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# Somalilanders speak

Lessons from the November 2012 local elections



April 2013

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**Jacinta Makokha and Yussuf Ali**

**APRIL 2013**



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**Disclaimer:** Somaliland declared independence from the rest of Somalia in 1991, but this independence has not been recognised by any other sovereign state. Internationally, Somaliland is currently recognised as an autonomous region of Somalia. Within this report there are references to the 'National Electoral Committee', 'Committee for the Registration of Political Associations and Approval of National Parties', and other uses of the terms 'national' and 'country' to describe existing institutions and electoral processes in Somaliland. It should be noted that Saferworld, while committed to advocating for a peaceful negotiation of the relationship between Somaliland and Somalia, does not take a position on Somaliland's independence, and no inference should be taken by the language used in this publication.

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## Acronyms and abbreviations

<b>CSOs</b>	Civil society organisations
<b>DEO</b>	Domestic election observation
<b>DFID</b>	Department for International Development
<b>DPU</b>	Development Planning Unit
<b>DSC</b>	Democratisation Steering Committee
<b>EMB</b>	Electoral Monitoring Board
<b>EU</b>	European Union
<b>NAGAAD</b>	Network of Women's Organisations in Somaliland
<b>NEC</b>	National Electoral Commission
<b>NGOs</b>	Non-governmental organisations
<b>RAC</b>	Committee for the Registration of Political Associations and the Approval of National Parties
<b>RCs</b>	Regional coordinators
<b>SCISEF</b>	Somaliland Civil Society Election Forum
<b>SONSAF</b>	Somaliland Non-State Actors Forum
<b>UCL</b>	University College London
<b>UK</b>	United Kingdom

### Political parties and associations

DALSAN
KULMIYE (Peace, Unity and Development Party)
RAYS
WADANI
UCID (United Justice Party)
UMADDA
XAQSOOR

# Executive summary

**THE NOVEMBER 2012 LOCAL ELECTIONS** were a key test of Somaliland's democratic development. Watched keenly by the international community, the elections were largely peaceful with an increased space provided for non-state actors to observe and review electoral procedures. This report provides a synthesis and analysis of civil society organisations' (CSO) observations, as well as highlighting the ways in which electoral procedures can be improved. The report provides key findings and recommendations for actors ranging from the government to CSOs to the media, with the intention that lessons can be learned to further improve the democratisation of Somaliland.

Since its self-declared independence in 1991, as a process of reconstruction, organisations and institutions within Somaliland have been developing democratic processes. The result has been a relatively complex but home-grown set of political arrangements which incorporate different interest groups and make concessions through inclusive policies based on a multi-party democratic system.

In 2004 Saferworld, with the support of the European Commission, led a process to set up legitimate and representative non-state actor structures in Somaliland that would be able to engage in policy dialogue. This culminated in the formal establishment in 2008 of three non-state actor platforms: the Somali South-Central Non-State Actors Association, the Puntland Non-State Actors Association, and the Somaliland Non-State Actors Forum (SONSAF).

Saferworld's DFID-funded Somaliland Election Programme is an extension of the non-state actors programme and was designed and implemented to engage directly in efforts to strengthen democratisation in Somaliland. Aspects of this included the training of 677 domestic observers to monitor the elections and the establishment of the Somaliland Civil Society Election Forum (SCISEF). This provided a platform for non-state actors to oversee electoral legislation and its compliance and advocate on election-related issues on behalf of their constituent communities. On 28 November 2012 local council elections marked an important step for the people of Somaliland, with more than 800,000 voters casting their ballots, watched by hundreds of domestic election observers.

This report was written in collaboration with SONSAF /SCISEF staff and supported by the Saferworld Somalia/land programme team. The authors reviewed and gathered data prior to, during, and after the election to present a comprehensive understanding of the strengths and weaknesses of the administration of the election. Overall, this report draws on three main sources of data: the 677 election observer reports, a secondary review of relevant literature, and interviews conducted by the authors. However, the authors noted a number of limitations in writing the report: concerns

relating to the data collected by the observers, the difficulty in obtaining certain information from the National Election Commission, including the geographic distribution of polling stations, and the threat of insecurity in Somaliland and Kenya.

## Elections

Despite concerns in advance, the overall conclusion by SONSAF is that the November 2012 elections were held freely and fairly, building confidence in Somaliland's electoral processes. However, despite improvements on earlier elections, there are still concerns that need to be addressed in order to strengthen democratic procedures and governance. Some of the most serious issues that came to light were procedural:

- last minute changes to the electoral laws led to confusion and had serious implications for the organisation of the elections
- the decision by parliament to nullify voter registration to some extent undermined integrity in the elections as it led to multiple and underage voting
- the use of an open list was a factor in re-empowering clan-based politics, away from the desired purpose of inclusive democratic practices.

However, there were also positive findings, including the almost 400 per cent increase in the number of elected female councillors, despite cultural and resource-based issues.

## National Electoral Commission

Overall the National Electoral Commission (NEC) ensured the elections took place smoothly. A key factor in this was the effective use of an Electoral Code of Conduct, ensuring political parties, as well as other actors, operated within the law. However, problems existed around the lack of a voter register, the increased number of political parties and candidates, and the fact that the NEC did not allocate enough time to disseminate education materials to inform voters of issues and processes. More seriously, one instance of tabulation errors in the Maroodijeex region led to violent demonstrations, which undermined trust in the NEC.

## Election observation

A maturing civil society was evident by the presence of domestic observers from SONSAF at almost 60 per cent of polling stations. Also, interventions by the SCISEF in several instances helped the organisation gain legitimacy as a representative of civil society. The SONSAF/SCISEF pre- and post-election workshops provided useful insights and lessons from the electoral processes, and it is hoped these contributions will add to the democratisation of Somaliland. However, problems included the observation training period being too short and skewed only towards the election day itself, thus not capturing the atmosphere in the run up to and after the election. A more holistic analysis of the election process would have been useful.

## Media

Conflicting opinions on the media's performance exist. SONSAF/SCISEF stated that there was a need to improve the media code, but media representatives felt it was fair and objective, while participants in the post-election evaluation workshop felt that the media reverted to their clan allegiance and could have done more to lift the standard of campaign content. Another finding of note was that there was a division in media responses to the election, with traditional media journalists largely adhering to a media Code of Conduct, while online media and bloggers did not. Practitioners of non-traditional media forms were seen to be exacerbating clan-based politics, which led to a notable increase in tensions.

