

# ELECTIONS AND ELECTORAL PROCESSES IN SOMALILAND

## *A Fading Democracy*

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### ABSTRACT

*After declaring its independence from Somalia in 1991, Somaliland has built a system to deliver basic services to its citizens. Despite having relatively good security, Somaliland has to date received no international recognition. With the presidential term extension made by the House of Elders (the Guurti) in October 2022, politics in Somaliland is at fever pitch. Public demonstrations, sporadic clashes, mass arrests, and hate speech add to a general sense of political disorder. Several factors have shaped the current outlook for democracy in Somaliland, including clan politics, a rent-seeking mentality, and weak institutional and legal frameworks. This study seeks to emphasise the contentious way in which elections have been held in Somaliland, and which have led to a loss of confidence in the country. The results, as witnessed in the 2017 presidential election, led to disputes, mass protests, and loss of life. Election time in Somaliland has therefore been a cause of concern for both political parties and the Somaliland Election Commission. In the battle for political leadership, the pre- and post-electoral aftermath has become conventional. But the main victim of the battle for political leadership has been the Somaliland Election Commission which is torn between contesting political parties.*

**Keywords:** elections, Somaliland, democracy, Africa, political parties, clan politics

### INTRODUCTION

This study explores the impulses associated with elections in Somaliland, using existing discussions and experiences from similar African contexts to support the recommendation for better electoral processes for Somaliland.

Somaliland declared independence from Somalia in 1991, since when it has remained stable, led by democratically-elected governments. While the current government provides a few basic services such as water and education, significant challenges persist, such as high unemployment (Somaliland Ministry of Employment, Social & Family Affairs 2020). While other governance structures in neighbouring Somalia have been less successful, Somaliland's traditional clan-based governance has provided an enabling environment for the consolidation of governmental power and political stability, social and economic recovery, and relative peace and security (International Crisis Group 2015).

Continued stability and prosperity in Somaliland are essential for the region, given the intractable fragility of the Somalia Federal Government (SFG) and civil war across the Gulf of Aden in Yemen. Yet continued stability requires political reforms aimed at greater inclusion, respect for institutions (especially the judiciary and the parliament) and an internationally-backed framework for external cooperation and engagement (International Crisis Group 2015). Moreover, this peace has been costly to maintain, with 52% of the national budget allocated to security services, while the provision of social services remains dependent on foreign aid (World Bank 2014).

The Varieties of Democracies (V-Dem) reports on 'Autocratization changing nature' (2022) and 'Democracy facing Global Challenges' (2019) offer election data, indicating that several features contribute to election rigging, including the restriction of media freedom. It cites 'the government manipulation of media, civil society, rule of law, and elections' as the first of many challenges (VDem 2022; VDem 2019) faced by elections and the efforts to change leadership in democratic societies. The challenge with elections in Africa is not only the breaches of election laws, but also the influence of the ruling party in shaping the laws and regulations unchecked by the other stakeholders. Given the prospects for election reforms, it is important to understand the dynamics at play and draw lessons from topical experiences before investing in Somaliland's elections.

The following section provides the analytical and conceptual framework surrounding the concept of oligopolistic states. Section one has a brief overview of current electoral processes in Somaliland. Building on existing election literature to provide a catalogue of election rigging approaches experienced by several African countries, it relates these to ongoing election processes in Somaliland. Section two provides an outline of methods used to influence election processes in fragile/post-conflict settings. This is designed to help stakeholders in Somaliland's elections to navigate, adapt and adjust their approaches to elections in complex contexts, including law and policy demands. Section three assesses funding for elections, political parties and campaigns and their implications, while section four concludes with recommendations for different stakeholders.

## METHOD

The article is based on data collected in Hargeisa, the capital of Somaliland, from April 2022 to July 2022. The data consists of 14 structured interviews with political party leaders, members and supporters, government officials, members of parliament, local council members, leaders of former political associations, former members of election commissions, traditional elders, members of civil society, election programme leaders and academics. Through these interviews the article established an understanding of the realities, challenges and opportunities in Somaliland's elections. During the interviews, it was important for the researcher to comprehend the different perspectives of election stakeholders and to zoom in on relevant cases, events, and realities that have shaped the current outlook for Somaliland's democracy. These include clan politics, a rent-seeking mentality, and weak institutional and legal frameworks. Additional information is drawn from government, research organisations, academic institutions, election programme reports, service provider reports, and media-hosted debates and interviews.

## ANALYTICAL AND CONCEPTUAL FRAMEWORK

Clan identity in Somaliland politics is an indicator of Somaliland's underdevelopment and political stagnation, and also reflects far greater structural problems. Before the colonial era, Somaliland's society was based on notions of identity, such as the family and the clan. Colonial rule used the same structures and encouraged greater use of clan structures which largely contributed to situation found today in Somaliland's governance structure.

The relationship between identity politics and democratisation establishes a complex feature of Somaliland's election realities. Part of the complexity originates in clan competition, if not direct conflict. In addition, several other factors need consideration to further understand the role of identity in Somaliland politics. These include the state's approach to inclusive politics, including the eminence of its leaders, the organisation of political parties, and the structure of electoral systems.

