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## Democratization: Breaking the Permanent Political Transition in Puntland

### About PDRC

Puntland Development & Research Centre (PDRC) is a successor body of former War-torn Societies Project International (WSPPI), which operated in Puntland during 1997–99. On October 30, 1999, the center was founded as an independent, nonpartisan, nonprofit research institute dedicated to peacebuilding, promotion of democracy and respect for human rights.

### Our Vision:

PDRC aims to become a credible Somali peace and state-building center and source of policy ideas.

### Our Mission:

PDRC aspires to participate, as actor and beneficiary, in peace building and reconstruction of Somalia; and to contribute to the creation of a democratic system of government, social and economic development, and respect of human rights for all.

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### Key Policy Messages

I. Since the founding of Puntland State of Somalia, 20 years ago, democratization was at the top of the priority of Puntlanders

II. The people of Puntland have overwhelmingly shown they are ready and yearning for a multi-party system and one-person-one vote.

III. The permanent political transition adopted by Puntland State of Somalia has deprived the people of Puntland to exercise their freedom of choice for political representation.

IV. The recent election as well as the past elections have shown that the permanent

political transition can't be sustained and it must be put to rest

V. The groundwork for the democratization must be at the top of the government's agenda through a process that is inclusive and representative of the citizens – elders, religious leaders, women, youth, minority and marginalized groups

VI. Puntland's new Government headed by HE President Said Abdullahi Deni has shown a strong commitment to fulfil a multiparty system and accomplish one of its highest priority agenda, the one –person –one veto at the end of its term, by the next election period of 2024

### Background

Puntland State of Somalia was established in August 1998 by a Constitutional Conference (CC) as a voluntary union between communities inhabiting the regions of Mudug, Nugal, Bari, Sanaag, Sool and Ayn (Buhodle District). A preparatory forum for the Constitutional Conference was held in Garowe from 27th February to 3rd March 1998.

The Transitional Charter established a transitional authority, which should, within a mandate of three years ending on 30 June 2001, accomplish the democratization benchmarks referred to in Article 28 of the Charter.

These include:(a) Population census, (b) drafting of Constitution and submission of the text to popular referendum,

(c) enactment of electoral laws and, (d) conduct of multi-party elections prior the expiry of mandate set by the charter as of June 2001.

Two decades have passed since the establishment of Puntland, despite the current constitution that was passed by a Constituent Assembly on April 2012, all other democratic milestones set in the charter are yet to be achieved.

Democratization was at the top of the priorities since the founding Charter of Puntland. The current government of HE Said Abdullahi Deni, both executive and legislative, expressed a will to revive the democratization process in Puntland. On one hand,

democratization is well articulated in the campaign agenda of the current President and since his election H.E President Deni has expressed his commitment to speed up the process. On the other hand, the legislature deliberated in the sitting house and reached the unanimous decision that one-person one-vote election of local councils and parliamentary should be executed within the mandate of the current dispensation (2019 -2024).

Within this context, this Policy Brief is based on the democratization forum held by Puntland Development & Research Centre (PDRC) in collaboration with the Ministry of Interior, Federal Affairs and Democratization on the 6th of April 2019. The forum addressed; (a) the challenges faced by previous administrations in their attempts towards democratization, (b) the available preconditions, (c) the roadmap the current administration can follow, and finally (d) the role of the different stakeholders in the achievement of democratization in Puntland.

## Organization of the forum

Puntland Development & Research Center (PDRC) in collaboration with the Ministry of Interior, Federal Affairs and Democratization held a democratization forum in Garowe, Puntland State of Somalia.

As a consultative forum, the debate engaged 80 participants among; members of the Ministry of Interior, Federal Affairs and Democratization, Puntland MPs, Politicians, Civil Society (Women and Youth Organizations), Lawyers, Business Community, International Organizations and Academia.

The one-day forum addressed the issues mentioned through keynote speeches, presentations, and panel discussions.

## Preconditions to Puntland's Democracy

### Legal Frameworks

The first phase of the democratic process started in December 2006 during president Mohamud M. Hersi as he issued a five-point presidential decree focusing on:

- a) Review of the constitution,
- b) Establishment of an Electoral Commission,
- c) Public dissemination of amended Constitution and social mobilization, d) Referendum on the Constitution, and e) Municipal and Parliamentary Elections.

A 14-member Constitutional Review Committee (CRC) composed of MPs, a minister, an appellate judge and other respected members of Puntland society was appointed in February 2007.

With the help of Interpeace and PDRC, arrangements were put in place to conduct a constitutional review process.

The inputs from the consultative process were incorporated leading to a final draft Constitution.