## Recommendations

In order to improve future elections and give the people of Somaliland a voice, Saferworld has the following recommendations for key stakeholders:

- Voter register and identity cards should be introduced before the next election so that polling staff have means to identify voters.
- Electoral-legal frameworks must be tightened in order to deal with existing ambiguities. The judicial system needs to be strengthened to deal with warranted complaints, and a special electoral dispute resolution court needs to be established.
- A sustained gender sensitive civic education programme must be implemented so that future elections are representative of the whole population. Gender sensitisation and training should also be held for all political parties, clan leaders, and the media, amongst others.
- The NEC should invest in strategic long-term and operational planning, covering, among other things, boundary delimitation consultations, research, and voter education.
- Domestic observers must be trained as early as possible, to ensure they have a thorough understanding of the electoral process prior to the next election.
- The media needs to create confidence by working within an improved Code of Conduct to establish its role in civic and voter education: balance, objectivity, and consistency must underpin the work of journalists.
- Donors should continue to support the work of civil society in the monitoring of elections in Somaliland and across the Somali regions to support and strengthen their respective democratic processes. In particular, significant resources should be allocated for the future parliamentary elections in Somaliland and the parliamentary elections in Puntland which are due to be held in November 2013.



## Map of Somaliland



This map is intended for illustrative purposes only. Saferworld takes no position on whether this representation is legally or politically valid.  
Source: Adapted from a map © 2000 Somaliland Mission.

## 1

# Introduction

**THE FORMER BRITISH SOMALILAND PROTECTORATE** achieved independence from the United Kingdom (UK) on 26 June 1960. On 1 July 1960 the state of Somaliland united with Somalia, a territory under a United Nations-mandated Italian Trusteeship, creating the Somali Republic.<sup>1</sup> The Republic of Somaliland declared independence from the rest of Somalia on 18 May 1991 after the total collapse of Somalia, caused by the civil war of the late 1980s and early 1990s. The decision to withdraw from the Somali Republic was made by the Congress of Clan Elders, held in Burao from 27 April to 15 May 1991. However, this independence has not been recognised by any other sovereign state.

Since 1991 Somaliland has worked to develop democracy within a multi-party system. In 1991 Somalilanders had embarked on a journey of political and social reconstruction to rebuild Somaliland's institutions and people's livelihoods. The result was a relatively complex but home-grown set of political arrangements which incorporated different interest groups and made concessions through inclusive policies based on a multi-party democratic system.<sup>2</sup> It enjoys law and order, has a functioning government, and is improving public infrastructure and social services. Somaliland institutions consistent with a constitutional democracy include the Human Rights Commission, the National Electoral Commission (NEC), the auditor general's office, anti-corruption agencies, and a host of other regulatory agencies.<sup>3</sup>

In order to improve civil society engagement, since 2004 Saferworld, with the support of the European Commission, has led a process to set up legitimate and representative non-state actor structures in Somaliland that are able to engage in policy dialogue. This culminated in the formal establishment in 2008 of non-state actor platforms in the three regions. They are: the Somali South-Central Non-State Actors Association, the Puntland Non-State Actors Association, and the Somaliland Non-State Actors Forum (SONSAF), representing approximately 150 non-state actor groups. Saferworld's DFID-funded Somaliland Election Programme is an extension of the non-state actors programme and was designed and implemented to engage directly in efforts to strengthen democratisation in Somaliland. One aspect of this was training domestic observers to monitor upcoming elections.

The local council elections that took place on 28 November 2012 marked another important step for the people of Somaliland on their journey to democracy. On election day more than 800,000 voters cast their ballots for 375 councillors in 19 districts, watched by hundreds of domestic observers. The authors have summarised and analysed the findings of those observers; reviewed the election preparations; studied

1 *Somaliland in Figures, 7th Edition*, (Ministry of National Planning and Development, 2011), p 2.

2 *Somaliland Elections Review*, (SONSAF, 2011), p 8.

3 Bradbury, M, *Securing the Peace in Somaliland: Summary and Contextual Analysis*, (August, 2011), p 8.

legal frameworks; and monitored press releases from electoral bodies and political parties and associations. Though stationed at the offices of SONSAF from December 2012 to February 2013, they were independent of the election process and those involved in its implementation.

### Approach and methodology

This report was written after an extensive literature review, examining the Somaliland Constitution, electoral laws, international observers' election reports, reports by agencies and press releases by SONSAF and Somaliland Civil Society Election Forum (SCISEF). SONSAF established SCISEF to coordinate the 47 civil society organisations (CSOs) who came together to monitor and observe the elections.

Individual and group discussions were carried out between 22 December 2012 and 7 April 2013 with the NEC legal advisor and national registrar, the Interpeace co-ordinator, Academy for Peace and Development, the Jamhuuriya newspaper editor, and SONSAF/SCISEF staff. SONSAF pre-election consultation workshops were also a source of pre-election assessment information, and two report validation workshops were conducted with SONSAF/SCISEF staff.

The 677 domestic election observer (DEO) reports were completed by each observer on the day of the local election. After receiving all the observation documents from the six regions, the SONSAF Secretariat hired eight data entry enumerators (using SPSS statistics software) who worked alongside a professional statistician to enter and interpret the data. The data compiled by the DEOs was perception based. Individual observers in consultation with their co-observers filled in the forms and passed them on to the regional coordinators (RCs) at the end of the day, having completed relevant sections relating to the opening of the polling station, during voting, the start of counting, and the tallying and announcement of results. However, challenges did exist. Whilst the overall sample size was sufficient, guidance as to what should be rated as very good, good, fair, poor, and very poor was not given and left to the discretion of the observers. Also, some information was impossible or difficult to obtain. For example, NEC had not prepared a map detailing where the 1844 polling stations were located. In addition, threats of insecurity specific to Somaliland in February, and a tense election period for Kenya in March, resulted in delays completing the report.

The first part of this report examines Somaliland's electoral framework and preparations for the elections by the government, civil society, and those trained to observe the process. The second part focuses on election day itself and the impressions of the observers inside and outside the polling stations. It goes on to offer conclusions on both the elections and the observation and ends with recommendations to key Somaliland stakeholders including SONSAF, which coordinated the domestic election observation, the media, and the government.

## 2

## Electoral framework

**ELECTIONS IN SOMALILAND** are regulated by several laws<sup>4</sup> containing guidelines on the right to vote, the electoral administration, the registration of candidates, and the conduct of those participating in elections. Councillors serve five year terms from the day that the regional court announces official results. The term of Somaliland's first elected councillors ended in mid-December 2007, but local elections were postponed by the House of Elders (Guurti) until 2012.