While state-building efforts in Somaliland have been relatively successful, especially in comparison to southern Somalia, there are still a number of dynamics that drive fragility and pose a risk for future conflict. The political class has grown more distant from and less willing to consult with communities (International

Crisis Group 2015), the independence and legitimacy of the Guurti<sup>1</sup> has dwindled (Stremlau 2018), justice institutions are not able to check human rights abuses, and executive interference in the judiciary is commonplace (Abdulahi 2022). Meanwhile, the general perception amongst the public is that the Isaaq clan dominates government power structures, while its sub-clans compete for control through various political parties, government institutions, and private businesses (Elder 2021).

Although Somaliland remains committed to democracy, elections have become points of increasing tension, and concern of a possible return to civil war has led to political repression and media crackdowns (Krug 2016). Centralisation of power in the executive has led political elites to turn away from oligarchical governance (clan-based consensus) towards greater democratisation, but this shift has not led to increased participation in government, nor the development of institutional accountability structures (Elder 2021). The Somaliland government tends to rely on a close network of advisers from particular clans and regions for advice, rather than consulting with bureaucrats from state institutions. This contributes to a feeling of marginalisation among certain clans and constituencies that are excluded from high-level decision-making (Ingiriis 2018).

Broadly speaking, ruling and opposition parties compete in an uneven election process with terms that contribute to the conduct of rigged elections (Cheeseman & Klaas 2018). The more leaders stay in power the more likely they are to rig elections, due to the fact that these leaders have more time to engage in illegal practices without any consequence. African leaders in leadership positions are also more than twice as likely to be killed, expatriated or incarcerated after leaving a leadership role than those in any other part of the world (Cheeseman & Klaas 2018).

As Somaliland prepares for the presidential and political party elections, the same challenges that sparked post-election clashes in the 2017 presidential election persist. In late 2021 and 2022, politics in Somaliland remains highly splintered, factionalised, and predicated along clan lines, especially in Hargeisa. The aftermath of all elections held in Somaliland to date has left citizens struggling to overcome their disappointment at not being able to support the political party of their choice. To avoid out-and-out loss, all ruling political parties have made the effort to manipulate both the vote and state security machinery to their advantage. Legislation governing the elections in Somaliland has not been of much use as it has also been manipulated by the ruling party.

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1 The Somaliland upper House of Parliament has 82 members, representing traditional leaders. Elders are mandated to consider bills proposed by the lower House of Parliament, the Somaliland House of Representatives. The term of office for the House of Elders is six years, but they have never been elected since it was founded in 1993.

## EXISTING ELECTORAL PROCESSES

Elections are the most easily noticeable feature of democratic societies (Arnesen & Peters 2018). The African Union (AU) is leading efforts to coordinate elections and commit its members to holding elections on a regular basis, and also to establish political commitments and support systems for election governance (Arnesen & Peters 2018). Most election results in Africa enjoy positive support from African citizens and other pro-democracy regional and international organisations when election results bring about opposition leadership. Bratton et al. (2008), estimate that one in six elections in Africa results in the transfer of leadership to an opposition-led political party (Renner-Mugono & Schmidt 2022), compared to other democratic societies in the world, where the average is about one in three (Therkildsen & Bak 2019).

The main obstacles to democratisation in Africa have been the division and distrust between citizens and their political leaders (Cheeseman & Willis 2020). Due to increasing levels of mistrust, and as political leaders endeavour to retain their power, the challenges of change continue to be a huge risk (Kramon 2017). This is because, in many cases, politicians used illegal channels that sometime resulted in a loss of life, and also conducted fraudulent election results (Cheeseman & Willis 2020). The end result has been the continuation of a culture of counterfeit election results that have tainted both the governance and image of Africa (Kramon 2017).

Several researchers, including Agomor, Adams & Asante, Victoria Melkisedeck Lahir, and Numvi Gwaibi provide a critical analysis of the election processes of Tanzania, Kenya, Ghana, Nigeria, Cameroon and Ethiopia. The experiences of these countries indicate what happens in many African states before and/or after elections, where election results have left a trail of mistrust and disputes manifested through ethnic/clan conflicts, leading to death, loss of property, injuries, and displacements. Such experiences could have been avoided if local realities had been considered rather than geopolitical and economic interest conditions (Agomor, Adams & Asante, 2020). In Somaliland, these include identity politics, legal and institutional limitations, and the shrinking role of CSOs.

### *Effect of Identity Politics on the Somaliland Election System*

African countries are replete with multi-ethnic and multi-clan structures, a dynamic that has affected the handling of its elections (Kramon 2017). Many of the conflicts in Africa are ethnic in nature, a factor influencing election periods when one ethnic group attempts to dominate the others (Arriola 2012). This is true in the case of Somaliland, where clans also play an influential role in socio-economic

and political structures (Musa & Horst 2019). This influence was replicated in the contestation between political parties, where clan elders and members follow their clan leaders. In the past decade, there have been several clan conferences aimed at supporting specific political parties, or between two major leaders from the same clan attempting to preserve the unity of that clan. These include the Garadag Habar-jeclo clan conference, Gacan-libah Habar-Garhajis clan conference, the Burao Habar-jeclo and Habar-Awal Traditional Elders clan handshaking. Furthermore, the political economy of African countries and their leaders offers an opportunity to understand why Africa is susceptible to election mismanagement and disputes (Brandt & Turner 2003) as aspects of post-colonial African countries encourage a winner-takes-all attitude (Chikwanha & Masunungure 2007).

