have failed. <sup>5</sup>Biruk also claims that "transplanted" governance fails due to incompatibility with established systems. According to this, African nations are always in turmoil.

In Somalia, Siyad Bare favored authoritarian rule above "clan" orientation from 1969 until 1991. At times, this is attributed to Barre's downfall. Nonetheless, SNM instead put traditional leaders at the forefront of their movement to set up today's Somaliland. They discovered that traditional authorities are best in mobilizing people and resources. Somaliland's traditional leaders played crucial role in extending state authorities with little to no resources and army. <sup>6</sup>They handled conflicts, maintained order, and enforced norms, largely from the National Charter. These

actions remedied the social contract and provided the basis for Somaliland's stability. They also facilitated smooth transition from SNM to civilian administration 1993. SNM is exceptional. It may be the first armed movement to peacefully cede power to civilian authorities. In 1993, "Guurti – the House of Elders" became the first clan-inclusive institution. Put differently, Somaliland's hybrid democracy gives clans constitutional ability to balance the Executive and House of Representative's discretionary powers.

Presently, Guurti's relevance in its present shape and function is <sup>7</sup>debated. These deliberations originate from public belief that the institution failed to achieve its intended duties. Composition is another major issue. Less than <sup>8</sup>15% of its 82 founder members are alive, and the remainder are replaced through inheritance. Performance is questioned. Despite all of this, Somaliland's hybrid democracy has been effective, saved the country from descending into devastating civil war and created the basis for sustainable peace without outside intervention. As a result, Somaliland became the only functional democracy in the Horn of Africa, besides Kenya and one of the rare hybrid countries in Africa.

<sup>1</sup> UNPO (2017): *Somaliland: The Most Democratic Country in the Horn of Africa?* By Mikael Torstensson in Somaliland Press.

<sup>2</sup> Freedom House (2022): *Countries and Territories*. Freedom World Scores

<sup>3</sup> APD (n.d): *Peace in Somaliland: An indigenous approach to State-building*. Hargeisa, Somaliland

<sup>4</sup> Ibid

<sup>5</sup> Biruk Shewadeg (2021): *Gadaa as an Alternative Understanding of Democracy in Africa*. ACCORD. Addis Ababa, Ethiopia

<sup>6</sup> Louise Wiuff Moe (2009): *Towards Alternative Precepts of Statehood in Africa. The Role of traditional authorities in reconstituting governance and statehood in Somaliland*. Masters theses submitted to Stellenbosch University. South Africa

<sup>7</sup> Dr. Mohamed Fadal, SORADI (n.d): *Chapter 9: A Gap in Somaliland Constitutional Process: Reforming the Guurti House*.

<sup>8</sup> Center for Policy Analysis (2022): *Guurti: The Biggest Challenge to Somaliland Democratization Process*. Hargeisa, Somaliland

## 1.2. Multiparty system development in Somaliland: Quick glance

Citizens may form political parties and vote for presidents, vice presidents, representatives, and municipal councilors under the constitution. However, article 9 of the Constitution restricts Somaliland to three political parties and bans clan and religion-based parties. Despite initial support for three major parties, political party restrictions were debated in the early of the constitutions.

The restriction was meant to resonate with a country that had suffered a terrible war and clan warfare. Limiting political parties would discourage clan-based parties. As such, article 6 of Political Parties Law No.14 mandates that all political parties earn 20% of the vote in each region.

Somaliland's monopolized political field was challenged by civil society organizations and independent politicians, who called for reform. In 2007, prominent politicians—including one of the SNM's founders created QARAN political association. The government abolished QARAN and imprisoned its founders. Elders persuaded the President to pardon them. To win the Presidential election and open political associations, freed politicians joined KULMIYE, the largest opposition party. Kulmiye leader, Mr. Siilaanyo, was elected in 2010 as a President. Siilaanyo formed a National Committee to survey citizens on political association openings in 2011. Majority, <sup>10</sup>57% of 1,769 respondents, supported political associations and the President recommended amendment of Political Party Law No.14/2011 to award 10-year licenses to winning political parties.