This was not the first time the Guurti had delayed elections. As President Dahir Rayale Kahin's term of office came to an end on 15 May 2008, the Guurti unilaterally extended his tenure by one year, ignoring the election schedule agreed upon by all political parties and the NEC. The official explanation was that the authorities needed more time to register voters. Another delay was caused by the unilateral decision of the NEC not to use a voters' registration list, which they argued was tainted by massive and systematic fraud. The country was plunged into a political crisis, which was defused in 2009 when the parties (under external and internal pressure) accepted a Memorandum of Understanding agreeing to a change in the leadership and composition of the NEC, use of a new voter registration list, and the date of the elections to be determined by the NEC with input from independent experts. A new NEC was quickly put in place and – with the support of civil society and international assistance – managed to schedule and organise the 2010 presidential election successfully.<sup>5</sup>

The difficulties with the presidential poll and the long delays scheduling local elections meant it was particularly crucial that they went ahead smoothly. According to a 24 November 2012 press release from Progressio,<sup>6</sup> these local elections were key as the “results [would] determine which three political parties, as determined under Somaliland's constitution [could] compete in national elections over the next decade.” Political associations<sup>7</sup> and parties are allowed to contest local council elections once every decade, as the constitution limits the number of national political parties to three for a term of ten years. To become an accredited party, political associations contesting these local elections had to obtain 20 per cent of the votes in all six regions of Somaliland. This was intended to ensure that the national political parties represented a cross-section of clans and avoided the emergence of religious or clan-dominated parties.<sup>8</sup>

<sup>4</sup> The basic principles of the local council elections are regulated by the Somaliland Constitution (2001). The elections are further administered by the Presidential and Local Council Elections Law (20/2001), the Law of Regulation of Political Associations and Parties (14/2011), and a law dealing with elections to the House of Representatives. The laws on political parties/associations and Law 20/2001 have been amended five times.

<sup>5</sup> *Somaliland Elections Review*, (SONSAF, 2009), p15, quoting from the International Crisis Group's *Crisis Policy Briefing, Somaliland: A Way Out of Electoral Crisis*, (December, 2009).

<sup>6</sup> Progressio is an international charity with Catholic roots that works in 11 developing countries including Somaliland. In February and March 2012, Progressio undertook a pre-election assessment visit to Hargeisa and wrote the report *Preparing for Local Elections in Somaliland, Plans, Challenges and Progress*. Together with the Development Planning Unit (DPU) of University College London (UCL) and UK-based Somaliland Focus, they also coordinated a large team of international observers.

<sup>7</sup> A group of citizens who share the same ideas and understanding and who are registered as an association with the goal of participating in local government elections prior to their recognition as a political party.

<sup>8</sup> Lindeman B M, Hansen S J, *Somaliland: Presidential Election 2003*, (NORDEM, 2003), p13.

## National Electoral Commission

The NEC is an independent institution mandated to organise and conduct all activities related to presidential, parliamentary, and local council elections in Somaliland. It consists of seven members who are appointed by the president and includes a chairman, an appointment that changes every six months; members serve in their roles for five years.<sup>9</sup> Working under the NEC are six Regional Electoral Offices, 23 District Electoral Offices, and the Polling Station Electoral Offices.<sup>10</sup> While the NEC has made progress in its administration of the elections, a number of concerns relating to late voter education and weak communication regarding electoral legislation were noted.

### BOX 1. Role of the NEC

Setting election dates (including assessing security)

Registering voters

Demarcating districts

Setting number and location of polling stations

Overseeing vote counting

Announcing preliminary results<sup>11</sup>

Adjudicating electoral complaints

One key NEC responsibility was to carry out and coordinate voter education through printed materials, posters, leaflets, and sample ballot papers. Somaliland's television network was also used to convey the NEC's messages to the wider community.

The NEC outsourced voter education activities to CSOs, including the Network of Women's Organisations in Somaliland (NAGAAD),<sup>12</sup> the Somaliland HIV/AIDS Network, the Consortium of Somaliland NGOs, the Academy for Peace and Development, and the Forum for Peace and Governance. However, the NEC decided to begin voter education just one week before election day rather than one month before as in the past, citing the shortness of the election campaign period and an inadequate budget to do more.

Concerns followed from the design of this infrastructural framework: there was not enough time to educate large numbers of illiterate citizens, particularly women. NAGAAD also reported a shortage of voter education materials compared with the needs of the population and the long distances its members had to travel between villages, some of which were hundreds of kilometres apart. Amendments to electoral laws made prior to election day<sup>13</sup> were also not well communicated by the NEC to the general public and candidates. In their pre-election assessment, SONSAF and SCISEF raised concerns that essential steps for the conduct of free and fair future elections in Somaliland had not been properly prepared as of March 2011, saying, "most electoral laws are adopted or amended in haste making it difficult to ensure that all those who need to be familiar with them including staff of the NEC can be educated on their content."<sup>14</sup>

Feedback from some domestic observers suggested the NEC also struggled to manage logistics, including transporting its own staff to the polling locations. It had no maps showing the location of polling stations and the number of printed ballot papers was in some cases inadequate, causing several polling stations within the Hargeisa region to close as early as 11am.<sup>15</sup>

<sup>9</sup> Article 11, Electoral Commission Law No. 20, 2001.

<sup>10</sup> SONSAF, *Citizens' Dialogue on Upcoming Local Council Elections*, Hargeisa, 2012.

<sup>11</sup> The Supreme Court announces the final result for presidential elections and the Regional Court announces the result of local council elections.

<sup>12</sup> NAGAAD is an umbrella group of women's organisations in Somaliland.

<sup>13</sup> Law numbers 14/2000 and 20/2011.

<sup>14</sup> SONSAF *Somaliland Elections Review*, March 2011.

<sup>15</sup> Interview with the SONSAF DEO project consultant, Abdikadir Abdirahman.

SONSAF said there were also complaints from some political associations, including XAQSOOR, the United Justice Party (UCID), RAYS, DALSAN, and UMMADA, as well as individual candidates alleging the NEC's poor management of the elections and its lack of impartiality. A more serious problem concerned the tabulation errors in the results announced in the Maroodijeex region (see page 14), which led to violent demonstrations.

Despite these problems, the international observers, assembled by Progressio, the DPU,<sup>16</sup> and Somaliland Focus congratulated the NEC for a “lively and enthusiastic election campaign and electoral process”. Steve Kibble, the mission’s joint coordinator, said: “We commend the National Electoral Commission for ensuring that voting has gone ahead on November 28th as scheduled.”<sup>17</sup>

A notable success for the NEC was the Electoral Code of Conduct which it developed and was signed by two political parties and five political associations. The code regulates the rights of parties during elections, the administration of electoral campaigns, prohibited acts such as the use of public resources by the ruling party, the role of media, as well as conflict resolution and complaints procedures. The code is supplementary to the electoral laws, Islamic values, and political party laws which serve as its basis. According to the international observers, the candidates adhered to the code, “generally [respecting] the requirement to campaign on a specific day in the week, and to desist from public campaigning in the second and third weeks of the campaign.”<sup>18</sup>

#### Key findings

- Overall, the NEC administered the elections successfully, although a number of areas were identified for improvement in the future. It ensured that the elections took place smoothly and used a Code of Conduct to ensure that political parties and other key actors operated within the law.
- The lack of a voter register greatly hampered the commission’s effectiveness, while at the same time an increase in the numbers of political parties and registered candidates posed technical and logistical challenges for the NEC.
- The NEC also struggled with key responsibilities such as the dissemination of voter education materials, which were inadequate. The time allocated for their distribution was also too short.