In Somaliland, clan-based political parties and politics contributed to a similar outcome to those of the above-mentioned scenarios. In the struggle for Somaliland's re-independence from Somalia, clan played an important factor as the leaders of the Somali National movement (SNM) used clans to mobilise fighting groups against the Somali regime of Siad Barre. This was a counter strategy to that of Siad Barre when he targeted specific clans that he perceived as the main opposition groups to his leadership. Reflecting this view when Somaliland adopted a multiparty system, clan groups vote along clan lines, believing that their fellow members can best act as gatekeepers to protect their clan interests if they are voted into a leadership role. Each clan is populated in and around one geographic area of urban cities and rural settlements, which makes it easy for politicians to mobilise clan voters (Musa & Horst 2019).

Clan identity has been a crucial driver in Somaliland's elections, with political party leaders fanning clan emotions among clan members as a foretaste of potential disputes. This situation is not exclusive to Somaliland. Indeed, it is a widespread problem in Africa, as violent election-related clan and ethnic conflicts have been witnessed in Kenya, Cameroon, Nigeria, Liberia, Ghana, Sierra Leone, Uganda, Sudan, and others (Bleck & van de Walle 2018). One common characteristic of these election conflicts is the attempt by one dominant clan or ethnic group to use state resources and power to hinder opposition political parties (Long & Gibson 2015).

### *Legal and Institutional Limitations*

In order for any country to arrange free and fair elections, certain institutional, policy, and legal frameworks should be in place (Duodu 2010). These include ensuring that citizens are free to elect and be elected under systems and regulations that are clear to all opposing parties, and that political party leaders are not only mindful of these systems, but agree to follow them (Hammar 2009).



In Somaliland the election commission witnessed several challenges including opaque election laws, constant change and reshuffling of commission members, and delays with the resource and election budget.

The independence and impartiality of election commissions are central to election management (Dacey 2005). The degree of independence focuses on operational and institutional dimensions. Makulilo (2016) emphasises the types of practical and institutional independence of election commissions in Africa. The first is the non-autonomous election commission within the government structure. The second is the semi-autonomous election commission in the government structure, in which government retains the majority and leadership, and the remaining members (normally 30% of commission members) represent opposition party nominations.

These two types of election commissions are usually described by a legal framework, in particular issues such as the appointment and dismissal of commission members, funding, controls, structures and functions. But the dilemma is the composition of the members, as both options assume that bureaucracy is always partisan and favours the ruling system. In the Somaliland context, there have been several complaints prior to the 2017 presidential elections and 2021 parliamentary and local council elections regarding the integrity and neutrality of election commission members. This is also common in countries such as Zambia, Kenya, Malawi and Ghana.

Different meanings and levels of election commission independence are applied in different African countries. But the key understanding is the principle of natural justice that 'No man [may be] a judge in his own cause' (Wade & Forsyth 2000). This norm is usually intended to ensure equality and neutrality in decision-making processes. Based on this principle, any relationship of an election commission member to a political party or a party leader or candidate is likely to adversely affect the independence, neutrality and validity of election results (Makulilo et al. 2016). This principle confirms the concern in Somaliland that the nomination of election commission members from the ruling party indicates that the president and the ruling party nominate hard-core party members, former ministers, heads of agencies, and members of other commissions. These all serve the ruling party and its supporters which undermines the trust and independence of commission members from the start.

In 2003, African initiatives were made to standardise common principles on the independence and impartiality of election bodies. To ensure the principles of independence and impartiality of election bodies, they suggested that election bodies should be clearly described in the constitution, including their budget and mandate. As seen in Somaliland, these efforts undermined the importance of representation, selection and appointment procedures for commissioners.

This belongs to Parliament to determine, an opportunity the ruling party took full advantage of when they secured a majority in Parliament to tailor the representation, selection and appointment procedures for commissioners to suit their interests. This concern revolves around the constitutional assurance of the independence of an election commission.

The leader of Somaliland's National Electoral Commission (NEC) is chosen from three members nominated by the president, and that gives the president an extra edge in swaying decisions and processes as commission decisions are decided through simple majority. This is not new to Africa, where similar experiences have been witnessed in other countries; for example, Côte d'Ivoire's election commission is dominated by government nominations. The 2016 Côte d'Ivoire election commission consists of twelve members, eight representatives of the ruling party and only four opposition representatives, and yet it makes decisions by a simple majority. Efforts were made by some AU member states who engaged the regional African Court of Human and Peoples Rights (ACHPR) to challenge the composition of African election commissions. Regarding Côte d'Ivoire's 2016 case, the ACHPR found that Côte d'Ivoire and other state-dominated election nomination commissions lack fundamental independence and impartiality, thus they will eventually infringe citizens' political rights (Ronceray & Aggad 2018).