In April 2009, an extraordinary parliamentary session was held to discuss the draft constitution for referendum, in June 2009 parliament approved it.

Further milestones include: In January 2, 2011, approval of Puntland Electoral Commission (PEC) Law. The Transitional Puntland Electoral Commission (TPEC) was established on 17 July 2011. The Parliament approves the Puntland Constitutional Convention Referendum Law on 29 November, 2011. Puntland Constituent Assembly adopts the Puntland constitution on April 18, 2012 and the Supreme Court endorses and certifies the results of the Convention.

After the Constitution has been finalized, the drafting and enactments of the electoral laws begun in 2012. The Transitional Puntland Electoral Commission (TPEC) drafted the Political Associations / Political Parties (PA/PP) Law and submitted to the Cabinet. The Cabinet passed this Law and forwarded to the Parliament. The Parliament approved the PA/PP Law on June 30, 2012. The President signed on July 7, 2012 and the PA/PP Law No. 2, date 07/07/2012 and issued in the Puntland official gazette no. 7, year 14. After this PA/PP Law initial enactment, it has been amended in November 2012 and further in August 2017. The main amendments were lowering the registration fees for political associations and Political Parties. Also reduced the number of registered voters/supporters in the regions for each association.

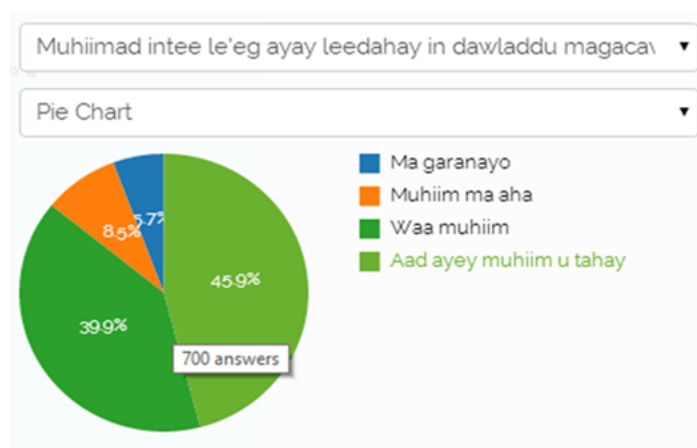
- In the initial PA/PP Law.
- Each Political Associations to pay registration fee of \$15,000
- Each Political Party has to pay \$30,000
- Each PA/PP has offices in all regions and has 500 registered voters/supporters in all regions

- Amended in November 13, 2012
- Each Political Associations to pay registration fee of \$7,500
- Each Political Party has to pay \$15,000
- Each political Association has offices 5/8 regions in Puntland and has 300 registered voters/supporters in these 5 regions
- The certified political parties (top three PA in the local council election results) shall open offices in all regions in Puntland
  - Amended in August 20, 2017
  - PA registration fee of \$3,500 and PP reg fee of \$7,500
  - PA shall have offices 6/9 regions and 300 supporters.
  - PP shall have offices in all regions

The Local Council Election Law has been drafted by The Transitional Puntland Electoral Commission (TPEC) and submitted to the cabinet. The Cabinet endorsed and submitted to the Parliament, The Parliament enacted this Law on September 7, 2012. The President signed this Law on September 8, 2012 and it was issued in the official gazette. This Law has been then amended by the Parliament on April 6, 2013. The main amendments of the Law were articles 3 and 4 concerning the registered voters with ID changed to no voter registration and the electoral districts increased from 21, (demarcated districts prior to collapse of the last Somali central government in 1991) to all 37 districts (number of districts existed in PL at that time).

### Public Perception

The participatory polling study conducted by PDRC in Badhan, Bargaal, Boame, Bosaso Buhodle, Dhahar, Eyl, Galdogob, Galkayo, Gardo, Garowe and Uffay in 2014 revealed the public perception and support towards democratisation.



The survey first revealed that of the 1,525 respondents interrogated, 85.8% saw the early re-establishment of TPEC as important. A mere 8.5% of respondents saw the early formation of TPEC as unimportant.

However, the respondents consider that some issues need to be solved in order for the process to be achieved. The security issue in Puntland seems to have an impact on attitude towards democratization, indeed 52% of the respondents consider it as a challenge to the holding of elections; 44% think that low public awareness could also hinder the objectives of democratization; 18% expressed the lack of public consensus and 14% lack of constitutional court as challenges.