## The Election Monitoring Board

The Election Monitoring Board (EMB) – a body appointed by the NEC and made up of civil society, elders, intellectuals, professionals, and religious leaders – was tasked with promoting free and fair elections in line with Somaliland’s laws and constitution. EMB responsibilities include ensuring compliance with the Electoral Code of Conduct and the electoral laws by the political parties and government institutions; receiving and investigating complaints from political parties and individuals about violations of the code and the electoral laws; resolving conflicts between the parties that are signatories to the code; and proposing disciplinary actions against violators. The EMB was also charged with carrying out daily monitoring of the press to ensure all contesting political parties and associations had equal access to the state broadcasters, Somaliland National Television and Radio Hargeisa.

Political parties and associations, mayors, senior civil servants, voters, and the government were all accused by the EMB of breaking the Electoral Code of Conduct during the election campaign. SONSAF<sup>19</sup> highlighted complaints made by the EMB about government ministries using state resources for campaigning purposes as well as civil servants participating in the election campaign. It was reported in the media that the

<sup>16</sup> The DPU of UCL is one of the core team of three organisations, along with Progressio and Somaliland Focus, which assembled a team of 50 international observers from 17 countries. This followed similar missions to local and national elections in 2002, 2005, and 2010.

<sup>17</sup> Press release, *First thoughts of international election observation team assembled by Progressio, DPU and Somaliland Focus (UK) for Somaliland’s local council elections on November 28th*, 29 November 2012.

<sup>18</sup> *Ibid.*

<sup>19</sup> Interview with SONSAF democratisation advisor Mohamoud Yusuf Mohamed, 28 March 2013.

chair of the EMB asked the president to discipline government officers who participated in the election campaigns, contrary to government rules. However, SONSAF pointed out that the EMB, an appointed body of the NEC, rarely goes against NEC's wishes and is not as effective as it would be as an autonomous body. This is reinforced by the fact that there is no legislation empowering the EMB and no funds allocated for its work.

Political parties and associations with complaints were supposed to submit written complaints to the EMB in writing within seven days of the results announcement. Instead, many who were unhappy chose to air their grievances through the media due to the lack of clarity of the legal process for the handling of election complaints; this meant they were not officially responded to. Complaints on other matters continued to come from the regions, many relating to the reduction of regional polling stations such as in the Sahil and Togdheer region. On the issue of reducing the number of polling stations, following SCISEF's intervention, the decision was eventually rescinded by the NEC, which initially had chosen the path of silence when faced with criticism or accusations.

#### Key findings

- EMB's role in ensuring Electoral Code of Conduct compliance was made difficult, as political parties and associations aired grievances via the media instead of following official procedures.

**Table 1: Electoral Code of Conduct signatories** (Source: NEC)

Name/Chair	Political Party/Association
Muse Biixi Cabdi	KULMIYE
Faysal Cali Xuseen	UCID
Ismaaciil Aaden Cismaan	WADANI
Xasan Maxamed Cali	RAYS
Maxamed Cabdi Gaboose	UMADDA
Xasan Ciise Jaamac	XAQSOOR
Cabdirahman Maxamed Cabdilahi	DALSAN
Ciise Yuusuf Maxamed	NEC

### The Committee for the Registration of Political Associations and Approval of National Parties

The Committee for the Registration of Political Associations and Approval of National Parties (RAC) registered political parties and associations, a process which began on 10 September 2012. It initially received no government funding, which meant it had insufficient funds for training, transport, logistics, and monitoring. This was resolved, however, when the government met its financial obligations and the RAC was able to carry out its mandate.<sup>20</sup>

Two political parties – UCID and the Peace, Unity and Development Party (KULMIYE) – registered, as well as 16 associations. The RAC then undertook a regional assessment to identify political parties and associations that had met the conditions and requirements. For example, for a political association to qualify as a party it must have at least 1,000 registered members in every region of Somaliland, as well as gain 20 per cent of the total vote in each of the six regions. Seven entities fulfilled all the RAC's conditions, including UCID and KULMIYE and five new political associations – DALSAN, UMMADA, WADANI, RAYS, and XAQSOOR. Many of the unsuccessful associations were unhappy, citing lack of transparency regarding the selection criteria. Some took their case to the Supreme Court, but were defeated. After a request from SONSAF to be more transparent, the RAC publicly explained its selection criteria.

<sup>20</sup> SCISEF press release, 25 November 2012.

## SONSAF/SCISEF

SONSAF<sup>21</sup> signed a Memorandum of Understanding with the NEC to nominate, train, and deploy DEOs. Fifty seven trained trainers, 15 RCs, and 16 mobile groups trained 677 observers who were deployed to 925 polling centres across Somaliland. The observers came from a cross section of Somaliland society and included CSOs, professional associations, and religious groups. Thirty per cent of the observers were deployed to the districts. SONSAF trained the observers in Somaliland electoral law and the electoral cycle, how to correctly complete election observation forms (opening, polling, closing, and counting), the roles and responsibilities of observers and reporting procedures. The presence and professional conduct of SONSAF's domestic observers in around 60 per cent of the country's polling stations confirmed that there is a maturing civil society in Somaliland that is able and willing to contribute to and enhance the nation's democratisation process.

To effectively and efficiently fulfil its mandate, SONSAF also established SCISEF to coordinate the 47 CSOs who came together to monitor and observe the elections.<sup>22</sup> SCISEF's priorities were to engage directly with the NEC, the House of Representatives, the RAC, and all other relevant election stakeholders and bodies, including international actors, through SONSAF and the Democratisation Steering Committee (DSC).<sup>23</sup>

SCISEF was responsible for forming a partnership with the Shaqodoon organisation,<sup>24</sup> allowing DEOs to send in their comments to the observation coordination team by text message.<sup>25</sup> DEOs reported to SCISEF that the system enhanced communication on election day and allowed them to send real time updates from the polling stations. SCISEF received 6,500 messages, assisting greatly in its overall assessment of the election.