### *Shrinking Role of Civil Society Organisations*

Another reality is the shrinking role of civil society organisations (CSOs) in Somaliland's elections. One of the primary reasons for CSOs in elections is as a watchdog and to provide information to citizens. Civic education has a major role in fostering a free and fair elections. Somaliland's election commission created civic education guidelines (VE guidelines 2022) intended to foster awareness and empower voters and community actors with tools and information on elections. In some African countries, this role is performed by government-approved institutions with the mandate to provide awareness to the general public (e.g., Ghana); in others, this role is reserved for the election commission (e.g., Kenya and Somaliland).

Civil society organisations also provide awareness-raising, complementing the work of the government and elections commission using various creative methodologies. Observers have had another CSO role in Somaliland in past elections, particularly the non-state forum. In the last presidential election of 2017, opposition political parties accused CSOs of having misused their mandate and sided with government decisions. These affected the credibility and neutrality of two prominent CSOs (the Somaliland non-state actors' forum and Academy for



Peace and Development) and their role in the election process in Somaliland. The downside of these accusations is that they question CSO's role in future elections; but the positive side is that they make it possible for other organisations to fill the void.<sup>2</sup>

### *House of Guurti curbs*

The House of Elders (Guurti) is the Upper House in Somaliland's Parliament. As an influential political and legal body, the Guurti played an important role in effectively managing clan and intra-clan conflicts; but as these institutions grew, Guurti also became influential in elections. The House of Elders was established 1993 and later changed its members through a clan-based selection process in 1997, in the Borame and Hargeisa clan resolution conferences. The 2001 Somaliland constitution gave the Guurti its mandate as the Upper House of the legislative entity with special mandate on peace, religious and cultural issues. In the last two decades, however, the Guurti have faced some criticism.

There is a constant drain of elders with traditional experience and leadership. Interviews with current Guurti members indicated that the experienced members of the House are either leaving their seats because of medical reasons or because of death. Both are replaced by closely-related family members. This has resulted in almost half of the Guurti being young men (under 40 years old) with no experience in either the traditional or state system. This is a violation of the age limit set by the Somaliland constitution for Guurti membership.<sup>3</sup> Interviews with current Guurti members indicated that the government finds it increasingly easy to use these inexperienced members and old members to extend elections. This is not to say that the Guurti was not involved in an extension in the earlier 2000s.

During the establishment of the election institutions, the Guurti extended the terms of the president with clear reasoning and rationale;<sup>4</sup> but in the past decade these have become a political motive to secure extra years for the office of the president and for the Guurti. In particular, the October 2022 extension was not only for the president but also for the Guurti. The Guurti extended their term of office for another five years, an unprecedented move that received widespread criticism from both local stakeholders and international partners. In the past the Guurti extension was less than three years at a time. Members of the international

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2 In light with these developments, a new coalition platform has been established, the Independent Somaliland Civil Society Organizations (ISCO).

3 Article 59 defines the eligibility for candidacy with the age limit for Guurti membership at 45 (forty-five) years old, and that the person must have a good knowledge of the religion, or be an elder who is well-versed in the traditions.

4 Absent election laws, droughts in some parts of the country and a limited election budget were among the reasons mentioned by the Guurti for the extension of the first three elections.

community who support Somaliland's elections called for consultation on the election process, a move that was negatively received by the government. This call by the international partners came just days after the Guurti voted for an extension for themselves and for that of the president.

#### OUTLINE OF METHODS USED TO INFLUENCE ELECTION PROCESSES

Elections in Africa have been linked to several instances of malpractice, including vote-buying, politically-motivated harassment and intimidation of political opponents, imprisonment, threats, and possible killings (Duodu 2010). This has exposed elections in Africa as being deeply flawed, with political leaders who seek to legitimise illegal practices by compelling and pressuring citizens to vote for them in a milieu of proliferating election rigging (Hoffman & Long 2013). The donor(s) frequently request that the elections process should meet international standards of free and fair elections, as that is the only basis on which the donor and international community at large can accept and work with the incumbent leaders (Chikwanha & Masunungure 2012).

In the 2017 presidential election in Somaliland, two protestors were killed and several were shot and wounded by the police in inter-clan protests arising out of disappointment at the election results, as declared. This divided Somaliland along clan lines (You 2017). Citizens and their relatives were lost or injured in these political contestations. These election clashes are driven by the political manipulation of clan differences against a background of other structural causes, including grievances around the national resource management and allocation. These grievances are used to mobilise people along clan lines, and feed on the fear of exclusion from higher political leadership which includes economic, political, and psychological benefits. These past concerns remain fundamentally fluid and are intensified by a decreasing level of trust in public institutions.