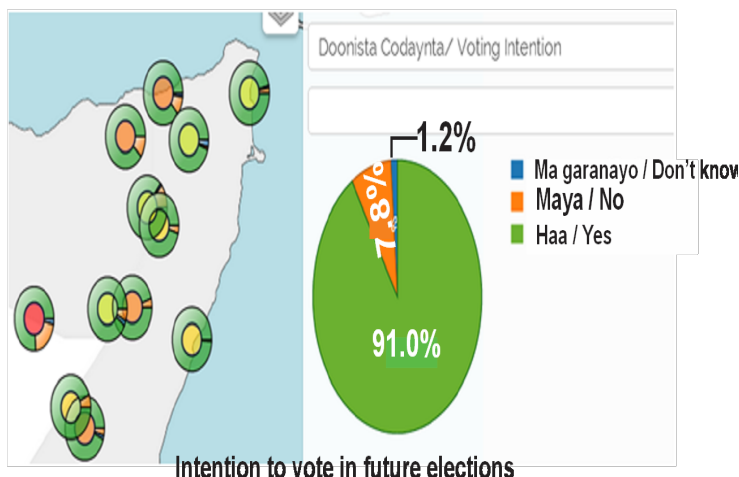
The issues of voter registration and district demarcation were thoroughly debated and most FGD participants pointed to the need for earlier delineation of old and new district boundaries as well as voter registration to avoid election irregularities.

There is a need for free and fair political space as well as unrestricted media coverage. All actors should duly respect the public and private rights of all citizens as enshrined in the constitution, including freedoms of association and expression.

Election funds should be secured in a timely manner. Donor dependency should be minimized and the process should be locally owned and driven.

Many of the FGD participants in Buhodle and Boame perceived elections as superfluous compared to the need for decentralized and equitable access to services and political

reconciliation between Puntland and Khaatumo to end the current stalemate.



In regard to public intention to vote, an overwhelming majority of respondents (1,388 out of 1,525) intend to vote with only 7.8 % intending to abstain from future elections.

## Representation

### Women's Role

Opportunities for engaging the citizens, especially women, youth and minority groups in political participation are a leading way to reach inclusive politics in which citizens can participate in the public decision-making process. Political participation is thus a crucial part of democracy.

Puntland administrations have a tendency to exclude women from political processes; they are under-represented in local councils, within ministries and parliament. Women's representation and inclusion in all levels of policy-decisions from district, regional to national should be a priority in the future democratization of Puntland.

From the polling did by PDRC, it seems that public awareness, women organizing themselves, one-man one-vote election and education can improve women representation.

Barlamaanka Puntland waxaa ka mid ah labo haween a ▾

Top 5 ▾

Rank	Answer	Amount	Percentage
1.	Wacyi-gelin bulsho	652	31.51%
2.	Abaabul dumar	462	22.33%
3.	Doorasho hal qof hal cod	378	18.27%
4.	Arrin muhiim ah maba aha	316	15.27%
5.	Waxbarasho	122	5.90%

However, the idea of one-man one-vote is not enough to confirm political fairness; it is thus key for women to be present in the forming of political parties. The current local council election law requires each political association to have mixed men/women for the top 5 candidates. Commitment to this law from the political parties must be assured.

### Youth Engagement

Youths represent over 70% of the population, as such their inclusion and participation should not be overlooked. Youths can be considered to participate in politics such as voting, campaigning, and contacting officials. There is a belief that their participation in politics can motivate citizens to contribute to political stability, make stronger society and support inclusive politics in the country. Youth desire to bring about political change if given the chance.

## Challenges

### At it's founding mandate

Puntland's first government operated under many difficulties and faced enormous challenges in the security and economic sectors. Indeed, as the region was facing security threats from the civil war, and its Northern and Southern borders; it was also welcoming a huge influx of IDPs coming from all corners of Somalia. The Constitution was provisional and recently established government institutions were fragile and ineffective. Moreover, the State infrastructure was non-existent, with the Presidency, Cabinet, and House of Representatives lacking offices and to operate from.

Still, in accordance with the provisions of the Charter, the first Puntland Cabinet of 9 Ministers started deliberating on holding local and general elections of one-man one-vote. Three Commissions (Constitutional, Population Census and Electoral) were tasked to preparing the state-wide elections.

Unfortunately, it was late into the government mandate so their assessment argued that they couldn't deliver the population census and public disarmament because of time; they also added that there was a lack of resources and that the environment was not secure to hold elections yet.



## **Traditional System**

Tribalism is a major challenge for the democratization process; Puntland has used the traditional political system this past 20 years. Although the power transitions have been peaceful, it resulted in a few sub clans dominating the political arena with specific clans holding the presidency, vice presidency, and speaker of the parliament.