The intervention by SCISEF to the authorities in several potentially tense situations (the reduction in the numbers of polling stations, for example) helped ensure the smooth running of the elections. This allowed SCISEF to gain legitimacy and recognition as a serious representative of civil society.

However, the election observation training was too short and too close to the actual election day. The tight time frame meant the DEO team was unable to track down observers who had worked on previous elections and had to begin again with a new team. The observers had no opportunity to visit the areas of their deployment in advance, and the election observation questionnaire left out several key questions. Also, the DEO team focus was heavily skewed to the election day itself which meant it did not capture much of the pre- and post-election atmosphere. A broader focus would have helped SONSAF to carry out a more holistic analysis of the election process.

### Key findings

- There is evidence of a maturing civil society in Somaliland, able to enhance the nation's democratisation process. However, SONSAF's engagement with the electoral management bodies should be strengthened to ensure more recognition of domestic observers.
- The SONSAF/SCISEF-facilitated pre-election consultation workshops provided valuable insights for members of civil society and allowed them to prepare adequately for the elections. The post-election lessons learned workshop enabled the CSOs to chart a path for their future role in the democratisation of Somaliland.

21 SONSAF is a non-profit, non-political, non-partisan foundation established in 2008 to strengthen the ability of non-state actors to engage in domestic and international policy dialogue and decision-making.

22 SCISEF consists of a secretariat made up of seven members, the Electoral Monitoring Board, the national coordinator, and regional focal points. It was created to engage key local CSOs to support the national electoral process, with a view to engaging with other key democratisation actors in Somaliland.

23 The DSC is made up of international organisations working on democracy issues in Somaliland. They are based in Nairobi and Somaliland. Whenever there are elections, they work with the NEC to support the process.

24 Shaqodoon's website says it uses innovative cell phone and web-based technologies to effect communication between those offering career opportunities and youth looking for work. Shaqodoon developed a system that helped the DEO to track the progress of the election from all regions and communicate more effectively with the central office.

25 Getting preliminary observation reports from polling stations was problematic in the 2010 presidential elections.



**BOX 2. SONSAF/SCISEF DEO team**

**RCs:** Overseeing observer's deployment to their assigned polling stations; monitoring the observer's training; supervising observers on election day; collecting observation forms.

**Trained trainers:** Training the observers; observation on election day.

**Observers:** Arriving at the polling station one hour before opening and remaining until counting; filling in observation forms; submitting the forms to the RCs.

**Mobile observers:** Monitoring general situation including security, voter turn-out, and irregularities.

**Table 2: Observers per region** (Source: Reports from domestic observers)

Region	CSO	Private sector	Professional association	Traditional elders	Religious leaders	SCISEF	Total
1. Maroodi Jeex	163	30	66	11	13	19	<b>302</b>
2. Awdal	34	0	19	4	6	6	<b>69</b>
3. Sanaag	32	35	6	6	0	5	<b>84</b>
4. Sool	25	29	10	3	0	5	<b>72</b>
5. Togdher	48	14	20	6	4	6	<b>98</b>
6. Sahil	17	12	14	1	3	5	<b>52</b>
<b>TOTAL</b>	<b>319</b>	<b>120</b>	<b>135</b>	<b>31</b>	<b>26</b>	<b>46</b>	<b>677</b>

**Media**

The constitution guarantees the freedom of the press as a fundamental right, and the importance of the media was recognised during the elections. Somaliland National Television and Radio Hargesia, in particular, were used to educate voters, enabling thousands of people to understand how votes are cast. In addition, on the basis of Article 18 of the media Code of Conduct, there was also the expectation that Somaliland media would allocate time fairly to political parties and associations, and that they would focus on monitoring election campaigns.

The NEC created the Code of Conduct and the media houses formed a Media Monitoring Group. Daily monitoring of the use of the public media shows that the ruling party and the opposition political parties and associations had equal access to airtime and that public media was sufficiently accountable to the EMB.

A media representative was of the opinion that the public media was fair and objective. However, participants in the post-election evaluation workshop were of the view that the media reverted to their clan allegiance and could have done more to lift the standard of campaign content. Thus, the SONSAF/SCISEF assessment of the media's performance is that there is still a need to improve the media code. An additional issue to consider is that, though journalists largely adhered to the media Code of Conduct, online media and bloggers did not, thus exacerbating clan-based politics and negative portrayals of particular ethnicities.

**Key findings**

- Although a Code of Conduct exists, it is important that all media – traditional and online – adhere to principles of objectivity and balance, to prevent a recurrence of clan-based politics.

# 3

## Electoral processes

**SONSAF COMMISSIONED A STUDY IN 2011** with the aim of reviewing and evaluating the performance of the multi-party elections held in Somaliland from 2001–2011. The report – the *Somaliland Elections Review* (March 2011) – explains that although Somaliland’s legislative framework is largely in compliance with international and African standards, there are some significant gaps and exceptions, particularly in relation to limitations on the number of political parties and the role and powers of the Guurti. The report also highlighted serious issues regarding the voter registration process and the authenticity of the voter rolls. Other concerns included lack of access to resources by all political parties, lack of freedom of the press, and widespread double voting.

### Voter registration

The Voter Registration Law was first enacted in 2007 and amended in 2008.<sup>26</sup> Serious voter registration was then introduced in October 2009 and finalised in January 2010 in time for the last presidential elections. However, the register was flawed, with numerous problems such as multiple registrations where some people had more than 20 voter cards, leading to a decision by parliamentarians on 13 December 2011 to nullify the register.<sup>27</sup> This meant that Somalilanders did not have to register to vote in the local council elections. A new voter registration is expected to be undertaken before the next election of the House of Representatives and the presidential election.

Progressio<sup>28</sup> and SONSAF<sup>29</sup> expressed their concerns, explaining that this lack of voter registration was a significant problem which would “lead to increased ... multiple voting; encourage non-national and under-aged voters; tempt organised electoral fraud and ultimately create widespread disputes that can lead to disorder”.<sup>30</sup>

### Candidate registration

Candidate registration began in mid-September 2012, with a total of 2,411 candidates registered in 19 districts<sup>31</sup> for 353 seats. Each candidate paid a registration fee of \$143<sup>32</sup> and each political party paid \$25,000.<sup>33</sup>

26 Jama I H, *Somaliland Electoral Laws 2009*, Somaliland law series, pp 119–120.

27 According to Mohamed Ahmed Mohamoud, the SONSAF executive director, and Mohamoud Yusuf Mohamed, the SONSAF democratisation advisor, at a meeting on 6 April 2013.

28 Kibble S, Walls M, *Preparing for Local Elections in Somaliland: Plans, Challenges and Progress*, (Progressio, Development Planning Unit (DPU), Somaliland Focus, 2012), p 12.