The reputation of elections lies in the way they uphold or trim democracy (Bratton & Masunungure 2008). Although there is some debate around what constitutes a free and fair election, there is an understanding that at various levels free and fair elections should have an election process and results with no discernible fraud or rigging. These reflect the maturity of the election institutions that represent the will of the people (Bracking 2007). With this understanding, elections are tools for democracy that are only facilitating the selection of leadership or representatives of the people (Bratton, 2008). From the discussions about essentials of free and fair elections, certain assumptions are itemised as 'global norms' by the National Development Institute (2000). These norms are also associated with African realities and challenges on elections (Chitiyo 2009).

The norms and assumptions that free and fair elections are as important as a functioning democratic government are sometimes exaggerated by international development partners; and certainly, recent elections in Africa have revealed that this may not always be the case (Melber 2002). Such assumptions discount important factors such as tribalism/clannism, and how elections contribute to divisions and expanding the base competition of clans in some African countries, for example the presidential elections of Kenya in 2007 and in Somaliland in 2017. Nevertheless, running free and fair elections remains a significant factor in politics.

### *Strategies Applied to Influence Elections in Somaliland*

From the interviews conducted in Hargeisa, it was clear that the Somaliland House of Representatives and external development partners (donors) are generally aware when the ruling party attempts to influence or postpone the amendment of election laws, and of their underlying motives. Many voters and politicians consider election day as the key moment in Somaliland's election processes, but strategies by government to influence the outcome start long before election day. Many of the strategies detailed in this section are also available to the opposition, though the ruling party may have more influence to change participants or change the elections laws.

Several methods were used to rig the electoral process in Somaliland in order to secure re-election. These strategies include amendments to election laws, changing election commission members, delays in allocating funds for the election in general and election procurement materials in particular, and manipulating the voter registration process. All these downgrade the probability of a competitive election leading to representative politics. With these issues in mind, this section focuses on strategies used to influence Somaliland's elections process and results.

### *Amendment to the Election Laws*

Somaliland's democratic process started in 2001 when a constitution was approved in a referendum, followed by elections. The Constitution created a democratic form of government with a multiparty political system. According to Articles 1 and 37 of the Constitution, the power vests with the people of Somaliland who delegate the exercise of power to elected authorities through periodic elections. Elections are thus the cornerstone of Somaliland's democratisation process. The Constitution establishes the separation of powers and checks and balances and ensures that power does not fall under one person or body. In the Constitution, the following elections are listed: A presidential election, parliamentary elections,

local council elections for districts, and regional council elections. The Constitution of Somaliland, article 28, remains the key legal structure for elections, together with the General Law for Elections and Voter Registration, Law No. 91/2020, the Law for the Regulation of Political Associations, and Certification of Political Parties (hereafter the Law No. 14/2011).

In Somaliland, elections are the trademark of democracy with a growing focus on generating public debate, discussions and policy agendas, together with discussions in the private media aiming at influencing public policy. However, all these positive signs hinge on a clear, consistent and comprehensive election legal framework. The existing legal framework governing elections in Somaliland is regressive. There is need for electoral reforms, one of which is the revision and consolidation of all election management laws into one statute. The General Law for Elections and Voter Registration, Law No. 91/2020, the principal law governing elections, has been amended repeatedly and declared unconstitutional by opposing political parties, more than any other statute in Somaliland's legislative history. The law is incomplete and fails to regulate certain aspects such as the election process management, decision of election dates, and monitoring of elections. In 20 years no public discussion about electoral reform has been conducted, on what did and did not work in crafting an amendment of the election laws.

Furthermore, from the analysis of the current election laws, it is clear that Somaliland faces significant challenges in assessing whether the gaps in the electoral laws were substantial enough to warrant an extension of the terms of office of both Parliament, and the president. To address these challenges and enable Somaliland's electoral management institutions to make consistent rulings on future election processes, the Parliament (House of Representatives), newly elected in 2021, needs to clarify the issues that government needs to apply when considering what constitutes an extension of these terms.

A first strategy used to influence the election is to change the election laws. The assumption is that if these can be changed in your favour, there is less need to cheat. But Somaliland's Constitution categorically limited the presidential term in order to prevent incumbents from staying in power. Changing election laws has therefore been part of the re-election strategy of many different incumbents, across different political parties in Somaliland, with a diversity of results reflected in the trend of the so-called 'extension'.<sup>5</sup>

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5 The first democratically elected president of Somaliland, Mr. Riyaale extended his term by three years; the second, Mr. Siilanyo, extended his term to two years, the third president Mr. Muse Bihi is expected to extend his terms to two years minimum. All these leaders used funding challenges, incomplete election laws and unexpected natural forces (droughts) as key reasons for extending their terms, all of which were politically-motivated decisions.

In the past, presidential term extensions by President Riyaale in 2008 and President Siilaanyo in 2015, the specific clauses and reasons for amending election laws were: the bid to use ICT in elections, the introduction of new voter registration systems, delimitation of regional and district boundaries, region-base allocation of seats in the House of Representatives, sequencing of the different elections,<sup>6</sup> and the selection of election commission members. These election law-related discussions usually start one year before the scheduled date of the election, which itself is a tactical manoeuvre to buy time as these political discussions may be lengthy, making extension inevitable. This prior dossier is likely to complicate future efforts to reform the electoral system through legislation because the ruling party will use delaying tactics on any changes to the legal framework that are viewed as contrary to their bid for extension. This is an opportunity all the presidents have exploited in their own interests since the inception of the Somaliland's democratic elections in 2003.