The 4.5 system allowed the domination of these few clans in the high rank positions; few regards are given to meritocracy or members of society who are not men from big sub clans. These clans preference for the current political system where they have turns in power is clear, especially with the fear and uncertainty of democracy concerning their powers.

The current system also allowed the widespread of corruption with money given to elders, community and members of parliament in order to secure positions. Elders do not seem dedicated towards the democratization process as they might lose the leverage they have in nominating those they deem suitable for parliament, the safeguard of their clans interest and their overall influence in society.

There is also the uncertainty that the democratization process will not turn into clan-politics with the formation of clan-based political parties turning into clan-parties.

## **Political Will**

As mentioned previously, the current government of Said Abdullahi Deni expressed a will to revive the democratization process in Puntland with the intention of holding local council elections and one-man one-vote at the end of the 5-years term. Within the first few months in power, the current leadership started the process within the legislature.

Although the actions of the current government seem to indicate a clear direction towards democratization, there is still fear within society that preparations will be done in time. It is considered to have contributed to the failure of previous administrations, showing lack of real political will. The citizens favour pushing ahead with district demarcation, civic and voter education as well as voter registration as a sign of real commitment from Puntland.

The absence of democratization budget within the approved governmental budget has been expressed as a concern.

The current administration has sufficient time to allocate a budget and focus on standing crucial issues such as early nomination or confirmation of the electoral commission, security, public awareness and registration of political associations.

## **Awareness & Education**

Puntland's democratization process requires the entire society to work collectively, it should reflect the educational background of the community and how they are well informed about the process. All members of society, elders, youth, women, religious leaders and politicians, should actively participate in order for the process to be fruitful.

There is a need for a full-fledged awareness and education campaign on democracy, political parties, good governance, civil duties, etc. The minorities, nomads and urban citizens need to fully take part in the electoral processes, thus the information should be available and understood by them. The awareness campaigns have been neglected by previous administrations, although it is an important part of this process.

It is understood by the majority that awareness and education raising should not be neglected, and should be started as early as possible so that citizens feel that the process is inclusive and local.

Their commitment should be seen on a long period by reaching out to all members of society, operationalizing TPEC, handling the security issues that might hinder the process, demarcate the districts and constituencies, and set up awareness raising among other things.

While elections are an important step towards democratization, the government should closely pay attention to the process being legitimate and locally owned in the eyes of the citizens. Not only should the process be as inclusive as possible by design, the elections should also be representative of the citizens – elders, religious leaders, women, youth, minority groups.

The commitment of the current administration and legislative body is strengthened by the level of readiness of Puntland citizens for one-person one-vote. However, there is a clear understanding that many challenges lie ahead so the government has to commit to the democratic principles and work towards an environment that will enable the success of it.

The democratization forum held by PDRC in collaboration with the Ministry of Interior, Federal Affairs and Democratization is expected to feed this agenda with recommendations.

### Policy outcome of the forum

- The government shall lead the democratization agenda and maintain continuous outreach and engagement of traditional, religious, and political actors, peripheral communities, and the general public at large.
  - The government shall resume the democratization process in the earliest feasible time and should pursue participatory and merit-based processes for the strengthening and operationalizing TPEC. The government should also provide necessary support to the newly formed Ministry of Interior, Federal Affairs, and Democratization to effectively execute its mandate.
  - The government shall introduce a credible security plan in good time before the start of the electoral process. The plan should address security-related challenges to holding peaceful elections and ensuring a smooth transition of power.
  - The government shall introduce credible measures that prevent electoral fraud and enable free and fair elections. Among the necessary measures is the need to demarcate the electoral districts and constituencies, carry out voter registration, and establish the constitutional court prior to elections.
  - The government, TPEC and concerned stakeholders– primarily civil society – should implement a coordinated and comprehensive voter education and awareness raising campaign to inform the population about their roles and responsibilities in the democratization process and future elections.
- Targeted interventions for nomadic communities, older people,

and illiterate people are needed to ensure their participation.

Special consideration should be given to people living in remote areas.

- The government shall introduce gender-responsive and women's empowerment policies and should enforce the existing frameworks including the 30% quota and the Gender Policy. The government should also cooperate with concerned stakeholders– particularly civil society and women's groups – in mobilizing and initiating awareness raising, consensus and capacity-building programmes for women.
- Youths shall be included in political parties; their interest should be considered and protected as they represent over 70% of the society. There should be political empowerment and diffuse support for their political participation.

In collaboration with:



Ministry of Interior, Federal  
Affairs & Democratization  
Wasaaradda Arrimaha Gudaha,  
Federaalka & Dimuqraadiyaynta



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