29 *Citizens’ Dialogue: Pre-Election Consultation Forums on Upcoming Local Council Elections*, (SONSAF, 2012), p 23.

30 *Citizens’ Dialogue: Pre-Election Consultation Forums on Upcoming Local Council Elections*, (SONSAF, 2012), p 21.

31 Four districts in the eastern regions of Sool and Sanaag did not participate due to security concerns.

32 The exchange rate with the dollar fluctuates around \$1=Somaliland Shillings 7,000, according to the SONSAF finance officer in Hargeisa.

33 According to the NEC, 17 political parties were able to register by paying this amount.

### Campaigning

The time allotted to the election campaign was four weeks. Candidates used a variety of methods to engage voters including the news media, sign boards, conferences, and marches. Each political party was allocated a day for campaigning,<sup>34</sup> and since there were seven parties, each had its own day; thus all the parties felt they were treated fairly and there were no complaints.

### Electoral staff training

The NEC trained more than 1,800 staff members who were deployed to all the regions, including to the EMB.

SONSAF, meanwhile, conducted a training of trainers for 57 observers, 15 RCs, and 16 mobile groups. These trainers then trained a further 677 observers. SONSAF also conducted an awareness workshop for its members, updating them on the observers' deployment plan. The DEO team revised the election observation manual used in the presidential election of 2010 and tailored it to suit the local council elections.

With limited time and resources the DEO management team performed well; however, there were areas for improvement. As noted earlier, the observation training was too close to the actual election day, and the tight schedule meant the DEO team had to work with a new team. Unfortunately the observers had no opportunity to visit the areas of their deployment in advance.

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<sup>34</sup> Monday for one party, Tuesday for another, and so on.

# 4

## Pre-election assessments

**PRE-ELECTION ASSESSMENTS** were completed in February and March 2012 by local and international organisations. The objective was to assess the pre-conditions for free, fair, and credible local elections and engage with key stakeholders including the NEC, the media, the European Union, political parties and associations, and civil society.

In a 24 November 2012 press release, Progressio noted “the lively and largely peaceful campaigning and a noticeable lack of serious tension. Discussions with civil society, local organisations and key players including Somaliland’s president have gone smoothly, underlining our sense of Somalilanders’ broad commitment to the political process. However, the team is happy to note that Somaliland’s abilities to resolve crises using long-established traditions of discourse and negotiation have been put to the test during the campaign and proved effective. In the cities of Burao and Berbera, disputes over polling station allocation threatened to undermine stability. These were successfully resolved.”

Of concern, however, was the change in the voting system from the closed party list to the open list. Progressio explained the situation: “In the Somaliland context, the open list refers to a full list of candidates; with voters required to cast their votes for specific named individuals. This is contrasted with a closed list in which party officials determine the candidates and their order of priority with voters simply indicating their party preference.” Observers said the change in the voting system was a factor in re-empowering the role of the clan, adversely affecting the original purpose of moving towards national, inclusive membership and ideologies inherent in democratic practice. The open list system meant women candidates were the most negatively affected.

### Key findings

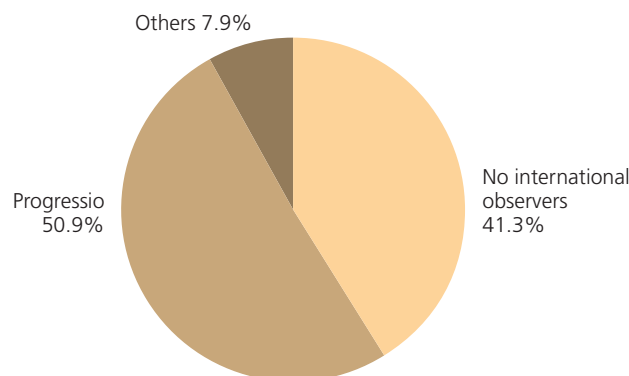
- Candidates were systematically registered, and the seven political parties were allotted a day each to campaign. This equitable treatment meant there were no complaints from parties.
- More time and preparation were needed to ensure the DEO’s work was carried out thoroughly.
- Discourse and negotiations had led to the resolution of tension in the pre-election period, but of concern for future elections is the use of the open list, which would empower clans and increase the likelihood of partisanship.

## 5

## Elections

**THE DEOS COORDINATED BY SONSAF/SCISEF** were joined on election day by international teams arranged through Progressio and observers from the EMB who were appointed and coordinated by the NEC. Observers visited 677 polling stations where they reported that the overall atmosphere was calm and peaceful with disorderly queuing as the most serious security problem.

**Figure 1: Observers at polling stations** (Source: Reports from domestic observers)



### Voting

There was a high rate of multiple voting (reported at 158 out of 632 polling stations), which was attributed to the lack of voter registration.

Though voting procedures were generally followed, observers also noted several significant problems, including the failure of the finger ink as an identifier because it was easily wiped off. The SONSAF democratisation consultant saw voters using cleaning substances to remove the supposedly indelible ink, then lining up and voting again.<sup>35</sup>

According to the SONSAF press release of 30 November 2012, “the election ink was not as effective as it was expected to be as many voters were reported to have deleted the ink – a situation that allowed such voters to cast their votes again”. Abdikadir Abdirahman, who oversaw the DEO project for SONSAF, said that general feedback from observers indicated that all polling stations experienced some multiple voting.

Progressio, meanwhile, expressed concern at underage voting and attempts to mobilise voters to engage in this practice. According to a 21 December 2012 press release, “polling station staff attempted to prevent such activity, [but] such reports pose concerns for the integrity of Somaliland’s electoral process”.

<sup>35</sup> Mohamoud Yussuf Mohamed, SONSAF democratisation advisor, and Abdikadir Abdirahman, SONSAF’s DEO consultant, speaking at a meeting in Hargeisa.

## Counting and results

Domestic observers' feedback suggested that closing and counting was implemented according to the law, and the presence of agents for parties and associations confirmed that the NEC staff adhered to the guidelines.

A significant success once all the votes were counted was the almost 400 per cent increase of elected female councillors from 2 out of 379 available seats in 2002 to 10 seats in 2012. The increased participation of women was a highlight of these elections, despite serious cultural and resource-based challenges. Women have been held back during previous elections by clan elders who did not see them as appropriate standard bearers and had fears that their loyalties would be divided between the clan of their fathers and husbands. NAGAAD pointed out that most women lack the substantial resources needed to carry out an election campaign.

This time, however, Progressio noted in its press release "real progress in inclusion of youth and women in the process". The role of women in the election administration also improved dramatically from 2002 to 2012. The domestic observers reported that 51 per cent of polling stations were chaired by women as a result of efforts by the NEC to ensure gender balance among election officials.