### *Tactical Prohibition of Political Parties in Elections*

A frequent election tactic beyond, or sometimes in parallel with election law amendments, is to exclude possible opposition political party rivals from standing for election. The political parties have a ten years certificate in Somaliland, a politically inspired attempt introduced by President Silanyo and supported by Parliament in 2012.

The presidential election of November 2022 witnessed another delay, and prospects of a timely election were thrown into disarray in December 2021 when the Somaliland government started to change course by calling for the 're-opening of political parties'. The election law allows a three-party limit and provides for time-specific licensing certification. As it stands, the certificate of the political parties expires on 26 December 2022 but the presidential election scheduled for November 2022 was postponed to 2024 by the Guurti. As part of these delaying tactics, the ruling party is pushing for political party elections first in a move anticipating that the ruling party aims to discharge or the biggest opposition party and add new political parties that will take time to mobilise support. In early November 2022 the Political Parties Registration Committee announced nine new, preselected political associations that will compete for the next political parties/association election alongside the three political parties. Following this election, three new political parties will be selected for the next ten years. One of the pre-selection criteria for each new political association is to secure 1 000

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6 The presidential, parliamentary and local council elections plus the political party elections scheduled to happen every ten years.

supports from each region. This number is to be verified by the national political parties' registration committee which is nominated solely by the president and approved by the parliament.

Article 9 of the Somaliland Constitution restricts the number of political parties to three, which arguably restricts freedom of association. The intention of this restriction is to avert an abundance of clan-motivated political parties rather than national interest, as the current political parties are divided and host alliances from the major clans. These alliances are approved by clan leaders and political representatives.

### *Intimidating the Election Watchdog Systems, Actors and Institutions*

A number of actors, policy objectives, legal frameworks and institutions can discourage the influence of the above manoeuvres by raising civic awareness. These watchdogs include the judiciary, media, and civil society organisations. A strategy to influence elections can therefore also imply silencing and undermining these watchdogs. The election commission is an essential watchdog but also a structure with typically limited resources outside election periods, where reports of state capture are frequent. In Somaliland, the election commission has seven members, three of whom are nominated by the president, two are nominated by the speaker of the House of Elders (Guurti) and two are nominated by opposition parties. This nomination formula allegedly places the election commission under the control of the government, hence unable to perform its critical role of watchdog.

In the past, commercial and news TV stations, social media and as well as newspapers played the role of watchdogs in Somaliland; but this is being thwarted by the current ruling party. Between April 2018 and July 2022, 330 journalistic and freedom of expression-related violations and arrests were made by the government (Human Rights Centre 2022). On a single day in April 2022 the government arrested 13 journalists for reporting on an attempted prison escape. Ten were released later, but the chairperson of a prominent local TV station that held popular debates on the election, government budget and democracy, was sentenced to two years imprisonment and threatened with closing down the TV station (Human Rights Centre 2022), though he was subsequently released. In June 2022 the government ordered similar mass arrests after opposition political parties attempted to organise a peaceful demonstration to indicate their discontent about any extension of the term for the current president. The journalist remained reluctant to report the June 2022 mass arrests for fear that they would have similar experiences to that of April 2022.

In the absence of comprehensive domestic sources of funding, and the lack of international donor-led funding, most of the civil society dealing with democracy



issues dwindled or turned their attentions to tie in with ruling party. During the tenure of the last two presidents Silaanyo and Biihi, several CSO leaders received nomination to higher government positions such as commissioner, heads of independent agencies and ministers, and many considered this as a reward for their close ties with the ruling party. For the second time, in April 2022, the opposition party withdrew their trust from two prominent CSO forums and organisations<sup>7</sup> after these CSOs met the president to discuss the current election situation and possible options ahead. The opposition felt that these engagements were aiming at paving the way for potential CSO support for the upcoming president's extension. This would prevent CSOs from playing a neutral role during elections as local observers in polling stations, opening up possibilities for unreported, last-minute vote-rigging.

### *Divide and Rule: Promoting some Constituencies, Clans and Allies*

Hindering the watchdogs can be effective, but promoting a specific constituency, clan or ally can often achieve similar effects at a lower cost and with less risk. Identity politics (clans in the case of Somaliland) allows ruling parties to mobilise constituencies along the lines of clan and sub-clan structure (Elder 2021). In this tactic, a successful battle for government positions and resources offers material and symbolic advantages for the clans whose representatives/members do well in elections. The instrumentalisation of the Somaliland clan system of identity politics is a notorious fact of life in Somaliland (Elder 2021). In Somaliland's 2010 and 2017 presidential elections, an analysis of the votes revealed strong patterns of voting along clan lines. Politicians can promote specific constituencies by promoting the transfer of ruling party leadership to motivate clan collision. In addition, they may spearhead efforts to channel public services and funding (including government and donor development projects) to regions and/or districts they want to foster with the next elections in mind (Elder 2021).