In 2012, the Registration and Approval Committee was established to screen political associations. Six out of fifteen political associations were qualified and only five of them ran in the 2012 local council election after <sup>11</sup>Nasiye and UDUB withdrew. The political associations with the largest votes become national parties, per the Party Law. Kulmiye and UCID remained parties, but WADANI became the third. The latter was headed by the Speaker of the House of the Representative. The tenure of these political parties has ended on 26 December 2022 and now, the Registration and Approval Committee confirmed that only 10 of 18 registered political associations are qualified participate in an election to form national political parties for the next 10 years.

The <sup>12</sup>Supreme Court's 16 January 2022 judgement separated political association elections from local council elections. The three political parties welcomed the verdict as a key step toward ending the standoff. The same verdict currently hinders Somaliland's electoral proposes with the political association election campaign in full swing, but without a clearly established legislation. The current political impasse stems from uncertainty over whether the political associations will run in the Presidential election. Two opposition parties warned against extending the president's term. They spearheaded <sup>13</sup>violent rallies against term extensions that killed at least 5 people and wounded up to 100, including protestors and police. Some prominent opposition members and at least 100 protestors were imprisoned. The Presidential election has been postponed from November 13, 2022, according to the National Electoral Commission (NEC), citing <sup>14</sup>"time, technical, and financial constraints."

Within nine months from October 2022, the NEC suggested holding the election. Article 83 of the Constitution mandates that the Guurti extends the terms of the President and Vice President, while article 4 of the General Law for Elections and Voters' Registration Law No.91/2021 require Guurti to confer with the NEC before extending. <sup>15</sup>Without discussing NEC or considering the proposed timeframe, Guurti added two years to the President's tenure on October 1, 2022. The two oppositions strongly rejected Guurti's decision and on November 13, 2022, when the President's legal tenure ended, they considered him as <sup>16</sup>"illegitimate."

Political association elections will precede the presidential election, according to the President. Registered political associations applauded the President's commitment to hold political associations' elections first, but the two opposition parties deemed themselves the only competent parties to run alongside the ruling party in Presidential elections. This deadlock impairs Somaliland's integrity and if not resolved, it endangers its hard-won democracy and stability.

## 1.3. Elections in Somaliland

### 1.3.1. Electoral track record

Somaliland has had a strong electoral democracy for decades. Somaliland has conducted eight (8) elections since its first in 2002. <sup>17</sup>All were free, fair, and credible. Summaries follow.

<sup>9</sup> Ibid

<sup>10</sup> Barkhad M.Kaariye (2011): Guddidii ka-talo-bixinta furashada Ururada Siyaasadda ee Somaliland oo ku dhawaaqay natiijadii rayi-ururinta. Accessed on November, 24 2022. [https://www.hiiraan.com/news/2011/jun/wararka\\_maanta8-13829.htm](https://www.hiiraan.com/news/2011/jun/wararka_maanta8-13829.htm)

<sup>11</sup> Ibid. Accessed on November, 24 2022. [https://hiiraan.com/news/2012/sept/wararka\\_maanta13-19283.htm](https://hiiraan.com/news/2012/sept/wararka_maanta13-19283.htm)

<sup>12</sup> VoA (2022): Maxkamadda Saree e Somaliland oo go'aan ka gaartay xeerka furista ururada. Accessed on December, 5 2022. [https://hiiraan.com/news/2012/sept/wararka\\_maanta13-19283.htm](https://hiiraan.com/news/2012/sept/wararka_maanta13-19283.htm)

<sup>13</sup> Abdi Sheikh and Daud Yussuf (2022): At least five people killed, 100 hurt in Somaliland protests

Accessed on November 24 2022 <https://www.reuters.com/world/africa/least-five-people-killed-100-hurt-somaliland-protests-2022-08-12/>

<sup>14</sup> National Electoral Commission (2022, September 2022): "Somaliland National Electrol Commission scheduled [Tweet]. Retrieved from <https://twitter.com/slnechq/status/1573688233720004608?lang=en>