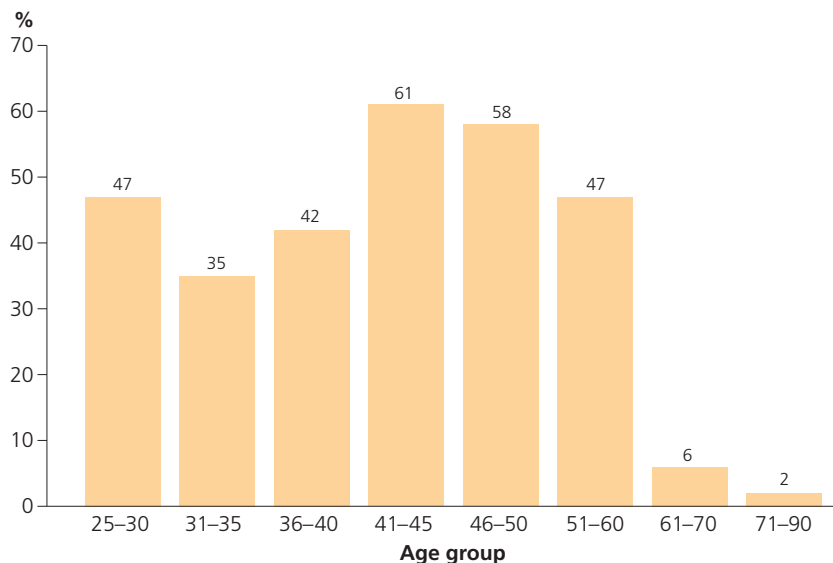
Younger Somalilanders also made significant gains with 47 councillors under the age of 30 voted in. As there is no population census it is difficult to assess the percentage of the different age groups in Somaliland. However, it is fair to say that the number of youth under the age of 25 is high. The NEC website points out that the election of 47 young local councillors may either lead to a growing number of younger candidates in future elections and the replacement of the older generation in politics or may turn out to be a one-time affair brought about by the presence of large numbers of unemployed youth in the country who were looking for gainful employment through participation in the election.

**Table 3: Number of female candidates** (Source: NAGAAD)

District	Number of women	Percentage
Saylac (Zaila)	3	2.90
Lughaya	0	0.00
Baki	3	3.80
Boorama	12	8.20
Gabiley	6	4.10
Hargeisa	9	5.10
Salaxley (Salahlie)	4	4.40
Baligubadle	1	1.10
Berbera	8	5.40
Sheekh	9	9.90
Burco (Burao)	9	6.10
Oodweyne	15	12.60
Buuhodle	2	4.80
Lascanod (Las'anod)	17	11.60
Caynabo (Ainabo)	7	7.70
Xudun (Huddun)	1	3.30
Garadag	3	3.30
Ceelifweyn	10	8.40
Ceerigabo (Erigavo)	15	10.20
Badhan	19	18.60
Dhahar	19	24.40

**Figure 2: Percentage makeup of Somaliland municipal council members by age group**

(Source: NEC)



## Post-election tension

Progressio reported that the aftermath of the election was “marked by a build-up of tension over the course of a slow counting process. Once results began to be released, the NEC came under extreme pressure over disputes to results from several sides, and was subjected to a shooting attack on its headquarters in the town of Erigavo. And regrettably, also, a number of deaths in protests in Hargeisa”. Mohamed Omer Abdi, editor of the *Jamhuuriya* newspaper in Hargeisa, explained in an interview that there are still serious unresolved inter-tribal powersharing issues outstanding in the western region, between the Awdal and Selele (Zaila district), where nine elected representatives reportedly resigned in protest. The issue remains in the hands of the Ministry of Interior and the Selele leaders.

The SONSAF Post-Election Lessons Learned Evaluation Workshop also highlighted other disputes which erupted when the NEC announced winners in some districts in Maroodijeex region, then rescinded the announcements and identified different winners after a recount. Their report said that violent protests in Ahmed Dhagax, which caused death and injuries, were triggered by the announcement of a computer data loss by the NEC. This decreased public confidence in the NEC and also resulted in the demonstrations in Hargeisa.<sup>36</sup> The government, media, and NEC called for calm and asked the aggrieved parties to file their complaints through official channels – though some were reluctant to do so, reflecting a lack of faith in that process.

### Key findings

- The overall atmosphere was calm, contributing to a relatively smooth election process.
- Voting concerns were around multiple and underage voting and ineffective finger ink, preventing adequate identification.
- There was progress in youth and women’s participation, with the number of women councillors elected rising by nearly 400 per cent.
- There was a decrease in public confidence in the NEC as there were problems coping with post-election tension.

<sup>36</sup> *Democratisation Policy Brief on Somaliland’s 2012 Post-Election Challenges and Priorities* (SONSAF, March 2013).

# 6

## Conclusions

**SOMALILAND'S DEMOCRACY GROWS MORE MATURE** with each passing election, and it is clear that CSOs like SONSAF and SCISEF have much to contribute to the democratisation process. Overall the NEC, political parties and associations, and the people of Somaliland went about these local council elections in a peaceful, responsible, and professional manner. The election administration, processes, and procedures were good and in general the election was deemed by domestic observers to be free and fair. A particular success was the election of ten female councillors. However, this is still a far cry from the population they represent, and in the interests of social justice and equality there is urgent need for CSOs to network, lobby, and advocate for the effective mainstreaming of women in the representative democratisation process.

But there were also major defects. Lack of any voter registration caused confusion and led to multiple voting; voter education was rushed and materials provided by the NEC were not sufficient or appropriate for the intended audience; and complaints procedures need to be fully developed, communicated, and implemented to reduce the likelihood of any future post-election tension. There is need for greater involvement from the international community, including donor agencies, to maintain the process of sensitising the population to the importance of the integrity of the vote by adhering to the principle of “one person, one vote” for the greater good of Somaliland. The need to update, finalise, and consolidate the legal regulatory frameworks, electoral laws, and legislation cannot be over-emphasised. It is important that the ambiguities be resolved as soon as possible.

Lastly, the Somaliland election programme has demonstrated both the value and importance of civil society oversight of electoral processes. 2013 is a landmark year for democratisation processes in the region with both local and parliamentary elections due to take place in Puntland. This represents a significant opportunity for civil society and one which should be a high priority for the donor community.