Election literature from sub-Saharan Africa countries implies that ethnic bias in the provision of public services is a common divisive approach by ruling parties. Governments may devote more resources to areas and regions which are ethnically closer to the leader's clan (Nakitimbo 2018). Evidence from several African countries such as Kenya and Tanzania indicates that tax exemptions to mobilise or incentivise constituents are becoming an organised pre-election feature (Nakitimbo 2018). African experiences such those in Kenya indicate that promoting a specific constituency may indirectly strengthen all other election-

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7 Somaliland Non-state actors' forum (SONSAF) <https://www.sonsaf.org/> and Academy for Peace and Development <https://apd-ipp.com/apd-somaliland/about/>

rigging efforts, since the ruling party can count on personalised support across the constituency (Etieyibo, Musemwa & Katsaura 2020).

When African presidents reshuffle the government or change the heads of security immediately before an election in order to place members of his constituency and clan allies in key government positions, it serves as an incentive for election loyalty. This is well documented for Kenya in the 1990s, and in Somaliland in 2010 and 2017, where appointments in the key government ministries were clan-motivated. Interviews with a parliamentarian established that clan-allied nominees have the greatest incentive to engage in intimidation on behalf of the ruling party. As a result, the ruling party sends them to the most electorally valuable constituencies in the rural areas as party representatives in election polling stations.

Other approaches used by the ruling party to undermine opposing constituencies is the 'divide and rule' approach, which takes the shape of integrating political and clan leaders of opposition constituencies within a ruling party to neutralise the opposition. The Somaliland constitution and election laws encourage party politics on a programmatic basis and discourage clan-based politics. But favouring a constituency is a form of political programme in itself in Somaliland, and this is also true in other African states such as Kenya, Nigeria and Ghana (Nyiayaana 2019).

#### ELECTIONS, POLITICAL PARTY FUNDING AND THEIR IMPLICATIONS

In Somaliland, election finance has been one of the reasons used by the ruling party to justify an extension of the government in the past. In 2010, Somaliland was heavily criticised for the fact that elections relied on external assistance. This assistance consisted of support for the development of legal frameworks for elections; assistance in organising elections, for example delivering voting material and election equipment; the provision of political party training and voter registration arrangements; as well as support for civil society in areas such as awareness raising and training of local observers, party polling station representatives, journalists and the media.

Government increased the financial contribution to the 2017 presidential election from 20% for the 2005 parliament election to 70%. These numbers also increased in the last parliamentary and local council elections to 80%, and the balance was provided by international partners in the form of voting material, election equipment, the provision of political party training, and awareness raising. A cost-reduction model is probably one of the most essential additions that needs urgent consideration. This could be done through the consolidation

of elections (that is, to be held on the same day) rather than conducting elections separately.<sup>8</sup> It should also include efforts aiming at capacity building in election bodies as a cost-effective model contemplating the idea of establishing a permanent election body as the foundation for election management (Siegle & Cook 2022).

**Table 1: Somaliland's election financing in USD**

Election date and description	Contribution from Somaliland Government budget	External assistance	Total cost per election
2002 local council elections	346 982	750 000	1 096 982
2005 Somaliland parliament election	500 000	1 672 705	2 172 705
2010 presidential election	1 145 000	3 070 113	4 215 113
2012 local council and political party elections	2 200 000	8 826 480	11 026 480
2017 presidential election	17 000 000	9 100 000	26 100 000
2021 House of Representative and local council elections	15 241 379	6 558 620	21 800 000

**Source:** Academy for Peace and Development and Institute for Public Policy (2021)

Somaliland's political parties have several funding sources (Verjee et al. 2015) which fall into different categories. Firstly, the political party representatives who were interviewed established that Somaliland's political parties continue to receive very modest funds from membership fees. Political parties also noted that in addition to membership fees, leaders also donated in kind. They were, however, not willing to offer specifics on the exact amount received in subscriptions as this was managed by the party leaders and in particular the chairperson, the presidential candidate, his deputy and the general secretary.

The second source is public funding, as all political parties receive funds allocated under the annual budget every year. This is a fixed amount aimed at

<sup>8</sup> On different occasions in the past, the presidential, parliamentary, local council elections and political party elections were conducted separately.

covering operation-related costs for each political party, approximately USD 19 000 a month per party, according to Somaliland's annual budget in 2020 and 2021.

The third source comes from private contributions. Interviews by this researcher with leaders of CSOs established that approximately USD 20M was spent by political parties in the 2017 presidential elections. Most of this consisted of campaign-related financing and was donated by clan members, businesspersons, the diaspora, and companies expecting business favours from the candidate should he win. Interviews with former heads of campaign for one of the political parties in the 2010 and 2017 presidential elections confirmed that the production of billboards, travel costs, office rents, accommodation and venue expenses, television and radio adverts and social media posts form the bigger part of party spending. The political party representatives who were interviewed established that large contributions were received from businesses and affluent individuals who have become a key source of political party funding. There is a growing concern that this may lead to state capture and buying favourable treatment such as government contracts and tax exemptions.