<sup>15</sup> Center for Policy Analysis (2022): *Guurti: The Biggest Challenge to Somaliland Democratization Process*. Hargeisa, Somaliland

<sup>16</sup> Cabdiraxmaan Cirro (2022, November 2022): "We no longer recognise Muse Bihi and his government as the legitimate government [Tweet]. Retrieved from <https://twitter.com/Abdirahmanirro/status/1591892613166399488>

<sup>17</sup> Academy for Peace and Development (2021.p 3): *A vote for change: Somaliland's Two Decades Old Democracy*. Hargeisa, Somaliland.

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|------------------------------------|---|
| 1. 15 <sup>th</sup> December 2002  | Local council elections including election for political parties      |
| 2. 14 <sup>th</sup> April 2003     | Presidential election   |
| 3. 29 <sup>th</sup> September 2005 | House of Representatives Election                                     |
| 4. 26 <sup>th</sup> June 2010      | Presidential election   |
| 5. 28 <sup>th</sup> November 2012  | Local council election including election for political parties       |
| 6. 13 <sup>th</sup> November 2017  | Presidential Election   |
| 7. 31 <sup>st</sup> May 2021       | House of Representatives Election and Local Council election combined |

Somaliland's elections are led by the National Electoral Commission (NEC). NEC has seven members: two (2) nominated by the President, two (2) appointed by the House of Elders, and three (3) from the three political parties. Under Articles 13 and 15 of Law No. 91/2021 on Elections and Voter Registration, the House of Representatives must approve their nomination and dismissal. One of Somaliland's most autonomous Commissions, NEC is financially, operationally, and functionally independent. It sets election dates, decides where and how many polling stations, registers voters, announces provisional election results, and handles election complaints etc.

### 1.3.2. Electoral systems in Somaliland

Somaliland first electoral laws empowered political parties because the multi-party system was new and it was keen to transition the Country from <sup>18</sup>clan-based politics to liberal democracy. The first Electoral Law modeled closed-list proportional representation system in a bid to promote political party manifestos by giving parties greater influence over candidate selection and list order. This electoral system is also meant to foster inclusive political participation by representing women and minority clans on their lists.

Closed-list proportional representation was used in 2002 and 2005 parliamentary and local council elections. The result was not good, and closed party list assumptions were proven weak. Political associations encouraged clannism as the only path to party status, allowing traditional leaders to choose candidates from within their clans. Traditional leaders even force political parties and associations as to where their candidates should fall on the list. This had an exclusionary effect and endangered political parties. Women and minority representatives were largely underrepresented on the party lists. Unfortunately, minority clan representation in the House of Representatives and local councils was lacking and just one woman was elected for the first election House of Representative.

The post-election results of the closed-list proportional representation results were also disappointing. <sup>19</sup>Locals do not feel like they had a voice in local or parliamentary representation. They express questions regarding extending tenure for those who are not true representation of their voters, and called such extensions as a bid to fatten the devil. The closed-list was also criticized for its weak principal-agent relationship. In December 2011, the country adopted an open party list election system to revive this relationship. Voters pick candidates instead of parties under this new election

system. Albeit it resurrected voters' <sup>20</sup>clan instincts, but gave voters more authority over traditional leaders. Of course, traditional leaders will still be influential, but 2021 combined elections disproved their uninterrupted supremacy when a minority clan representative was elected with the highest votes ever.

### 1.3.3. Voter registration – turning dark spot to shining star.

Somaliland's election system struggles with voter registration. Due to exorbitant expenses and the absence of a census, neither the 2002 local council election nor the 2003 presidential election had registered voters. Seat distribution and fair and timely elections have been complicated by this. Series meetings were convened in 2003 to break the deadlock. Political parties agreed to hold a presidential election without a voter register, but they required credible voter registration for the 2005 parliamentary election. First voter registration began in 2008 and per the voter law of that time, voters were required to vote only where they were registered. This was impractical since rural Somaliland's majority couldn't vote and Somaliland's 2010 presidential election was again marred by voter registration disputes.

