

Center for Democracy and Governance

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CDG's POSITION PAPER ON THE FIRST STAGE OF THE 2021 PARLIAMENTARY AND LOCAL ELECTION IS CONCLUDED: NEXT NEC LOOKS AT THE NEXT FOUR PHASES WITH ONE FUNDAMENTAL LEGAL QUESTION

PREAMBLE

Since the beginning of the year 2020, government and key political stakeholders have concentrated on ensuring the set of full newly elected organs of government and local councils. The parliament that has served for 15 years since 2005, extended its term in 2018 for extra 2 years through an amendment. The local councils also completed their term and have since been quasi entities and their performance has been so patched. This in democratic principles the informed citizens in Somaliland and global partners in Democracy interpreted it as denial of electoral rights and failure to decide on leadership change.

The constitution of the election body of Somaliland in August, 2020 renewed vigor and hope of the political parties and voters towards engaging in the parliamentary election. However, the registration of voters among other vital election process phases, depends on efficient provision of registration information by the ministry of interior and stability and peace in Somaliland. This has been successfully done in the speediest manner in the election history of Somaliland.

The national electoral Commission is deservingly congratulated on the successful completion of the voter registration. The 1st stage in the election process of Somaliland Presidential, parliamentary or election process. The nationwide activity ended yesterday 16th January with the announcement from the NEC chairman and procedures and modalities for a free and fair election are underway.

VOTER REGISTRATION TURNOUT: In the urban center and border areas the NEC can be applauded for the high registration returns, despite strict days of registration which led to call from rural areas and border lands to extend registration duration. The registration schedule was adhered too and the migratory pastoralists in rural parts of the country. All political parties agreed with the NEC and Government to continue the process as planned and not extension allowances were made. This signifies commitment to the election time table and the voters must take election activities only when the Election management Body and other stakeholders respect the time decisions.

VOTER REGISTRATION IN CONFLICT ZONES: The vigorous activity was also completed with higher success in 23 Electoral districts of Somaliland including the Eastern regions of Somaliland Sool, Sanaag and Las Caanod. Remarkable credit goes to the voter registration staff of the country's electoral commission that made sure deeper coverage is obtained according to reports reaching CDG from Taleh. The stakeholders in the registration of voters and Somaliland political players including all

political parties are optimistic that the success in the registration is a primary indicator that the 2021 election opens a new broad based landscape for the people of Somaliland and Eastern regions in particular to participate in deciding on their local and parliamentary leaders.

The eminent challenges in registration of voters in Buhoodle is marked with significance by CDG and an approach to ensure deeper coverage of registration of voters in that part is necessary. The approach conducive to management of the active conflict in the areas where voter registration was canceled with a focus on engagement of the local elders and religious leaders. CDG regional team present on the ground and our technical team observed limited investment of time and resources in security aspects affecting voter registration and the remaining phases of the election. Laas Qoray, of Sanag, and Buhoodle witnessed multiple cancellation of earlier planned registration center, and or replacement of registration centers. Such are not good indicators to the future of the next election stages, safety and security of voters and polling staff.

In the new developments, the NEC announced 31st May 2021 as the election date for the parliament and local councils representatives.

VOTER REGISTRATION WARENESS AND INFORMATION: Nevertheless, despite a lot of voters registering in Somaliland, rural awareness on voter registration without international support was one of the most challenging activity. Thanks to the political parties and innovativeness of the election body which beat all odds to reach significant demographic and geographical constituencies. With the challenges of voter awareness on the election processes ahead of a double upcoming election, political parties' recommendations are desirable on reaching more voters and awareness in rural areas.

LEGAL IMPLICATION AND INAUGURATION OF THE NEW HOUSE MEMBERS: The three major political parties and the National Electoral Commission have also agreed on the dissolution of parliament before November 2021, this contravenes amendments made in the current parliamentary term of office. As such this action breeds a major legal question over cutting short the term of office for the current parliament which had its term extended in 2018, and is due to expire November 2021. Who will do parliamentary business for four or five months between inauguration of parliament in June, 2021 and November 2021? Will the amendment be retracted or be nullified for the remaining part or shall the inauguration of parliament be extended for 4 months in an election law amendment?

According to article 44, the new house shall hold its inaugural meeting within 30 (thirty) days from the date when the electoral results are declared, and shall be convened by the president of Republic of Somaliland. With this article applying, in contradiction with the amendment of the term of the 3rd parliament.

Therefore, in the procedures of parliament and as per the constitution and election law the electoral commission and the constitutional affairs ministry as well as the attorney general the stakeholders need to be guided on the wisdom surrounding inauguration of parliament and cutting short the term of office of the 3rd House of representatives (the parliament).