Funding from the diaspora presents a unique option, and interviews with former ministers, members of the General Assembly and political parties confirmed that diaspora funding was a key source for previous elections. Presidential candidates in 2017 visited major cities in America and Europe with the highest number of immigrants from Somaliland. This contribution from the diaspora also follows the clan lines of political party leaders and candidates. The business sector also continues to invest in political parties and leaders (Elder 2021). In an interview, one of the political party leaders indicated that business is increasingly investing in candidates. Several attempts made by this researcher indicate that businesses were cautious about revealing their contribution or political affiliations for fear of retribution.

The fourth and most controversial source of funding is through the abuse of state resources, which was very obvious in the 2017 presidential election. Cases of the abuse of state resources related mostly to the ruling party. Political party officials noted in interviews that there was a trend for the ruling party to use government officials to campaign for the party from their constituencies, and use government vehicles for ruling party campaigns. Moreover, these benefits were not available to other political parties.

Finally, external contributions have recently started to feature in the discussions about Somaliland's election financing. Interviews with two Somaliland political party representatives indicate that there have been attempts by the political parties to solicit external contributions to fund their day-to-day operations and election campaigns. The interviewers understand that such contributions and other forms of support give external election contributors

the ability to influence election results and potentially manipulate upcoming government political and economic decisions. The interviewees also justified that the reasons for accepting these tempting external donations is the fact that in Somaliland there is persistent poverty and widespread unemployment which limit local political party funding.

A report titled 'A Vote for Change: Somaliland's Two Decades Old Electoral Democracy' was conducted by the Academy for Peace and Development and Institute for Public Policy in 2021. The report highlighted the election finance and politics which were characterised by the increasingly high cost of managing elections in Somaliland. Various drivers of these increasing costs include, firstly, that running for public office in Somaliland takes place in poorly-regulated party campaign funding. Second, the compensation package that comes with being an elected official is substantial and ranges beyond the legally prescribed wages and benefits.

Interviews with four officials mentioned that candidates do not run for office to serve the public; they run for office because if they win, they will secure many benefits and establish networks for easy self-enrichment. The officials also mentioned that in the last three elections voters and clan leaders also contributed to increasing election cost by demanding payments from the candidates. The previous two elections have become greatly contested because of the influence, stature and benefits attached to elected public office. Furthermore, Somaliland seems to fall into the practice of a winner-takes-all election system, in which those who win (party, constituency, or clan) cultivate opportunities to exclude the losers from the distribution of resource and projects in a systematic manner. This motivated for a strongly competitive environment and a win-at-all-costs approach. As witnessed in the last ten years, elections and campaigning never stop. As soon as an election is completed, the winners start immediately with efforts and strategies to incentivise the voters in their constituency to ensure continued support.

The findings from interviews with current and retired political leaders establishes that even with the best intention of contributing to Somaliland's development, in the current political, social and legal climate it is challenging for any potential candidate to contest for election to public office without substantial financial assistance.

To conclude: interviews with former parliamentarians established that money in politics goes beyond the election process, and it affects the performance of elected officials regarding critical issues such as effective parliamentary oversight on allocations and the distribution of the national budget. One of the parliamentarians added that once elected, an official focuses on replenishing the money spent during the election process. All his efforts are thus directed at accessing resources for personal or political gain.

## CONCLUSION

Challenges specific to Somaliland are the claim of secession from the rest of Somalia, and the absence of international recognition. These undermine the opportunity for Somaliland to access Africa-led initiatives such as the African Peer Review Mechanism (APRM) and AU processes and instruments including the (ACDEG), that support Africa's electoral architecture. These provide the framework and opportunities in which to address pre- and post-election problems.

A major concern is the need to invest in electoral institutions and increase the understanding of the citizenry about free and fair elections. In Somaliland, the capacity of institutions to carry out reliable election processes is either weak or undermined by structural governance issues rooted within the broader Somaliland political economy, including clan politics. These often results in exclusion and inequality which propagate the beginnings of clan conflicts. In these examples, elections *per se* do not cause violence; rather it is the political contest which intensifies existing conflicts, exposing structural inequalities which encourage the acceleration of these tensions into violent conflicts.

The capacity of the election commission needs enhancing to enable its members to carry out their mandates more effectively. This should take place between elections when the commission has been newly appointed. This process should target both full-time staff and technical directors of the election commission rather than the commissioners who have high turnover. The support for both staff and technical director should include training staff in election management, and support for information technology.

There is increasing scope for influencing Somaliland's elections. For instance, parliamentary scrutiny is inadequate, and there are new avenues and ways to manipulate elections. This is possible because of the poor public understanding of free and fair elections and weak institutional and legal frameworks. This ever-changing election situation is characterised by an improving voter registration system, increased demand for election financing and the adoption of new regulations. In this context undemocratic governments learn from one another and manage to deploy different tactics to manipulate the roles and intentions of opposition political parties as well as international partners. Political parties and external partners need to recognise the features, dynamics, factors, actors, and processes which influence elections. The details and typology offered by this article may help the relevant internal and external stakeholders to better understand the issues, realities and opportunities in Somaliland's elections.



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