NEC should be overhauled, and the new NEC engaged an international company to review the voter list and make suggestions on whether it can lead a genuine Presidential election. The company identified fraud and duplicate entries mostly caused by <sup>21</sup>NEC registration employees who couldn't resist local leaders' pressures and the <sup>22</sup>registration system's technical inadequacies to prevent multiple registration.

Voter registration has dominated Somaliland elections since then. This exposed the country to two crucial decisions that endangered its electoral democracy. First, in 2010, political parties held the long-delayed Presidential elections using the disputed voter registration, which the international company found to be very poor. Opposition parties and other electoral actors were keen to avoid a Presidential election delay that may emanate from launching a fresh voter registration. Second, in 2011, the House revoked the 2008 voter register. Political parties, associations and the House of Representatives again decided to conduct 2012 local council elections without voter registration. Of course, voter registration is tough and should prolong the already three-year-late local council elections. This forced Somaliland to conduct a crucial 2012 local council election without voter registration. In addition to choosing local councilors, 10 political association competed to become political parties for

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Dr. Mohamed Fadal (n.d): *Lessons from Somaliland 2<sup>nd</sup> Local Council Election: My Field Experience*

<sup>21</sup> Horizon Institute (2014): *Voter registration in Somaliland. What to watch in the run-up to elections.* Hargeisa, Somaliland

<sup>22</sup> Academy for Peace and Development (2015): *Confronting the future of Somaliland's Democracy. Lessons from a Decade of Multi-partyism and the way Forward.* Hargeisa, Somaliland

the next 10 years. Somaliland's most controversial election happened. Over fifty councilors wanted a recount for election fraud. NEC halted the preliminary election results in Hargeisa, the capital city, within <sup>23</sup>48 hours and pledged a recount to respond to candidates and political groups. The NEC recounted <sup>24</sup>411 ballots in Hargeisa District, causing further rioting and fatalities.

Since then, Somaliland's election system has struggled with voter registration. Before the 2017 presidential election, NEC struggled to secure genuine voter registration. In 2016, Somaliland became the <sup>25</sup>first African country to implement biometric registration using Iris capture. Key electoral actors, primarily political parties, sought it successful. Somaliland's dark spot was turned to shining star through this registration process. In 2017, WADDANI, the main opposition party, claimed that the ruling party used deceased voters' cards in the presidential election. Many saw it as a trivial claim since it didn't prove it or file a lawsuit. <sup>26</sup>International observers observed political parties' confidence in the voter registration in both Presidential and combined elections, it prevented individuals from voting twice.

#### 1.4. Somaliland's election credentials

Somaliland's elections, from 2002 to 2021, have been widely praised. Somaliland's free, fair and credible elections stem from the following, among other things,

**Voter registration:** Somaliland made history with iris-based voter registration, which also boosted the electoral system's credibility. It reduced multiple voting and built confidence between parties. Despite the exorbitant cost of deploying Iris technology, Somaliland has zero tolerance for elections that don't obtain the trust of its people and electoral stakeholders.

**Voters access to reliable information:** Somaliland has a vibrant independent media. Despite the government's radio domination, there is more private media than public. The government owns one of roughly <sup>27</sup>twenty legitimately registered TVs. Somaliland's progress toward freedom of speech has also been noted by Freedom House. Somaliland's biggest and most unrestricted media channel is social media. Activists and popular journalists dominate Facebook. Social media is the main source of election news for voters and politicians. <sup>28</sup>Freedom House and <sup>29</sup>International observers complimented media availability and coverage of the recent combined elections.