**Table 4: Votes received by parties/associations** (Source: NEC)

Political parties/associations	Total valid votes cast	Percentage of vote
Kulmiye	244,795	30.19
Wadani	163,789	20.20
Ucid	105,105	12.96
Umad	94,689	11.68
Rays	83,596	10.31
Xaqsoor	74,204	9.15
Dalsan	44,680	5.51
<b>Total</b>	<b>810,858</b>	<b>100.00</b>



# 7

## Recommendations

**ALTHOUGH IT IS RECOGNISED THAT MAJOR STEPS HAVE BEEN TAKEN** to initiate more democratic governance during the November 2012 elections, further work needs to be done. As part of the effort to instil a new political morality, the NEC, political parties, and CSOs should discuss and develop new rules and codes of conduct to guide the behaviour of the parties, their candidates, and the voters. Political parties should lift the standard of politics by focusing on issues and policies rather than clan issues. They should work to have agendas and approaches that reflect the issues facing all Somalilanders. There is a need to institute internal capacity-building programmes, practice internal democracy, open up space for women's representation, and increase a civic and political sense of ownership. Clear agendas and operating principles must be formulated to create an inclusive and lasting democratic culture.

- Government**
- A voter register and identity cards are crucial to the electoral process: they contribute to the integrity of any election and are basic tenets of any free and fair election. They should be introduced before the next election to ensure that polling staff have some means of identifying voters. This will cut down on the widespread practice of multiple and underage voting which marred the November 2012 poll.
  - Elections are an expensive process. The government and election bodies should consider mechanisms allowing them to combine elections, which would save money and avoid postponements.
  - As part of the democratic reforms and respect for civil rights, the government needs to conduct a review of the legislation militating against effective women's political representation in future elections and educate the public accordingly.
  - The government should use the publicly funded media to educate citizens about the voter electoral process (laws, conduct, how to vote, civil rights) before, during, and after elections.
  - The government must draft legislation making multiple voting and underage voting criminal offences. Currently there is no penalty for electoral offences.
  - The government needs to ensure that there are proper conflict resolution mechanisms to deal with election complaints, in addition to the judicial process.
  - The EMB needs to be independent and adequately resourced to enhance its effectiveness. Its role should be clearly stated in the Electoral Code of Conduct.

- NEC**
- The NEC should ensure it does polling station mapping to help it to deploy observers and staff to their designated polling stations without difficulty.
  - NEC staff in the polling stations should be made aware of the important role and responsibility of domestic and international observers.
  - The importance of voter education cannot be over-emphasised. An improvement in the contents and distribution of materials is needed as well as changes made to the planning and timing of the campaign. Voter education materials and methodologies should be appropriately tailored to the target communities. Communication aids such as drama cassettes should be given to teams before the start of outreach awareness activities and sufficient quantities of illustrated materials should be made available to meet the needs of community members who lack access to media, especially in rural areas. Voter education must be conducted prior to the inception of political parties' rally campaigns so voters are better equipped to understand their messages.
  - The constitution and any amendments to the electoral laws need to be disseminated through civic education to ensure they are clear to all stakeholders.
  - The NEC should develop a strategy to improve the participation of women in future elections. It is necessary to continue civic education and mobilisation of women's groups at the grassroots level to encourage women to vote for other women, to allow men to appreciate and support women's leadership skills, and to see the importance of increasing the numbers of female candidates. Political parties and associations must be encouraged to recruit women, and gender sensitisation and training should be held for all political parties, parliamentarians, clan elders, and Guurti members.
  - The NEC is urged to be conscious of the negative consequences of announcing inaccurate preliminary results. Transparency of preliminary results should be enhanced continuously to minimise tensions and promote confidence among competing parties and the general public.
  - NEC staff need adequate training on data entry, multiple cross-checking, and back-up systems to avoid the loss of key data. A consistent and standard tabulation format is recommended for preliminary and final results. In order to keep an organisational memory, those that have been trained in the past two elections as observers should be tracked and recruited for upcoming observations.
  - The process of election complaints by political parties and associations and other key actors should be clearly stipulated in electoral law. Also, the electoral dispute resolution mechanisms should be included and clearly disseminated to the population to discourage the use of the media for airing grievances. The NEC and other electoral management bodies should make sure that all complaints are answered concretely and in a timely fashion. A law is needed to facilitate the establishment of a special electoral dispute resolution court as another means of strengthening the judicial system. As part of this, the electoral-legal framework and instruments should be reviewed and finalised in order to deal with the ambiguities. Laws relating to the electoral management bodies should be consolidated under one statute.

**SONSAF, SCISEF,  
and CSOs**

- Election observation questionnaires must continuously be reviewed and revised to ensure they are fully able to capture election performance against proper procedures and environmental contextual aspects.
- SONSAF/SCISEF need to improve communication with the NEC, RAC, the government of Somaliland, and international organisations for better networking around democratisation reforms.

- SCISEF should be established as a permanent organ. With the democratisation of Somaliland growing and the elections calendar filling up, it is important to build a culture of continuous monitoring of the electoral process – before, during, and after the elections. This needs the proper training and experience that only a permanent body can provide.
- SONSAF/SCISEF should develop a criteria to assess and pre-qualify CSOs interested in engaging in the democratisation process. Those who qualify should then be developed further through trainings in fundamental democratic principles of neutrality, honesty, commitment, and ethics. These are issues that need more time and resources than can be given at one-day training sessions before election day.
- SONSAF/SCISEF should prepare a representative observation sample for the future. This should be based on the number of polling stations and the number of polling stations per region and per district. Thus the observation sample size which is chosen for domestic observation should show clear coverage of all the electoral districts.

### Political parties

- Political parties should clearly state their commitment to the Electoral Code of Conduct and improve their basic knowledge of election complaints procedures.
- Political parties should be encouraged to lift the standard of politics in Somaliland by focusing on issues and policies rather than clan issues.
- Political parties (and CSOs and the NEC) should work on developing their own internal capacity-building programmes.
- Gender sensitisation and training should be held for all political parties, parliamentarians, clan elders, and Guurti members. Political parties and associations should be encouraged to recruit women candidates and build their own internal democracy.

### Media

- The media needs to increase its role in civic and voter education, be balanced, objective, and consistent before, during, and after elections.
- Journalists should remember the basic principles of neutrality, impartiality, and professionalism to avoid distortions, rumours, and inconsistency. They – particularly the government media – should carry out evidence-based reporting (not clan-based). This will increase public confidence in the media.

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**The Somaliland Non State Actors Forum (SONSAF) aims to strengthen non-state actors in Somaliland to engage in domestic and international policy dialogue and decision making to bring about a secure and peaceful future for the people of Somaliland. We speak on behalf of a broader Somaliland constituency on issues such as poverty reduction, development, good governance, democracy, peace and security.**

**COVER PHOTO:** Woman casting vote during November 2012 local elections in Somaliland.

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