In view of the success so far obtained on registration of voters by NEC, the remaining phases of an election in Somaliland 2021 require unreserved support of government, collaboration and support of the political parties, and local community support to the election management officers. The election monitoring and security support especially in the Eastern parts of the country and international

support necessary for a successful electioneering process in Somaliland are hinged on the political will of the executive arm of government. This is very crucial at every stage and citizens must own the whole endeavor.

VOTER REGISTRATION CHALLENGES:

As CDG in close observation of the process we noted the key challenges to be;

- i. Lack of international support to registration
- ii. The government for the first time ran a voter registration without international funding. This controlling covering more geographical areas with multiple media for a longer time.
- iii. Security challenges in the Eastern regions causing cancellations or relocation of registration disrupted the voters' registration this happened in Las caanod, Buhoodle and Laas Qoray.
- iv. Limited rural awareness and information provision about voter registration.
- v. Failure to enact inclusion election quota bill for women and minority clans.
- vi. Inadequate mobilization stakeholders.

RECOMMENDATIONS:

In view of the challenges witnessed and the experience on the ground CDG recommends that;

- i. The technical challenges that were witnessed during registration of voters should be bridged by the NEC so that if the election and the next phases of election are to be digitized it does not affect the polling officers efficiency and the validity of the election.
- ii. The House of elders, cognizant of the legal implications of the extension of the term of the office of the House of Representatives (the Lower House) should expedite the retrieval of the term extension and that should level out the legal concerns in article 44 of the election law and convention of the new house by the president. This is what the political parties and NEC seek to save the country from a legal crisis. The legal community should work with the NEC and the attorney general on this as well as ensuring the House of Elders is in agreement with the need to inaugurate the new house in 30 days after an election.
- iii. The government and non-state actors should renew the expected commitment to streamlining the financial support needs and expeditiously invest the necessary funds into the critical stages like publicity of the election process and ensuring that the voters are educated on each stage obligations of the latter.
- iv. There are a lot of voters who lost their National IDs, the electoral commission after conducting the speediest registration in the history of Somaliland, it is important to schedule Voter roll checking and restoration of National IDs so that the people who miss their IDs can be able to participate in the next vote casting. So, it is critical that the second phase of votes checking their names is arranged for deeper coverage of voters.
- v. The political parties have for the first time showed commitment to presenting an inclusive body of election candidates. However, as CDG in the process of building a strong

- democracy political parties and the community leaders should focus on selecting flag bearers with a high level of integrity, which the electorate can trust with their democracy. At all levels the candidates are responsible to the security and validity of an election. This will increase credibility of respective parties and strengthening the countries potential to compete on the global scale during and after the election.
- vi. In many parts of the country specially the Eastern part of Somaliland the security threats that affect voter registration remain the strongest threat to next election. We suggest as CDG that NEC and government invest more resources in partnership with the traditional leaders, the Civil societies on the ground, and international community to;
 - a) Manage the active conflict in Sool and Sanaag so that Somaliland election is attractive and appealing to the affected communities.
 - b) Pre-election security monitoring and election security be taken from the believe that the police and military presence matters to involvement of multi-stakeholders such as the political parties, the traditional elders, the youth and women engagement who can work alongside the conventional security organs. A comprehensive security engagement approach is recommended including the voters.
 - c) The security coordination mechanism in our recommendation as CDG should include conflict management, Community-police partnerships and interclan level meetings and workshops.
 - vii. The Political parties and local communities should open up opportunities of representation of the women, youth and marginalized communities as suggested in the previous debate of the election law giving exceptional representation quota for the Eastern regions of Somaliland. Implementation of this clause of the election procedures would yield new shifts in cooperation and inclusion of the dissatisfied and marginalized groups that are useful to the society and politics.
 - viii. Voter education must be prioritized despite being a cross-cutting factor in all election practice. Rural areas still have like it was in the voter registration, efficient use of electronic and print media matters now than ever. And as the NEC welcomes a new Director General the citizens and clients of NEC expect renew vigor, reviving the hopes and confidence of all election stakeholders in the election process.

For the people of Somaliland election participation is an obligation of every citizen it is the power that you hold to choose and decide on which system your country will follow. So turn up for the update of voter roll and uphold your right to vote. The election players have the mandate to prepare and conduct an election but the security and stability of the country equally matters as the security on the voting day. The international community has always applauded the election maturity demonstrated by Somaliland over the past years and we expect that the year 2021 election elevate Somaliland to an undisputed democracy adhering to the good governance principles based in constitutionalism, professionalism and integrity of a democracy we envision.

Thank you