**Unrestricted rights to run:** Somaliland's laws and institutions enable unrestricted candidacy at all levels. All competent citizens have the right to vote under Article 22 of the Constitution. Except circumstances allowed by the electoral law, candidates have not been barred from elections in the History of Somaliland. To protect local council and parliamentary elections, the National Commission for Higher Education (NCHE) evaluated all candidates based on academic qualifications. This is accepted to strengthen pre-election vetting, but it is seen as political. Candidates from both ruling and opposition parties have been prevented by the NCHE from validating their academic degrees, making it impossible to get a candidacy certificate from the NEC. The government allegedly detained <sup>30</sup>eleven (11) candidates from all three parties, including four from the governing party, without explanation. The election was unaffected. Opposition parties and the government faced strong criticism from CSOs, opposition parties and even from its integrity institutions. The <sup>31</sup>National Human Rights Commission criticized candidates' arbitrary detention and urged their unconditional release. All were acquitted and some of them were elected to the House of Representatives and others to the municipal council.

**All voters are able to vote:** NEC is in charge of ensuring voters to cast their votes in simple and convenient manner. This begins with choosing the number and location of polling stations to put them near voters. The latest combined elections increased polling stations by <sup>32</sup>65% from 1642 to 2,709, compared to the 2017 presidential election. Splitting polling stations into streams reduced wait times. Disability accommodations were unfair in the recent combined election. Despite the election day vehicle movement prohibition, they were supported and given attention, particularly, in the rural areas compared to urban.

**Ballots are counted accurately and the results are reported correctly:** Somaliland's elections are trustworthy. This is obvious from the way electoral administration works. In every polling station, there is one NEC official, a team leader and three agents from the political parties. On the election day, these officials check and confirm that voting cards, tabulation sheets, and other electoral documents are "accurate and complete". Voter cards and the voting list are also verified. After votes close, party agents and NEC officer check and countersign results at each polling station. Election results are tiered from national to local to guarantee consistency. Parties' agents may file a complaint if they disagree with polling station results. NEC regional and national headquarters decide complaints with party agents. If

<sup>23</sup> Carraale M.Jama (2012): Dhawaaqyadda Is Burinaya Ee Gudida Doorashooyinka Qaranku Waxay Dhirbaaxo Foolxun Ku Yihiin Nidaamka Dumuqraadiyada Somaliland. Accessed on November 26 2022 <https://archive.araweelonews.com/wararka/wararka-wararka-2/dhawaaqyadda-is-burinaya-ee-gudida-doorashooyinka-qaranku-waxay-dhirbaaxo-foolxun-ku-yihiin-nidaamka-dumuqraadiyada-somaliland-faallo-by-carraale-m-jama-freelance-journalist-and-human-rights-activist/>

<sup>24</sup> Jamhuuriya (2012): Komishanka oo Laalay Natijadii Hordhaca ahayd ee Codbixintii Hargeysa iyo Xogo ku Saabsan Khaladaadka ka Muuqda. Accessed on November 25 2022 <https://somaliland1991.wordpress.com/2012/12/09/komishanka-oo-laalay-natijadii-hordhaca-ahayd-ee-codbixintii-hargeysa-iyo-xogo-ku-saabsan-khaladaadka-ka-muuqda/>

<sup>25</sup> Progressio (2017): Report by International Observers on the 2016 Voter Registration Process in Somaliland. London, UK.

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Freedom House (2022): Somaliland: Freedom in the World 2022

<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> Somaliland National Human Rights Commission (2021). A Press Release on Elections. Retrieved <https://somalilandhumanrights.org/war-saxafadeed-arrimaha-doorashooyinka/>

<sup>32</sup> Ibid

parties disagree with NEC, they may file lawsuit in regional court for Parliamentary and municipal elections and Supreme Court for Presidential elections. The General Law for Elections and Voters' Registration No.91/2021 explicitly explains these steps. These methods have been tried before. The presidential election court case happened in 2003, when Somaliland's democracy was infant, and the ruling, <sup>33</sup>UDUB, won with a razor's edge of 80 votes. <sup>34</sup>Twenty combined election candidates have sued over the preliminary results. The Court determined that all lacked legal basis, making them null and invalid.

**The results are respected:** African elections are notorious for violence and expensive litigations. Somaliland is no exception; as the defeated parties and candidates constantly complain, particularly, in the Presidential elections. KULMIYE, an opposition party, filed the first election dispute in 2003. The court ruled in favor of UDUB, the governing party. In 2010, the ruling party, UDUB, lost and hailed the opposition leader, KULMIYE. Even though the 2017 presidential election was fair, free, and legitimate, WADDANI, the largest opposition party, contested the preliminary results. As WADDANI filed no lawsuit, the Supreme Court certified the preliminary results as official. Generally speaking, Somaliland's electoral system has a long history of accepting loss. Whether a lawsuit is filed or not, NEC and Supreme Court judgements are typically followed.

### 1.5. Beyond Elections? Somaliland's less debated democracy realm

It is a common misconception that holding elections creates a democracy. Free and fair elections are commendable, but achieving more demands more work. Somaliland's democratization process has paid less attention the latter and prevents Somaliland from reaping the true benefits of election. There are no mechanisms in place at the national level to ensure that elected officials follow through on their promises. This casts doubt on whether or not the candidate will be able to fulfill their campaign promises.

At voter level, the voters appear to care most about which clan leads the Country and which clan is represented in the elected Houses/councils. This stems from Somalis' strong clan loyalty and pride felt when their clans is in position of power, even if it does not benefit them. Political parties and elected officials also failed to establish procedures to fulfill political pledges. Political parties, on the other hand, are more obsessed on winning elections and taking power, thus they hardly keep their promises once elected. Political parties and voters have cyclical connections. Between elections, political parties have little contact with their supporters, making their relationship transactional and short-term. Regarding elected officials, their mass use campaign commitments and

manifestos as a steppingstone to the target positions, but they are seldom fulfilled and forgotten after the election. Most importantly, the absence of recall mechanism reduced voters' capacity to penalize poorly elected officials.

All of these issues put doubt on Somaliland's actual democracy, especially given the enormous expense of conducting elections. It is difficult to put a price on it. For instance, a total of <sup>35</sup>USD 54 million was spent on Presidential election of 2017. This covers both NEC-managed funds and funds under the purview of the three parties. However, elections do not improve the resulting principal-agent relationships or the accountability of the elected officials.

## 2. Recent elections: Successes and flaws

### 2.1. Success

Somaliland is an oasis in a volatile and democratically deteriorating region. Besides Kenya, Somaliland is the only functional democracy in the Horn. Despite droughts and the COVID19 epidemic, Somaliland held the first combined elections on May 31<sup>st</sup>, 2021. Following is a quick summary of the most noteworthy success outcomes from this election.

**Maturity in election:** Somaliland's electoral democracy is well-established. Many local and international partners were dubious and questioned, but the country's experience proved them incorrect. The socioeconomic impact of COVID19, donors' disproportionate attention to the Federal Government of Somalia elections, voters' capacity to vote in combined elections, and potential legal litigation in case of disputes on the results raise skepticism. Indeed, this marks a miracle that may serve as a model for success on a continental scale. Somaliland's de facto status befuddles de jure states in the Horn and throughout Africa that have yet to fully democratize their elections.

**Fair political playing field:** Predominantly, African leaders restrict competition to stay in power. Somaliland's story is unique. KULMIYE, the ruling party, lost in broad daylight. Opposition parties won <sup>36</sup>117 council seats (53% of the total) in the combined elections and won four of the six regional capital mayorships. They make up 52% of the House of Representatives. Thus, all three speakers are opposition party members. In response to the election results, the President, who is also the ruling party's chair, called the loss the beauty of Somaliland's democracy. International observers considered it <sup>37</sup>"encouraging political maturity".

**Inclusive elections:** Somaliland's political structure marginalizes minority clans, like on the Somali peninsula, according to critics. In 2021, this barrier was breached. Somaliland's democracy reached a milestone when a Gaboye

<sup>33</sup> Richard Bennet, Michael Woldemariam (2011): NURTURING DEMOCRACY IN THE HORN OF AFRICA: SOMALILAND'S FIRST ELECTIONS, 2002 – 2005: Innovations for Successful Societies, Princeton University

<sup>34</sup> Khadar Mohamed (2022): Maxkamada sare ee Somaliland oo laashay Dhamaan dacwadihii Musharixiinta. <https://wargeyskadawan.com/2021/07/06/maxkamada-sare-ee-somaliland-oo-laashay-dhamaan-dacwadihii-musharixiinta/>

<sup>35</sup> Center for Policy Analysis (2018): *Dhaqaalaha ku Baxa Doorashooyinka Somaliland*. Hargeisa, Somaliland

<sup>36</sup> Ibid

<sup>37</sup> Ibid, p54

clan member was elected with the highest votes ever. Nearly 20,231 people voted for Barkhad Jama Batun. The fact that he received support from all Marodi-jeh residents, even those outside his clan, offers promising future for minority clans' political participation. A different perspective views Barkhad's election as exceptional and advises against taking it for granted. Barkhad ran as the party speaker from the biggest opposition party, WADDANI. He was also linked to populist and anti-tribalism politician Abdikarim Ahmed Moge, who also made history in Somaliland's election. The latter won 26,000 votes and became Somaliland's capital Hargeisa's mayor. Therefore, Barkhad's connection with Abdikarim contributed to his victory. To be positive, Barkhad's triumph heralds the beginning of an age in which Somalilanders recognizes the minority's political rights and dares to fight evil more openly and publicly.

**Election financing:** Elections in post-conflict countries are becoming more expensive. Somaliland's past elections received large sums of donor funds, but lately donors behaved reluctant in protest to the repeated term extensions and election delays. Somaliland, known for its homegrown solutions, has made a big stride toward sustainable elections. According to Table 1, Somaliland election expenditures have increased significant since 2002. Somaliland funded roughly two-thirds of the combined election, while international community provided one-third, largely in technical assistance. Though Somaliland's election had been free from outside influence, but the move nonetheless shows progress towards self-determination. It also demonstrates Somaliland's dedication to strengthening its electoral democracy in pursuit of international recognition

**Table 1:** <sup>38</sup>Election Funding in Somaliland in USD (2002 – 2021)

Somaliland elections (Year)	The Somaliland Government Expenditure	The International Partners/Donor Expenditures	Total
Local council elections in 2002	346,982	750,000	1,096,982
Presidential election in 2005	500,000	1,672,705	2,172,705
Presential election in 2010	1,145,000	3,070,113	4,215,113
Local council election in 2012	2,200,000	8,826,480	11,026,480
Presidential election in 2017	17,000,000	9,100,000	26,100,000
Parliamentary and Local Council election in 2021	15,241,379	6,558,620.68	21,799,999.68
Total	36,433,361	29,977,918.68	66,411,279.68

## 2.2. Flaws: Term extensions and the Guurti's role

Somaliland's hybrid approach has made liberal democracy a success, yet the Country still struggles with it. Incorporating and institutionalizing traditional authority into governance and political system symbolized by Guurti, the House of Elders, has shown hybridity's terrifying face. Guurti is the only constitutional institution vested to extend electoral bodies' legal tenure, but the way it exercises this constitutional duty is sought to reversing Somaliland's democracy gain. Its actions continue to endanger Somaliland's hard-won democracy and it is this reason, we aim to examine Guurti's role in Somaliland's electoral path.

### How Guurti is formed?

Literally, Guurti comprises 82 Somaliland clan representatives officially elected in the 1993 Borama grand conference. Their formation was driven by the need to halt civil war, restore peace, and include all Somaliland clans in the state-building process. Their initial roles were <sup>39</sup>widely praised, as they facilitated successive reconciliation conferences, enabled inter-clan dialogue on crafting a national charter, and other public endeavors including disarmaments.

Under the National Charter, Guurti's duties included harmony, religious affairs, and cultural preservation. Guurti was empowered under the 2001 Constitution and a such, article 61 of the Constitution outlines Guurti's legislative function, from blocking to amending bills other than financial related bills. The multiparty system sparked debate about whether the Guurti should be elected or selected. The <sup>40</sup>election perspective disputes the validity of granting an

unelected House the ability to stop or amend bills approved by an elected House, the House of Representatives.

They also challenge Guurti's authorities related to elections, which might put democracy at risk. This argument holds that liberal democracy and an unelected chamber are incompatible, necessitating Guurti elections to end this primitive and incompetent manner of institutionalizing tribalism. Guurti's presence is vital since it reflects Somaliland's distinctive contribution to democracy, according to another perspective. In the viewpoint, the "selection" process is the only method to replace Guurti members and retain the House's indigenous makeup and representation. Election does not ensure clan representation in the House, but this perspective holds that the "selection" mechanism allows clans to pick the best candidate. It is almost 2023, these two divergent views prevail and no solution has been found until now.

### Extensions, the evil action of the Guurti

The first Guurti House's constitutional term expired March 2003, thus President Riyale introduced the first Guurti election bill and presented to the House of Representatives in February 2003. The discussion in the Representatives' House was dominated by the views of election and selection advocates. On May 27, 2003, the House of Representatives passed <sup>41</sup>"single-article law of Article 19" to close the Guurti's legislative gap. This Article states that the Guurti's term shall end one year after the House of Representatives'. This was interpreted this as a way to pacify Guurti stakeholders, however, Guurti's legal authority begins with this narrow definition of their tenure and the absence of a formal law

<sup>38</sup> Ibid, p5

<sup>39</sup> Ibid

<sup>40</sup> Ibid

<sup>41</sup> Ibid

extending it. This resulted to the House's first extension, which should have expired on October 15, 2006.

On May 6, 2006, the Guurti extended their mandate by four years. Guurti's term has been extended seven times since

2003. On October 1, 2022, they extended their mandate by five years and one of the evils is this single-article which grants Guurti an extension with or without delay in Representative House's elections. Table 2 shows how each body acquired extensions.

**Table 2:** <sup>42</sup>Extensions in Somaliland Elections (2003 – 2022)

No	Elections and official mandate	1st election	2nd election	3rd election	Remarks
1	Guurti	1997			There has not been an election for this body since 1997, and its term was extended by 7 times including the recent extension of October 2022, so by the time their mandates expire in 2027, they will be the only unelected body still in power in three decades.
2	Local Council	2002	2012	2021	The first elected council's mandate ended in December 2008, but it was extended three times and lasted seven more years. The second-elected council served four more years. The Guurti House extended its tenure twice, but the council served another two years without extension or election.
3	House of representatives	2005	2021		The first elected House's term was extended in 9 times, leading to remain seated for 11 years past their legal mandate. This is equivalent to two terms of a typical House.
4	Presidents	2003	2010	2017	In total, Presidential election terms have been extended in 7 times. President Riyale served a further 2 years until his successor is elected in 2010. His successor, President Silanyo, served for 2 additional year. For the first time ever, a President's tenure has been extended by two years at once, ending in October, 2024.

### 3. Conclusion

Somaliland has a proven track record of free and fair elections. The ball is in the court of the international community. Somaliland and its people deserve commensurate return for their efforts to establish a stable democracy in a turbulent and highly volatile context. The greatest benefit for Somaliland would be to officially recognize it as a country and encourage its people to continue practicing self-rule and democracy.

Somaliland must fix its electoral flaws. Countering hybridity in its political governance is the only way to remedy its electoral defects that mainly emanates from the Guurti House. Further, strong CSOs and media, and a strong political will, amongst key electoral actors to timely elections are needed to safeguard Somaliland's hard-earned democracy.

When it comes to the Horn of Africa, Somaliland can offer regional and continental-wide experience via peer-to-peer learning to aid the democracy process and provides lessons that may be used in similar settings.

<sup>42</sup> Ibid; <https://somlandnor.wordpress.com/2008/04/10/guurtida-sland-oo-muddo-1-sanno-ah-xilka-madaxweynaha-iyo-kuxigeenkiisa-ugu-kordhiyeyjabiyeyna-heshiiskii-3-da-xisbi-iyo->

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